

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

EMPLOYMENT OF PEOPLE WITH DISABILITIES

**REPORT OF THE SENATE STANDING COMMITTEE
ON COMMUNITY AFFAIRS**

APRIL 1992

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LIST OF ABBREVIATIONS AND ACRONYMS

ABS	Australian Bureau of Statistics
ACOSS	Australian Council of Social Services
ACROD	Originally the abbreviation for Australian Council for Rehabilitation of the Disabled, but now the registered name of an organisation representing a number of groups involved in issues concerning people with disabilities
ACTU	Australian Council of Trade Unions
AGPS	Australian Government Printing Service
APS	Australian Public Service
AQA	Australian Quadriplegic Association Limited
ARF	Association of Rehabilitation Facilities Ltd
ATC	Activity therapy centre
ATO	Australian Taxation Office
ATP	Adult training program
ATS	Australian traineeship system
ATSI	Aboriginal or Torres Strait Islander
CAE	College of Advanced Education
CES	Commonwealth Employment Service (DEET)
CETP (CETAP)	Competitive employment training and placement service
CPI	Consumer price index
CRS	Commonwealth Rehabilitation Service
CTP	Community training program
CVP	Community volunteer program
CYSS	Community youth support scheme

DACA	Disability Advisory Council of Australia
DASU	Disability Access Support Unit (DEET)
DAWS	Disabled apprentice wage subsidy
DCSH	Department of Community Services and Health (1987-1991)
DEAC	Disability Employment Action Centre
DEET	Department of Employment, Education and Training
DEVETIR	Department of Employment, Vocational Education, Training and Industrial Relations (Qld)
DHH&CS	Department of Health, Housing and Community Services (from 7 June 1991)
DIR	Department of Industrial Relations
DPI	Disabled Peoples' International
DSA	<i>Disability Services Act 1986</i>
DSP	Disability services program (DHH&CS)
DSP	Disability support pension (DSS) (replaces invalid pension)
DSS	Department of Social Security
EAP	Employment Access Program
EEO	Equal Employment Opportunity
EMTR	Effective marginal tax rate
EPAC	Economic Planning Advisory Council
ESL	English as a second language
FECCA	Federation of Ethnic Communities' Councils of Australia Inc.
FMWU	Federated Miscellaneous Workers' Union
HACC	Home and Community Care Program (DHH&CS)
HPAA	<i>Handicapped Persons' Assistance Act 1974</i> (replaced by the <i>Disability Services Act 1986</i>)

HREOC	Human Rights and Equal Opportunity Commission
IDAP	Intellectual Disability Access Program
IDRS	Intellectual Disability Rights Service
IP	Invalid Pension
ITP	Individual transition plans
JET	Jobs, Employment and Training Program
MS	Multiple sclerosis
NADOW	National Association for Training the Disabled in Office Work
NBEET	National Board of Employment, Education and Training
NCID	National Council for Intellectual Disability
NESB	Non-English speaking background
NOW	New opportunities for women
NTAU	National Technical Assistance Unit
NTB	National Training Board Ltd
NWCC	National Women's Consultative Council
ODEOPE	Office of the Director of Equal Opportunity in Public Employment (NSW)
OOD	Office of Disability (DHH&CS)
PBS	Pharmaceutical Benefits Scheme
PAYE	Pay as You Earn
PHB	Pensioner health benefits card
PPS	Post placement support
PQ	Para Quad
PSB	Public Service Board (replaced in 1987 by the PSC) – Commonwealth Government

PSC	Public Service Commission
RA	Rehabilitation allowance
RSI	Repetitive strain injury (occupational overuse syndrome)
SA	Sickness allowance
SAID	Self Advocacy for Intellectually Disabled People in S.A. Inc.
SE	Supported employment
SEA	Sheltered employment allowance
SSR	Social Security Review
TAAP	Targeted Apprenticeship Access Program
TAFE	Technical and Further Education
TEDCEP	Technical equipment for disabled Commonwealth employees program
TESS	Tatiara employment service
THI	Traumatic head injury
UTLC	United Trades' and Labour Council
VBV	Vehicle Builders' Union
VRA	Vocational Resource Agency
WEA	Workers' Education Association
WEU	Workplace Equity Unit
WHO	World Health Organization
YTP	Youth Training Program

RECOMMENDATIONS

CHAPTER 1

The Committee RECOMMENDS:

1. That standard definitions and measurement of disability are used by all relevant departments and by the Australian Bureau of Statistics.
Para 1.44
2. That all Commonwealth departments involved in the provision of services and programs for people with disabilities use the same terminology and work from the same definitions of disability.
Para 1.44
3. That the Australian Bureau of Statistics should be responsible for establishing a methodological framework for the collection of data for all departments involved in providing or funding services used by people with disabilities.
Para 1.44
4. That all departments which provide or fund programs utilised by people with disabilities establish minimum data collection standards and ensure that information on people with disabilities is sufficiently comprehensive to demonstrate whether generic or specialist programs are more able to meet their needs.
Para 1.44
5. That the Department of Health, Housing and Community Services initiate, as a matter of urgency, a comprehensive study to collect data on numbers of people with disabilities. Data collection should be standard across Commonwealth departments and State and Territory governments and should include information on type and level of disability, use of and need for, services, age, gender, location, language and cultural background.
Para 1.44
6. That the Principles and Objectives of the DSA continue to be implemented and encouraged.
Para 1.53
7. That adequate funding be provided to enable increased access to services for people with disabilities.
Para 1.53

CHAPTER 2

1. That a research project be undertaken to determine the problems of access to services experienced by people with disabilities of differing socio-economic background.

Para 2.13

2. That the specific needs of people with disabilities of Aboriginal and Torres Strait Islander background (including those in urban and rural areas) be identified and that a strategy be established to ensure the provision of appropriate services.

Para 2.36

3. That the specific needs of people with disabilities of non-English speaking background be identified and that a strategy be further developed to ensure the provision of appropriate services.

Para 2.36

4. That the particular needs of people with disabilities in rural and remote areas be studied (for example, by the Rural and Remote Areas Unit, DHH&CS), and that strategies be developed to overcome problems identified as limiting the provision of appropriate services.

Para 2.42

5. That departments providing or funding services used by people with disabilities be aware of the more subtle discrimination against people with disabilities based on age, on the belief that people with disabilities are dependent and/or childlike, and on gender, and ensure that service providers do not maintain these forms of discrimination.

Para 2.59

CHAPTER 3

1. That Commonwealth anti-discrimination legislation incorporates affirmative action principles¹, whereby Commonwealth departments and statutory authorities apply affirmative action principles in the employment of people with disabilities.

Para 3.39

2. That Commonwealth anti-discrimination legislation provides strong penalties for both open and systemic discrimination, including penalties for harassment in the workplace.

Para 3.39

1. Affirmative action – see Glossary.

3. That Commonwealth anti-discrimination legislation highlights the responsibilities of Commonwealth departments to take all steps possible to ensure improved access of people with disabilities to employment and related services.

Para 3.39

4. That a number of information programs for employers be developed by relevant departments, emphasising the different skills, abilities and potential of workers with disabilities. Such programs should be developed for different employment markets and should include information on assistance available to employers, the possible training needs of employees, and the importance of access to promotion and other benefits.

Para 3.64

5. That further community information and education programs about people with disabilities be developed. These programs should be directed to all members of the community, including primary and secondary schools, where they should be co-ordinated with integration programs. Emphasis should be placed on the needs that people with disabilities have for access to all aspects of community life, including employment. Such programs should indicate the ways in which obvious and more indirect discrimination can occur, particularly in employment and in access to employment.

Para 3.71

6. That information and education programs about people with disabilities be developed by the Public Service Commission to improve the knowledge of departmental staff about the needs of people with disabilities, and how departmental services can assist people with disabilities.

Para 3.81

7. That Commonwealth departments establish liaison officer positions in programs such as the Disability Services Program, and ensure that such officers are sensitive to the needs of people with disabilities, thoroughly conversant with all aspects of the program and able to provide accurate information on policy and practices. Where possible, new liaison officers should be fully trained before the previous position holder leaves or moves to another job.

Para 3.90

8. That Commonwealth departments maintain the principle of service to the community by building up sections and programs of committed staff who remain in their positions for at least two years.

Para 3.90

9. That Commonwealth departments provide adequate and ongoing training to such staff.

Para 3.90

10. That the Commonwealth public sector be eligible for a special category of the Prime Minister's Employer of the Year Awards.

Para 3.90

11. That there be sufficient flexibility in the allocation of staffing resources for Commonwealth departments to have positions available for people on the Intellectual Disability Access Programme, and for people with disabilities who are eligible for higher level positions.

Para 3.98

12. That sufficient resources be provided to departments employing people with disabilities to provide training, job rotation and other measures which can enable access to promotion on merit.

Para 3.98

13. That a specific target of employment of people with severe disabilities be set for each Commonwealth department as a part of its EEO program. The Secretary of each department should be required to report on the operation of this program at least annually, in the department's annual report. A report covering all departments is to be provided annually to Parliament by the Public Service Commission (PSC).

Para 3.108

14. That all departments be explicitly accountable for the funding received to pay for work adjustment costs or equipment for people with disabilities. A statement on the use of these funds is to be included in departments' EEO reports and in the PSC report to Parliament referred to above.

Para 3.108

15. That the Australian Public Service (APS) develop (under the Department of Administrative Services if required) an equipment-lease system (such as that available to employers participating in labour-market programs) in order to provide the more expensive required equipment/aids for people with disabilities wishing to undertake employment in the APS. Where possible, such a scheme should be extended to State and Territory government departments.

Para 3.108

16. That the Public Service Commission, in conjunction with departments, develop strategies to ensure that people with disabilities, other than severe, are able to gain access to permanent employment in the Australian Public Service.

Para 3.108

17. That the Commonwealth public sector be *required* to provide more employment places for people with disabilities, including people with severe disabilities. Strategy plans are to be developed by each department, authority, etc. to demonstrate how such employment policies will be implemented.

Para 3.108

CHAPTER 4

1. That adequate human and financial resources be allocated to all mainstream schools to ensure provision of services required for true integration.

Para 4.16

2. That both special and mainstream schools ensure that people with disabilities receive an education which is appropriate to their needs.

Para 4.34

3. That all children with disabilities have access to required remedial teaching during school hours in order to ensure that appropriate education is available, and to ensure that students do not leave school without their education and other needs being identified and adequate steps being taken to meet these needs.

Para 4.34

4. That schools be adequately resourced to provide such assistance as is required by people with disabilities to obtain an education which will allow them to participate in society (including employment) as much as possible. Such access includes, but is not limited to, physical access, appropriate courses, aides and interpreters, equipment.

Para 4.34

5. That effective monitoring and evaluation processes be established to ensure that education services are meeting the needs of individuals.

Para 4.34

6. That funding priority be given to transition and work-experience programs by States and Territories.

Para 4.82

7. That all State and Territory Education Departments, and private school associations, ensure that there is no 'gap' for young people with disabilities between school and work (or other activities such as study at a TAFE). Work experience, and contact with another environment away from the school, must begin while the student is still attending secondary school. This is a high priority recommendation. These young people must not be allowed to 'disappear' from school and never make support services records.

Para 4.82

8. That transition programs, similar to that operating at Daws Road Centre in South Australia, be implemented in all States to ensure continuity from school to work (or to other activities as appropriate). All schools operating innovative transition programs should be asked to provide information to all State and Territory Governments, and to relevant private school organisations, on the service they offer.

Para 4.82

9. That all young people with disabilities be actively involved in counselling on career opportunities at least 12 months before they reach the minimum school leaving age. That their parents be involved in the consultative process. That those who will benefit from an early move from school be encouraged to accept placement in a school-to-work program, and that this program begin (on a part-time basis) at least six months before the planned move from school is due to occur. That the physical location of such programs be off school grounds to maximise the opportunity for smooth movement into the community.

Para 4.82

10. That the Commonwealth government fund a short-term research project on transition programs. The results of this research are to be made available to as wide an audience as possible to demonstrate the achievements of established programs and help identify areas of particular problems.

Para 4.82

11. That adequate resources be provided to TAFE and other tertiary level education institutions to increase access to courses for people with disabilities. Such access should include physical access, interpreters and aides, and courses which meet the specific needs of people with disabilities.

Para 4.136

12. That staff at tertiary institutions, including TAFE colleges, receive training in the problems of access experienced by people with disabilities and in the ways in which such problems can be overcome.

Para 4.136

13. That all tertiary education institutions provide annual reports on access issues for people with disabilities and on the manner in which these have been addressed by the institution.

Para 4.136

14. That the special needs of people with disabilities of Aboriginal and Torres Strait Islander (ATSI) background, and of people with disabilities from non-English speaking background (NESB), are identified to enable increased access to appropriate education.

Para 4.136

15. That the Commonwealth fund a short-term research project to develop a strategy for increasing access to tertiary education (including TAFEs) for people with disabilities of Aboriginal and Torres Strait Islander background and for people with disabilities of non-English speaking background.

Para 4.136

CHAPTER 5

The Committee acknowledges that most people with profound disabilities will never be able to participate in paid employment, or in programs which combine work and other activities such as study or recreation.

The Committee believes that people with profound disabilities require services which meet their particular needs.

The Committee recommends:

1. That funding be provided to ensure that care services and stimulating programs are provided to meet the needs of people with profound disabilities. Such programs could include physiotherapy, music, colour and light programs.

Para 5.58

The Committee acknowledges that full-time employment is not appropriate for, or may not be achievable by, all people with disabilities.

The Committee recommends:

2. That programs be established that combine work, study, recreation and other meaningful activities – depending on the needs of each individual. These programs are to be readily accessible by people with disabilities and these ‘full life’ programs must ensure that people receive an acceptable income at least equivalent to the pension.

Para 5.58

3. That part-time employment options be developed for people with disabilities unable to work full-time.

Para 5.58

4. That CES officers be adequately trained so that they are completely conversant with all policy requirements and, in particular, that they are fully up-to-date with all changes to policy.

Para 5.80

5. That Australian Public Service staff who are responsible for assisting people with disabilities be strongly encouraged to commit themselves to remaining in their position for at least 12 months.

Para 5.80

6. That additional funding should be allocated to increase the provision of tutorial assistance for people with disabilities in labour market training programs.

Para 5.90

7. That funding be increased to ensure additional access to apprenticeships under DAWS for people with disabilities. Such funding should include a component for tutorial and other required assistance.

Para 5.92

8. That funding be provided by DEET/DHH&CS to fully evaluate the effectiveness and appropriateness of Job Search Assistance programs for people with disabilities, especially for people with intellectual disabilities. Particular attention is to be given to the time periods that support is available for in these programs, and to ascertain whether a specialised service is needed for people with disabilities.

Para 5.110

9. That further study on Skillshare access problems, and strategies to overcome these, be carried out as a part of the Disability Reform package. The study should clearly define type and level of disability (in accordance with Recommendations in Chapter 1 of this report) and consider a range of access issues, including physical, support services required (e.g. interpreters, technology requirements), and content and length of courses.

Para 5.124

10. That, where essential, work experience periods of up to two months be allowed under SkillShare, and that any work experience over this period be suitably recompensed.

Para 5.129

11. That all people with disabilities who may require assistance to move into the workforce should be identified as requiring this assistance at least six months before leaving school and arrangements made for them to be registered and entered in training and transition programs.

Para 5.151

12. That future evaluation of CETP and SE service types be carried out on a regular basis, and that evaluations provide information on clients, as follows:

- socio-economic background;
- level of disability;
- education;
- use of other services;
- level of support needs;
- extent of family support;
- the length of job retention (for each job if more than one);
- possibilities for promotion;
- permanency of employment;
- extent and appropriateness of part-time work;
- relationship (if any) between part-time work and type of disability;
- previous work experience;

- outcome for clients;
- areas where clients believe services are not producing useful outcomes or where clients could suggest improvements.

Para 5.193

13. That evaluation of CETP and SE services and service staff be carried out regularly. Such evaluations should include an assessment of:

- number, qualifications and experience of staff;
- amount and type of training of staff, whether this level of training is appropriate and whether more resources are needed for staff training;
- availability of assistance to the service from specialist services (for example, from the NTAU or an equivalent service).

Para 5.193

14. That the findings of the regular evaluations carried out as recommended by the Committee in Recommendations 12 and 13 above be used to identify the factors which contribute toward the more successful outcomes of CETP and other services. The Department of Health, Housing and Community Services is to develop a strategy to assist people who are particularly disadvantaged for reasons additional to their disability, to obtain access to these services.

Para 5.218

15. That resources be provided to enable workshops to be held regularly for service providers. These may involve participation of individuals from a variety of services and will be aimed at identifying successful initiatives as well as problems within individual services. Resources should be provided to ensure that materials can be produced and circulated detailing workshop findings and suggestions for developing strategies to improve services.

Para 5.245

16. That the Public Service Commission (PSC) undertake a study of the role of the co-worker in assisting people with disabilities enter into and maintain paid employment in the Australian Public Service.

Para 5.248

17. That, if a co-worker service is instituted in the Australian Public Service, the Public Service Commission (PSC) provide any training required for its successful operation and that the PSC report on outcomes as part of its annual report on the employment of people with disabilities in the Australian Public Service.

Para 5.248

CHAPTER 6

1. That DHH&CS reintroduce random auditing of services to ensure that, in the case of Supported Employment, adequate services are being directed to people with substantial disabilities. Random auditing should also be applied to CETP services to ensure borderline mild disability cases are not being 'creamed off' to boost placement rates.

Para 6.5

2. That the Australian Public Service, State and Local Government bodies, consider the use of enclaves as part of a concerted program to increase the employment of people with disabilities.

Para 6.22

3. That local councils in rural areas consider establishing employment options such as work crews to meet the needs of people with disabilities and the needs of the community.

Para 6.37

4. That local governments consider the establishment and part-funding of Supported Employment services for both individual and community benefit.

Para 6.47

5. That funding be available to ensure the needs of all individuals with severe intellectual disabilities are fully assessed, and that the suitability of all options and services are taken into consideration to ensure appropriate programs are arranged. The Committee does not believe supported employment projects will always be the most appropriate services, at all times, for people with disabilities.

Para 6.61

6. That adequate additional funding and staffing be immediately allocated to the NTAU in order that it may assist increased numbers of sheltered workshops and to assist new employment services (CETPs and SE services) to develop sound business practices and establish required staff training.

Para 6.68

7. That the Australian Public Service, as part of a concerted program to increase its employment of people with disabilities, consider developing Supported Employment options within departments, for both short and long-term projects. This would provide realistic work experience and assist some people with disabilities to move into permanent employment. The use of supported employment options in the public sector should be explored by State and local governments.

Para 6.82

8. That State and Territory governments ensure that legislation is developed which complements the DSA, to provide increased opportunities for access to employment in the public sector by people with disabilities at appropriate wages or salary.

Para 6.82

9. That all occupational health and safety standards in all sheltered workshops be developed and maintained under the State and Territory legislation developed to complement the *Disability Services Act*. No exemptions should be available because of an organisation's 'charitable' status.

Para 6.151

10. That effective auditing processes be a requirement for all funded services for people with disabilities and that the Department of Health, Housing and Community Services also undertake random auditing to ensure that cross subsidisation is stringently limited.

Para 6.164

11. That all funded services, including sheltered workshops in transition, establish appropriate accountability procedures, including use of capital and other assets.

Para 6.165

12. That an appropriate level of funding be provided to allow enhanced services for people with disabilities in sheltered workshops, including those workshops in transition.

Para 6.216

13. That terms such as 'backfill' not be used by the Department of Health, Housing and Community Services. Such words reduce the dignity of individual people.

Para 6.220

14. That the Department of Health, Housing and Community Services provide a summary of research that has been done on the ways in which work, study, recreation, and other meaningful activities can be combined in order to provide a full life program at an acceptable wage for people with severe disabilities and those whose disabilities make it difficult for them to obtain regular full-time employment. If research on this subject is limited, the Committee recommends that it be undertaken by the Department either directly, or through funding of an individual or organisation.

Para 6.292

15. That the Department of Health, Housing and Community Services provide a summary of research that has been done on the identification of suitable types of employment for people who are unable to work full-time, or whose skills will decrease rather than increase. If such research is limited, or the results are not easily applicable to Australian society, the Committee recommends that the Department of Health, Housing and Community Services, in conjunction with the Departments of Industrial Relations and of Employment, Education and Training, undertake such research, including the development of a strategy to assist departments and other employers to restructure existing employment options to meet these needs.

Para 6.348

16. That funding be provided to all service types to ensure that staff have access to required training. Services are to ensure that funding is used appropriately, and in particular that training is undertaken to ensure that services are based on sound business principles and that staff have requisite expertise, particularly in managerial and administrative procedures and personnel development.

Para 6.357

17. That appropriate evaluation and monitoring processes be established for program funding and program outcomes, and that reports on the operation of all services be produced in 1992 and at regular intervals thereafter. These reports are not expected to cover each individual service, but should be sufficiently representative to provide a realistic assessment of benefits, costs and problems, and strategies for any required change.

Para 6.358

18. That an integrated interdepartmental approach to the development of employment options be continued, particularly where the skills and experience of different departments can provide assistance in the development of cost-effective and viable businesses.

Para 6.364

CHAPTER 7

1. That the Government consider the payment of a Disability Allowance, based on need.

Para 7.17

2. That eligibility for income support should not be based solely on medical impairment, and other factors such as language and education level must be taken into consideration.

Para 7.17

3. That relevant Departments provide appropriate information on income support, wages and taxation to people with disabilities who either have little work experience or whose main work experience has been in sheltered employment. Such information should be presented in 'plain English' and in an accessible format. Regional departmental offices should ensure that there is a nominated contact officer able to deal with queries about the income test from sheltered employees and particularly people with intellectual disabilities.

Para 7.45

4. That access to counselling and advocacy services should also be available to assist people with disabilities to understand the principles of income support, and the ways in which increased income affects income support levels.

Para 7.45

5. That State and local authorities allow people with disabilities, whose financial circumstances have improved, to retain access to public housing.

Para 7.48

6. That rental assistance be maintained for 12 months for people with disabilities who have moved into employment which increases their income beyond the usual rent assistance limit.

Para 7.48

7. That in planning housing, the relevant governments and authorities should take into account the needs of people with disabilities for appropriate design and location of housing. Relevant location factors should include access to transport and required services, and access to employment. Design factors should include one-level housing, ramps etc.

Para 7.48

8. That the Department of Social Security and the Department of Health, Housing and Community Services establish a research project (based on the Department of Social Security *Costs of Disability* Study) to determine health care costs for people with disabilities. A select group of people with disabilities should be studied over a 5-year period, with reports being made at the end of each year, including at the end of the 5-year research period.

Para 7.54

9. That departments ensure that clients and their support services, and departmental officers have a comprehensive understanding of the range of programs and services providing assistance to people with disabilities and the interaction of these with the income support system.

Para 7.66

10. That the Commonwealth government fund research which determines the amount of a viable income for people with disabilities who are unable to work full-time at or above award wages.

Para 7.136

11. That the Commonwealth government implements a wage system to meet the income needs of people with disabilities unable to work full-time at or above award wages.

Para 7.136

12. That the Commonwealth government direct resources towards ensuring that at least a living wage, which may be made up of part-pension and part-wage, should be the basis of pay received by people with disabilities in paid employment, even though this may not be an award wage.

Para 7.136

13. That the eligibility criteria for sales tax exemptions relating to cars for transporting people with disabilities should be reviewed regularly so as not to disadvantage some people with disabilities.

Para 7.155

14. That employed people with disabilities and those people with disabilities undertaking approved training be eligible for means-tested concessions in compulsory car registration and insurance.

Para 7.155

15. That relevant authorities make more reserved parking spaces available for people with disabilities. That these spaces be level and of sufficient size to cater for wheelchairs. That longer time periods be available to people with disabilities using reserved parking spaces.

Para 7.156

16. That public transportation systems should be made more accessible to people with disabilities, and States and Territories where this has not yet been done should consider the changes that can be made.

Para 7.165

17. That eligibility criteria applying to receipt of the Mobility Allowance should be reviewed regularly to ensure that groups of people with disabilities are not relatively disadvantaged, as was suggested by some of the evidence put to the Committee.

Para 7.165

18. That the list of goods which could be exempted from sales tax should be broadened. Possible abuses of the exemption provisions could be dealt with to some extent by requiring the provision of authorising information at the point of sale. In particular, exemptions should be available in respect of those general purpose goods which are essential for people with disabilities.

Para 7.178

19. That greater taxation deductions be available for the cost of purchasing or hiring 'medical' (for example, wheelchairs, aids) and non-medical appliances (for example, computers, telephone typewriters) where these are indispensable aids to people with disabilities.

Para 7.178

20. That businesses producing aids for people with disabilities be refunded the tax on components used in the production of, and equipment purchased for, such items.

Para 7.178

21. That, when personal care services are being developed and evaluated, priority should be given to ensuring that services that are being provided for those people who are employed are relevant to their special needs. This may include the availability of personal care at irregular hours.

Para 7.186

22. That employers, including the Australian Public Service, should consider the granting of more generous special leave provisions for employed people with disabilities for medical or similar appointments that cannot be met within ordinary working hours. Appropriate certification should be supplied to authenticate any special leave taken. Employers should also be educated to accept the importance of accommodating particular needs of employees with disabilities in ways such as flexible hours, as in the Australian Public Service, and assistance from co-workers.

Para 7.189

23. That funding for support services for people with severe disabilities be increased annually in real terms in order gradually to increase the number of such people in employment. It will be necessary to provide such support in the public sector, for example, in order for increased employment opportunities in that area to be viable.

Para 7.200

CHAPTER 1

BACKGROUND AND ISSUES

Background

1.1 The Senate Standing Committee on Community Affairs received the reference on employment options and issues for people with disabilities on 24 August 1988. The original terms of reference did not include future employment prospects or sales tax exemptions. After consideration, the Committee revised the terms of reference to the following:

‘The employment of disabled persons, with particular reference to:

- (a) current and future employment prospects of disabled persons with particular reference to training, placement, support (including sales tax exemptions), working conditions and rates of pay; and
- (b) the impact of Federal, State and Local Government and private sector programs on the employment of disabled persons.’

1.2 These revised terms of reference were agreed to by the Senate on 10 November 1988. Public notices calling for submissions were placed in major Australian newspapers on 25 and 26 November 1988, and the closing date for submissions was originally 17 February 1989.

1.3 The Committee had received 200 submissions and taken some evidence in public hearings on this inquiry when an inquiry into accommodation services for people with disabilities was referred to it in mid-June 1989. Originally the two inquiries were to be conducted together, with separate reports being made; however, delays to the hearings program in late 1989 resulted in the second inquiry on accommodation (which had a specific reporting date) proceeding separately. The Committee presented its report on this inquiry ‘Accommodation for People with Disabilities’ in May 1990.

1.4 The program of public hearings for the inquiry on employment recommenced in October 1990, concluding at the beginning of December 1990; a list of all hearings is at Appendix 1. The Committee also made a number of visits to different types of employment services and these are listed at Appendix 2. A total of 226 submissions was received, and these are listed at Appendix 3; a list of witnesses who appeared at public hearings is at Appendix 4. In June 1990 the Chair of the Committee, Senator A.O. Zakharov, held discussions with government departments, organisations and workplaces in Darwin. In 1989 and 1990 the Chair also visited the then Federal Republic of Germany, the Netherlands and the United Kingdom. The Chair held discussions on the Committee's terms of reference with Government

representatives in Bonn, Munich, Nuremberg, The Hague and Sheffield, and with professionals working in the field. In August 1990 Senator Zakharov attended the International League of Societies for Persons with Mental Handicap conference in Paris.

Context

1.5 The reference on employment options, as well as that on accommodation services, arose from the considerable debate on the appropriateness of developments in disability services funded by the Commonwealth, particularly those provided under the *Disability Services Act 1986*. Changes in community perceptions, in consumer and service provider outlook and expectations, both in Australia and overseas, over a period of years had encouraged an approach described as the 'least restrictive alternative' in a number of caring services including those for frail aged persons and people with disabilities. Community involvement in service provision and in developing a consumer voice for people with disabilities was a major factor in the emergence of changed attitudes towards people with disabilities. Events such as the International Year of Disabled Persons (1981) marked the greater involvement of people with disabilities in taking the initiative, in speaking for themselves, in seeking equality and in obtaining greater choice in accommodation and employment. The emphasis gradually changed from looking after people with disabilities to increasing their access to the community and its opportunities, as far as was possible for individuals.²

1.6 De-institutionalisation, both literally and metaphorically, has been a dominant theme in much service provision as a consequence of those changing attitudes, along with a simultaneous development of replacement services considered to be more flexible, more capable of meeting the needs of individuals and of developing the capabilities of individuals because of their similarity to the options available to other people living in the community.³

1.7 The 1986 legislation and the associated Principles and Objectives (June 1987)⁴ emphasise the importance of independence, participation in the community and increased opportunity for people with disabilities. In themselves, these Principles and Objectives have created little opposition; in fact, there is a whole-hearted support for them including from many of the 'traditional' service providers who perhaps had been expected to provide the most obvious opposition to change. Even before the introduction of the Bill late in 1986, a number of the ideals expressed in the legislation had begun to affect the nature of service provision – attitudes of some sections of the community and of some employers had changed; educational opportunities including mainstreaming, were being directed more closely

2. *Transcript of Evidence*, pp. 1477-83, 1520-2 (Department of Health, Housing and Community Services).

3. Hardwick, James and Brown, *Accommodation and Employment Policies for People with Disabilities* (Social Welfare Research Centre Report No. 66 1987), especially pp. 4-6.

4. See Appendix 13.

to students' needs⁵; and some new employment options had been developed enabling people with disabilities to have a greater choice. Consequently, there was considerable support for the Principles and Objectives of the Act and, from a number of organisations and individuals, wholehearted support for the Act itself.

1.8 There remain some differences of opinion as to the interpretation of change both in the community and in service provision. For some service providers and consumer groups the basis of opposition is not the legislation. The major concerns expressed by these groups relate to the rate of transition from old to new services, provision for people with severe and/or multiple disabilities, the equity of funds distribution, the perceived need to retain older services and the question of choice. Limitation of opportunity also exists in a time of high unemployment in the general community.

1.9 This inquiry on employment was established to determine if current and future employment options met the current and projected needs of people with disabilities. The debate on the abovementioned issues of choice, access, severity of disability, and equity is not only central to the philosophies of the major interest groups, it is also crucial to the evaluation of the effectiveness and appropriateness of employment services. Consequently, it is discussed in some detail, particularly in Chapters 5 and 6.

EMPLOYMENT SERVICES

1.10 The Commonwealth Government is the major provider of funding for a number of employment options and of employment-related services for people with disabilities, with the majority of these being administered by the Department of Employment, Education and Training (DEET) and the Department of Health, Housing and Community Services (DHH&CS), which is responsible for the Disability Services Program.⁶

Department of Health, Housing and Community Services

1.11 At present the Department of Health, Housing and Community Services is the main provider of funding for actual employment, as opposed to training, programs for people with disabilities. The Department's involvement in the provision of such services is both long-standing (in respect of sheltered employment) and relatively recent (in respect of alternative forms of employment/training such as Competitive Employment, Training and Placement (CETP) services and Supported Employment (SE) services. As the Department with responsibility for the Commonwealth Rehabilitation Service (CRS) it also has a long involvement with rehabilitation of people of working age, as well as of habilitation of those with minimal employment experience and, possibly, long-standing disability. The CRS is part of the Disability Services Program (DSP). In 1988 a new charter was endorsed for the CRS,

5. See below, Paragraphs 4.12-4.14, 4.17-4.28.

6. A list of programs/services is at Appendix 16.

emphasising its function of providing high quality rehabilitation services to those unable to pay, and linking those services to the Commonwealth's responsibilities for income support and labour-market management. Hence, while the CRS is often identified as primarily for those requiring rehabilitation and having been in employment, as opposed to providing services for those with long-standing disabilities, this is no longer the case.⁷

1.12 In December 1989 the Government reaffirmed its commitment to the ongoing provision of rehabilitation programs through the Commonwealth Rehabilitation Service. It confirmed that the CRS has a primary responsibility to provide programs for people with disabilities not covered by compensation arrangements.

1.13 During 1990-91 the CRS assisted over 24,000 clients, a 23 per cent increase over 1989-90, and 13,511 people completed their involvement with the CRS. Of these, 4,527 clients obtained employment, 1,412 were seeking work and 3,987 had achieved a 'non-vocational' outcome.⁸ A further 3,585 clients ceased their program before completion.⁹

1.14 The *Disability Services Act 1986* (DSA) marks the transition from fairly limited options to a much more integrated and open philosophy, with an emphasis on independence, participation in the community and increased opportunity for employment for people with disabilities.

1.15 Under the DSA, sheltered workshops and activity therapy centres (ATCs) – providing a range of primarily non-vocational services for people with more severe disabilities – are not approved services for funding purposes.¹⁰ The large 'factory model' sheltered workshops in particular are expected to evolve to smaller, more open, employment options; the activity therapy centres will be replaced by independent living, training/community access support services. The objective of this change was to provide a five-year transition period during which these services were required to move towards approved service status. This period was due to expire on 30 June 1992, but was extended late in 1991 for a further three years.

1.16 In developing employment options, the emphasis on choice, independence, integration and greater relationship between people with disabilities and the community has meant that the 'traditional' sheltered workshop model has been

7. *Transcript of Evidence*, pp. 1513-19, 1528 (Department of Health, Housing and Community Services).

8. *Non vocational* – this includes voluntary work, education, home duties and independent living.

9. DHH&CS Annual Report 1990-91, p. 98.

10. In November 1991 the Minister for Health, Housing and Community Services announced amendments to the DSA which would allow for 'transition services', which would be those Section 13 services 'making active progress towards Section 10 status'. (Speech by the Hon. Brian Howe, *Australia and Disability – Where to Now?*, 14 November 1991, p. 8).

under pressure from the Government to demonstrate its capacity to provide terms and conditions of employment which approximate those of the normal work place. In particular, there is a concern to reduce the size of workshops which were seen as too institutional because they were too large and impersonal. It should also be noted that even small workshops are not considered acceptable if they do not have a mixture of non-disabled people and people with disabilities. A mixture of employees, as well as a better staff/employee ratio is considered essential to reduce the segregation of people with disabilities seen as characteristic of the traditional workshop.

1.17 The relationship between management/staff and 'clients' in some workshops is also considered institutional in that it is often seen as authoritarian or paternalistic. Those workshops which emphasise dependence and impose inappropriate controls on clients are seen as maintaining outmoded attitudes towards people with disabilities which can no longer be accepted if the dignity and independence of individuals is to be fostered. The preferred relationship option is that of employer/employee, a change which brings a number of issues to the fore, including the rights of employees, the need for improved working conditions including occupational health and safety, the issue of wages in sheltered employment, the quality and type of work available and the quality of relationships possible in a sheltered environment. These issues are discussed in greater detail in Chapters 3 and 6.

1.18 There has been no automatic acceptance by service providing organisations and consumer groups of the Government's position as regards sheltered employment, and evidence was presented to the Committee covering every aspect of this option, with support for and against a continuing role for some form of sheltered employment beyond 1992.¹¹

1.19 The Minister for the then portfolio of Community Services and Health, the Hon. Brian Howe, expressed the Government's policy clearly in respect of traditional services. Speaking at the 1990 ACROD National Convention/Annual General Meeting Mr Howe stated:

It is very easy to stop short of what is really achievable for people with disabilities. Because of my concern that some will stop short of achievable change I have indicated to ACROD officials that the concept of the factory model and of a special review process for some service types cannot be supported.

I am firmly of the view that if, as is claimed, these services are producing quality outcomes in line with the *Disability Services Act* then they will be able to justify ongoing funding under the DSA.

11. Submissions and public hearings all predate the announcement at the end of 1991 that the transition period for sheltered workshops would be extended.

Equally, however, I will not agree to the transfer of any service to section 10 funding¹² until I am satisfied that it has been properly reviewed and that it will further the principles and objectives of the Act.¹³

1.20 One of the major reasons for opposition to the original 5-year timetable for sheltered employment is that some groups believe there is insufficient funding for effective and equitable transition to other forms of employment. There is substantial evidence to the effect that this is the case, and that a considerable number of people with disabilities, at least in the short-term, will either receive no service (because they cannot obtain an employment place of any type) or will not be able to access one that allows for their participation in the community according to the principles of the DSA.

1.21 This argument has not been countered by the Department of Health, Housing and Community Services, which has emphasised that the Disability Services Program does not operate on an entitlement basis.¹⁴ In other words, the Disability Services Program does not have as its major objective the provision of an appropriate service to *all* people with a disability. Rather, it aims to provide a series of services to enable people with disabilities to have options. The issue remains, however, that some people receive services, and others may not and it is important to consider whether social justice objectives can be met in this scenario. The extent of limitation to access will only be known if considerably improved data collection is undertaken on a systematic basis. This issue is discussed in Chapters 3 and 6 and Appendix 7, and recommendations on data are made at the end of this Chapter.

1.22 The two innovative employment service groups which have been developed in recent years are directed to two different groups of people with disabilities: training and placement for those wishing to move to open employment and supported employment for those not able to undertake non-sheltered employment without (often considerable) ongoing support. The first service type may be most appropriate for those with mild to moderate disabilities¹⁵, the second for people with more severe disabilities.¹⁶ For people with severe and/or multiple disabilities, however, neither service may be appropriate.¹⁷

12. Section 10 funding of the *Disability Services Act* provides financial assistance for eligible services.

13. Speech, 22 November 1990, p. 14.

14. That is, there is no *right* to a service for people with disabilities, as opposed to the general right to payments such as unemployment benefits when basic criteria are met. See below, Paragraph 5.177.

15. See below, Chapter 5.

16. See Chapter 6.

17. See Recommendation at Paragraph 5.58.

Competitive Employment, Training and Placement (CETP)

1.23 The first of these options, developed through Competitive Employment Training and Placement (CETP) services may be particularly suitable for people with mild to moderate disabilities. The emphasis is on open employment at award wages and minimal or no support after an initial period.

1.24 There have been several criticisms of CETP services and these are outlined in Chapter 5. These refer particularly to services wanting positive outcomes and hence possibly choosing as clients people who are likely to succeed with minimal input. While such criticisms may be valid, it should also be remembered that the training and placement service does provide access to open employment which the individual may have had difficulty in obtaining through his/her own effort alone. In particular, CETP services provide a service which is somewhat more individual and more direct (in terms of actually obtaining employment) than do DEET services which in effect can only provide training and some work experience components.

1.25 The evaluation of those services will need to be carried out regularly and over a substantial time period. In particular the length of each placement and the success of different placements will require both quantitative and qualitative measurement. Evaluation as to 'value for money' is also important, since there is often a simplistic equating of an award or near award wage with a lack of cost to the taxpayer (that is, through cessation of unemployment benefits or sheltered employment allowance), whereas the cost of the service itself and any continuation of pension or part-pension must also be included in such calculations.¹⁸

Supported Employment

1.26 The second new employment option developed by the Department of Health, Housing and Community Services is also a direct employment option although it includes considerable training and support elements. The objective of supported employment services is to provide an alternative to sheltered employment through the development of small and often enclosed work units. Such units, for example enclaves, have been seen as closed or segregated, if they have minimal contact with the remainder of the workforce. The benefits of supported employment options are deemed to be the small size of the work group, the greater interaction with and attention from support staff, the opportunity to interact with non-disabled work colleagues and the increased wages available because of support received. The cost of such services, including any continued pension payments, would need to be set against other, less quantifiable criteria, such as greater personal development.¹⁹

18. See below, Chapter 5.

19. Those services are discussed in Chapter 6.

1.27 Again, there has not been a sufficient operation period for those services to be effectively evaluated, especially in terms of their qualitative outcome.²⁰ As options, they appear to have considerable benefits in terms of the DSA principles, but they provide places only to a relatively small number of people and are expensive to run. Possibly they are best suited to some people with severe physical disabilities, since the value of 'real' work and participation in a 'work' environment (as opposed to other quality of life situations) remains problematical for people with severe intellectual disabilities.

1.28 In 1989-90, Disability Services Program expenditure (including hearing services) was \$369.86 million and in 1990-91, \$414.5 million. It is estimated that expenditure, including Commonwealth Rehabilitation Service funding, will be \$457 million per annum at June 1994. An estimated \$200 million per annum 'will be provided by the Commonwealth to the States and Territories to fund the transfer of existing services' under the Commonwealth-State Disability Agreement, with a further \$245 million over the life of the Agreement.²¹ The Agreement provides that the Commonwealth will fund employment services and States/Territories will be responsible for accommodation and other support services. It will not take effect in each State/Territory until legislation which complements the DSA is enacted in each State/Territory.

Department of Employment, Education and Training (DEET)

1.29 The majority of witnesses and submissions referring to DEET programs mentioned JobStart and SkillShare. These two programs, plus JobTrain, are potentially of considerable value to people with disabilities, particularly in advancing the integration of people with disabilities in the workforce. Essentially, all three are designed for people on unemployment benefits and unemployed for a period of time (6 to 12 months) but are flexible enough to accommodate other circumstances. This enables some access by people with disabilities who may have been working in sheltered employment (for JobStart), or who were unemployed but not registered with the Commonwealth Employment Service.

SkillShare

1.30 SkillShare brings together three community-based programs (Community Youth Support Scheme, Community Training and Placement and Community Volunteer Program). The community-based projects on which SkillShare was based encouraged participation by people with disabilities, with Community Training and Placement commencements including 26.4 per cent people with disabilities. The new program began operation in this form on 1 January 1989.²²

20. See Chapter 6, Recommendation following Paragraph 6.61.

21. DHH&CS Annual Report 1990-91, p. 94.

22. See below, Chapter 5.

1.31 The objective of SkillShare is to assist long-term unemployed and other 'most disadvantaged'²³ unemployed people to obtain and retain employment or to proceed to further education or training through the provision of skills training, employment-related assistance and enterprise activities by community groups.²⁴ 1990-91 expenditure was \$94.478 million. In 1990 the program provided services to 92,000 eligible persons, an increase of 18 percent on 1989 figures. Forty-eight per cent of the 1990 participants proceeded to employment, further education or training. In 1990-91 a disability strategy to 'improve and increase the quantity and quality of services to people with disabilities'²⁵ was developed, and in 1991 special units (DASUs - disability access support units) came into operation to assist Skillshare projects meet the needs of people with disabilities.²⁶ Skillshare, and its use in the development of employment options for people with disabilities, is discussed in greater detail below in Chapter 5. The program will be fully evaluated in 1992.

JobTrain

1.32 JobTrain assists the long-term unemployed and 'especially disadvantaged' (including people with disabilities) job seekers 'by providing training assistance that is either directly related to immediate job opportunities . . . or is directed to acquiring durable, recognised skills for labour market participation'.²⁷

1.33 JobTrain provides vocational training for entry into the labour market through the provision of appropriate courses (for example, through TAFE, SkillShare) and enables the CES to design and purchase training courses and course places. In 1989/90 10 per cent (or 4,634 persons) of commencements in the program consisted of people with disabilities although this figure would exclude those who were placed in another category (for example, duration of unemployment) rather than disability. The requirements of the local labour market are a key factor, and this may lead to variation in opportunities available to people with disabilities. At June 1991 there had been 71,463 placements overall in 1990-91. Fifty-one point six per cent of participants were 'especially disadvantaged', including 10,700 people with disabilities. 1990-91 expenditure was \$146.264 million. It is expected that 59,000 persons will be assisted in 1991-92 at a cost of \$163 million.

23. 'Most disadvantaged' includes people with disabilities, sole-supporting parents, older unemployed people and Aborigines.

24. DEET Annual Report 1990-91, p. 75.

25. DEET Annual Report 1990-91, p. 76.

26. *ibid.* See below Paragraphs 5.137-5.138.

27. DEET Annual Report 1990-91, p. 73.

JobStart

1.34 JobStart's objective is 'to assist long-term unemployed and other disadvantaged job seekers to gain access to employment by providing wage subsidies to employers'.²⁸

1.35 The program provides a wage subsidy for up to 26 weeks²⁹ to employers in the private sector who employ and improve the employment prospects of disadvantaged job seekers. In 1989/90 18.2 per cent (or 6,300 persons) of JobStart commencements were classified as 'people with disabilities', although the same proviso as to figures exists as for JobTrain, that people with disabilities may be placed in another category. In 1990-91, 15,110 people (49 per cent of the 30,600 placements) were identified as 'especially disadvantaged'; of these, 13.9 per cent (or 4308 people) were people with disabilities. Two point five per cent of placements were part-time clients, and were mainly people with disabilities unable to work full time (or those people taking training courses linked to a wage subsidy).³⁰ Sixty-one point seven per cent of people with disabilities who began the course³¹ were employed or in further education or training three months after the end of this course.

1.36 Exemptions allow people receiving Sheltered Employment Allowance to be considered unemployed and eligible for the program. Some persons were able to work on a part-time basis, and this is an important fact given that variations in work patterns from standard employment patterns appears to be essential to some people with disabilities.³² Subsidies are now more generally available on a pro-rata basis for permanent part-time work, generally more than 20 hours a week, excluding casual work.³³ Nonetheless, until more detailed data are available and longer-term evaluation is possible, it is difficult to assess if this program is especially suited to people with disabilities *per se* or to people with particular types of disabilities.

Job Search Assistance (Job Search Training and Job Clubs)

1.37 This program provides job search skills and techniques, particularly useful for many people with disabilities because of their lack of experience in such areas.

1.38 In 1990-91 24,140 people accepted Job Search Assistance and people with disabilities were 11.9 per cent of Job Club commencements and 13.8 per cent of Job

28. DEET Annual Report 1990-91, p. 74.

29. Prior to 13 March 1991, the subsidy was up to 20 weeks.

30. DEET Annual Report 1990-91, p. 75.

31. DEET Program Performance Statement 1991-92, p. 115.

32. This issue is discussed below, especially at Paragraphs 5.17-5.58, 6.332-6.347.

33. *Economic Statement*, DEET, March 1991, p. 10.

Search Training commencements. Of those people involved in Job Search Training, some 29.4 per cent succeeded in obtaining employment. More detailed information on level of disability would be required in order to determine if this program provided services appropriate for people with different types of disabilities, or if the program was of particular assistance to people with relatively mild disabilities. Funding in 1990-91 for the Job Search Assistance program was \$10.262 million.³⁴

EMPLOYMENT AND SOCIAL JUSTICE

1.39 Commonwealth Government departments operate programs under the four social justice principles of access, equity, equality and participation. These principles are intended to enhance access, provide a more just distribution of resources (equity)³⁵, establish equality under the law through developing legislation which protects individuals from discrimination (equality)³⁶ and facilitate participation in all aspects of community life.

1.40 The two departments which fund employment and training programs for people with disabilities operate on these principles, and the development of specialist units, positions and/or programs to enhance access and participation by target groups within these employment programs indicates their commitment to social justice principles. Nonetheless, funding constraints necessarily limit services, neither department operates on an entitlement basis in respect of services for people with disabilities, and external factors, including changes in labour market demand, will always influence outcomes. Limitations in human rights legislation³⁷ have seriously hampered the full application of equality principles for people with disabilities. Other anomalies, particularly the uncertainty of the employer/employee relationship (Chapters 3, 6) have affected the extent to which industrial and general rights have been accorded to people with disabilities in the workplace. In a number of submissions and in oral evidence, consumers and service providers also indicated that, although there had been changes in public perception of people with disabilities, there was still a way to go in acceptance – and, as one submission noted, ‘the Government can’t legislate on attitude’.³⁸ Nonetheless legislation can facilitate change in community attitudes as has been evident, for example, following equal employment opportunity legislation.³⁹

34. DEET Annual Report 1990-91, p. 72.

35. See Chapters 5 and 6 for further consideration of the distribution of resources.

36. See Chapter 3.

37. Human rights legislation is discussed further in Chapter 3. Proposed Commonwealth legislation should considerably enhance the rights of people with disabilities – see further, Paragraphs 3.5 and 3.10.

38. Submission No. 29, p. 2 (Mrs I. Kwong).

39. See also Chapter 3, especially Paragraphs 3.11-3.13, 3.15-3.16, 3.130.

1.41 At a more individual level, the difficulties which many people with disabilities (as well as their carers and families) have experienced have not encouraged them to believe that a number of the new employment initiatives offer the best option for them. However, the benefits of such services are attested to by others who are able to take advantage of opportunities. As noted above, the issue of informed choice, including the choice to remain in more sheltered/traditional forms of employment, and of lack of equity in the funding of new services are two of the major issues arising in disability services programs. This affects the operation of social justice in these programs. Any developments in service provision must therefore meet these uncertainties and recognise the effect the past has had on people's present and future capacities to be involved.

1.42 Both the major service providing departments may need to consider a number of other factors in allocation of resources, and previous planning has not been based on a full knowledge of the target population. Data on the numbers of people with disabilities and specifically on those who require assistance at different levels to obtain and maintain employment are acknowledged to be incomplete and imprecise. It is especially important to obtain more information on the numbers of people with specific disabilities, and those who require assistance to obtain employment and employment-related services.⁴⁰ During the public hearings, several witnesses also discussed the vagueness of definition of 'disability'⁴¹ a factor which has meant that such data collections as exist are not uniform. Both factors are being addressed to some extent, data collection particularly so, in order for the Department of Health, Housing and Community Services to operate more on needs-based planning. At the time of finalising the report (late 1991/early 1992) the Department of Health, Housing and Community Services was in the process of upgrading its data system, enabling it to plan according to needs rather than according to submission. The lack of data, especially of uniform data, had hitherto inhibited this type of planning; however, it was expected that new service funding for all States in the 1991-92 financial year would be based on the needs-based planning model. Additional qualitative data would also be collected to complement the standard statistical reports and provide a more comprehensive planning base.

1.43 It is expected that the new data system will be able to identify areas of highest unmet need, but it may lead to an underestimate of people with mild disabilities who nonetheless have high emotional/social support requirements, or who need an active employment strategy early in life to avoid being marginalised.

1.44 Client characteristics will also be collected, including age, gender, ethnic (NESB) background and Aboriginality. While it is essential that this type of information becomes available, the most important factor is the provision of disaggregated information from the Department of Social Security on people on Disability Support Pension, since income support is more likely to be an indicator of need than current access to services. The lack of solid information on numbers

40. The issue of data is discussed in greater detail in Appendix 7.

41. See Appendices 5 and 6.

of people requiring services, however, has necessarily affected the extent to which people with disabilities have equal access to services. This, in conjunction with the 'non-entitlement' basis of the Disability Services Program makes problematical, at least in the foreseeable future, the possibility of participation for all.

Recommendations

The Committee RECOMMENDS:

1. That standard definitions and measurement of disability are used by all relevant departments and by the Australian Bureau of Statistics.
2. That all Commonwealth departments involved in the provision of services and programs for people with disabilities use the same terminology and work from the same definitions of disability.
3. That the Australian Bureau of Statistics should be responsible for establishing a methodological framework for the collection of data for all departments involved in providing or funding services used by people with disabilities.
4. That all departments which provide or fund programs utilised by people with disabilities establish minimum data collection standards and ensure that information on people with disabilities is sufficiently comprehensive to demonstrate whether generic or specialist programs are more able to meet their needs.
5. That the Department of Health, Housing and Community Services initiate, as a matter of urgency, a comprehensive study to collect data on numbers of people with disabilities. Data collection should be standard across Commonwealth departments and State and Territory governments and should include information on type and level of disability; use of and need for, services; age; gender; location; language and cultural background.

1.45 It should not be forgotten either that some issues affecting people with disabilities are similar to those affecting substantial numbers of people in Australian society such as the young unemployed, and long-term unemployed. The substantial increase in funding required to at least enhance access to services – although not necessarily access to secure and well paid employment – would reduce funds available to others. With a decrease in available employment in traditional areas⁴², considerable technological change⁴³ and an oversupply of unskilled labour, the move by people with disabilities into open employment is likely to be very gradual.

42. *Return to Full Employment: A Discussion of Employment and Training Strategies* (ACOSS Paper No. 18, 1988).

43. Rumberger and Levin, *Forecasting the Impact of New Technologies on the Future Job Market* (1985).

For those with more severe disabilities, the costs will be considerably higher and in at least the foreseeable future, the numbers able to participate both in open and in other 'non-sheltered' employment, and to take advantage of training programs, is likely to be small. This has raised issues of resource distribution, which is a major concern to both service providers and users. It also raises the issue of preference possibly being given to people with a particular type and/or level of disability at the expense of others who may not be able to demonstrate the success of new models, or not as quickly. It is also necessary to consider the long-term impact on people with disabilities leaving school who have limited opportunities to enter the workforce. Other disadvantaged groups who may also require special assistance are those who have not obtained access to the system of service provision (for a number of reasons) and those who may suffer through moving from one system to another (for example from one State to another one where a different system operates).

1.46 An assessment of the evidence presented both through submissions and in public hearings suggest that, major economic/social factors aside, there are areas of concern that need to be addressed in order for social justice to operate. Predominant amongst these, as noted above, is the importance of ensuring that there is as much real choice as is feasible, given general funding constraints, and that this choice is evenly distributed so as to maximise access for people with different types of disabilities and different levels of disability. Without this, service provision may be influenced by lobbying (in which the more skilled, better funded and better connected dominate) rather than tied to needs-based planning. Equally importantly, people with severe and multiple disabilities, and people who cannot work full-time, may remain disadvantaged both economically and in community participation.

1.47 A matter of major concern is the extent to which existing employment services are able to meet the additional needs of people with disabilities so that programs actually meet their objectives of enhancing access. Employment does not exist or operate in a vacuum, being part of a whole process; consequently, employment programs cannot operate effectively unless they address a range of needs and unless they are operating in a positive and supportive context. Some of the most important of these issues are considered in Chapters 2 and 3, which relate needs to the capacity to work and examine the legal and attitudinal barriers to full participation in employment.

1.48 In Chapters 5 and 6, previous and new employment and training options are considered in some detail, in light of the needs of, and the inequality experienced by, people with disabilities, and also in light of the importance of providing increased informed choice. In Chapter 7, the issue of income and wages is examined. There has been considerable work done in this area through a consultancy on National Employment Initiatives for People with Disabilities⁴⁴ and through the Wages Subcommittee arising from this which was chaired by the Department of Industrial Relations. The Committee has examined this work in the context of ensuring a fair

44. Chris Ronalds/Labour Research Centre, *National Employment Initiatives for People with Disabilities*, Report of the Disability Workforce Consultancy, 1990 (hereafter cited as *Ronalds Report*).

distribution of resources for people with disabilities and, particularly, of considering the specific needs of people with severe/multiple disabilities.

1.49 Chapter 7 also considers the issue of additional support required in order to make employment both feasible and economically viable; consequently, the need for assistance with transport, medical expenses, aids/appliances, the benefits of sales tax exemptions, etc. are considered in the context of employment.

1.50 Apart from the issues of equity, access and choice, a further major matter considered is the need for greater accountability. Obviously, in consideration of distribution of funds and of the barriers to full participation, of the problems with data collection and the limitation of service provision, the extent of government accountability is raised, at least indirectly. In examination of the effectiveness of current services and of the problems experienced by the more traditional service providers, and of the disadvantages experienced by people with disabilities, the issue of accountability becomes both more complex and even more important. Services are established, legislation is enacted, funds are allocated for specific purposes. Consequently, it is essential that there is proper evaluation of programs and the capacity to adapt programs as circumstances change. It is also essential that responsibility for specific outcomes is clearly allocated, and that where long-term and expensive outcomes are expected that these are as fully funded as possible.

1.51 This is not to say that all services must be expensive or to ignore the fact that there can be multiple, sometimes unexpected, results from projects and services. The need to be as creative and as careful of public funds as possible is obvious, especially given the considerable number of people who may require a service and those who may achieve maximum benefit from a relatively small amount of input.

1.52 However, one of the most obvious problems that has emerged from this inquiry is that there has been insufficient accountability required and given over time.⁴⁵ Particular approaches have become institutionalised, services have not been held responsible for certain outcomes, departments have not established mechanisms for correcting problems, and the community in general has not been able to bring the change it wanted, or to bring it quickly. Some members of the community might still query the concept of community accountability.

1.53 For many of those most directly involved in service provision for people with disabilities, the issue of accountability has not been raised directly. The arguments, the differences of opinion, have often been expressed in other terms. For social justice to be implemented, however, there will need to be more direct and measurable objectives and a willingness to act if these are not met.

45. See below, Chapters 5 and 6, in particular Recommendations Nos. 12, 13 and 14 (Chapter 5), and 1, 6, 10, 11 and 17 (Chapter 6).

Recommendations

The Committee RECOMMENDS:

6. That the Principles and Objectives of the DSA continue to be implemented and encouraged.
7. That adequate funding be provided to enable increased access to services for people with disabilities.

CHAPTER 2

SOCIAL JUSTICE AND DISABILITY

2.1 People with disabilities, like others, have always had a number of roles in society. Firstly, although this is not always fully accepted by some members of the broader community, people with disabilities are members of the wider community, having needs and problems in common with other members of society. Secondly, they are seen as members of a broad group 'people with disabilities', and are often considered one of a number of 'disadvantaged' groups. Thirdly, the emphasis on the specific needs of different groups of people with particular types of disabilities means that different groups emphasise their separate needs rather than their common ones. Overall, the experience of people with disabilities both in general and in employment varies, and hence their capacity to benefit from programs will depend on the severity of disability, on personal experience and on the extent to which programs are aware of and able to accommodate variables or specific factors related to disability.

2.2 The emphasis on social justice or equivalent concepts in both Commonwealth and State/Territory government programs has resulted in the further development of programs with specific goals and measurable objectives. Performance indicators and program evaluation, both quantitative and to a lesser degree, qualitative, have become more common. Programs are increasingly based on identified needs (as opposed to lobbying or submissions)¹ and these needs are established in part through more sophisticated and more extensive data collection systems.² Consultation with service providers and consumers is also a key feature of program development, and the rights of service consumers in particular are being addressed through measures such as complaints units, advocacy services, and a series of appeals and grievance mechanisms.³

2.3 Such program development has meant a restructuring of services for people with disabilities, and the *Disability Services Act 1986*, in conjunction with other legislation, provides the means by which community changes and government policies are realised. The purpose of this inquiry is to determine if this and other legislation, and the programs which have been developed by the Department of Health, Housing and Community Services, to a lesser extent the Department of Employment, Education and Training, and by State/Territory governments, are able

1. See Senate Estimates E, Senate *Hansard*, 18 April 1991, p. E98.

2. Such developments for disability services are relatively recent. See DHH&CS Annual Report 1990-91, p. 94.

3. *Transcript of Evidence*, p. 1577 (DHH&CS). See also DSP Minimum Outcome Standards booklet 1991, pp. 2, 11, 13-18.

to meet the multiple needs of people with disabilities – in short, to determine if access, equity, participation and equality have been or will be realised.

2.4 For participation in society to be enhanced greater opportunities are required for individuals to gain control over their own lives, to be actively involved in making decisions and to be given responsibilities.

The rights of people with communication disabilities are frequently violated in employment situations due to lack of understanding of the nature and impact of communication impairment and how to best respond in the workplace. Service providers in the employment and training area have focussed predominantly on productivity. This has resulted in a range of unmet employee/trainee needs . . . deficits affect the individual's ability to cope with many of the demands inherent in a job and to actively participate in the working environment.⁴

2.5 Many of the changes which have occurred to benefit people with disabilities have done so through giving them greater power, enabling them to access services and options. One witness spoke of 'the opportunity of empowerment' offered through the provision of choice and of services 'directed towards the needs rather than the characteristics of the person'.⁵ 'We are talking about power sharing', said another witness 'eliminating some of the intense feelings of helplessness and hopelessness that can further immobilise disabled persons and/or their families'.⁶

2.6 Lack of power is not peculiar to people with disabilities, and affects substantial sections of the community. However, this form of identification with 'the community' is not necessarily a positive one for people with disabilities, because lack of power and of access is generally perceived as a characteristic of disadvantage. Singly, some disadvantaging factors can affect confidence considerably; combined, a number can limit access and participation for a lifetime.

2.7 In discussing the issue of employment a number of witnesses, although directing their evidence specifically to 'employment' issues, indicated the importance of an integrated approach to needs which would demonstrate the extent of real access and participation:

There are many other factors influencing the lives of people with disabilities, and it is often hard to extricate "employment" and examine it in isolation . . . general community acceptance, recreational needs, health and personal care, accommodation, advocacy and

4. Submission No. 180, p. 1-2 (Australian Association of Speech and Hearing).

5. *Transcript of Evidence*, p. 4445 (Disabled Peoples' International, Queensland Branch).

6. *Transcript of Evidence*, p. 5328 (Australian Association of Social Workers Ltd (Tasmanian Branch). See also p. 5600 (DEAC – Disability Employment Action Centre).

financial outcomes are all intricately linked to a person's success or failure in employment.⁷

While the Committee has not considered these factors in any detail, it has noted those which can contribute to additional disadvantage.⁸

Socio-economic status

2.8 One factor that limits access for a number of people with disabilities is low income. Lack of adequate income affects virtually every area of life and while detrimental effects may superficially be short-lived if a family's or individual's financial situation improves, long term effects can persist. For those who are continually disadvantaged adverse influences are not lessened or decreased. 'Lack of equity and participation marginalises people and perpetuates stigma and prejudice.'⁹

2.9 In the written and verbal evidence, little emphasis was placed on the socio-economic situation of people with disabilities¹⁰, as opposed to the considerable attention paid by organisations and by government departments to the cost of disability in more direct terms (especially in relationship to the economic advantage or disadvantage, to the individual, of employment).¹¹ However, the matter was raised by the New South Wales Council for Intellectual Disability which stated that there was 'a significant correlation between mild intellectual disability . . . and socioeconomic disadvantage. What this is likely to lead to is that the places where people with mild intellectual disability reside are likely to be those places where there is also a high level of unemployment'.¹²

2.10 This organisation referred again to this issue¹³ emphasising that any correlation between intellectual disability and low socio-economic status related, in its view, primarily to people with mild intellectual disability rather than other levels of intellectual disability or other types of disability. While it made no statement as

7. *Transcript of Evidence*, p. 4439 (Disabled Peoples' International, Queensland Branch), p. 5123 (Health Department of Western Australia) and p. 5354 (Jobmatch). See also *Transcript of Evidence*, p. 1338 (Disabled Peoples' International).

8. These factors are also referred to in other sections of the report in consideration of the reasons which may contribute to the success or otherwise of new services for people with disabilities.

9. *Transcript of Evidence*, p. 5328 (Australian Association of Social Workers Ltd (Tasmanian Branch)).

10. *Transcript of Evidence*, pp. 4802, 4803 (Disability Advisory Council of Australia).

11. See Chapter 7, especially Paragraphs 7.137-7.142.

12. *Transcript of Evidence*, p. 3708 (The New South Wales Council for Intellectual Disability).

13. *Transcript of Evidence*, p. 3720 (The New South Wales Council for Intellectual Disability).

to the socio-economic level of other groups, the organisation stated this relationship between socio-economic background and level of disability did not exist 'for some other disabilities' and believed that people with more severe levels of disability at least came to the attention of services¹⁴ (although it should also be noted that a number of people with severe disabilities may not come to the notice of service providers at all). If severity of disability did result in improved access, this would suggest that some of the disadvantages perhaps induced by low-economic status (possibly poor education, limited awareness of opportunity, lack of knowledge of services etc.) could be overcome through more direct bureaucratic or service intervention. To follow through such implications might require not only improved community awareness of what was available, but a more active involvement by governments, based on data collections which were informed by a series of possible outcomes for people with different levels or types of disability. In other words, the increased empowering of people with disabilities might require very clearly targeted policies which can address both the disability and the surrounding circumstances of the individual.

2.11 However, any correlation (if any) between level and type of disability and the effects of this on unemployment would require a more detailed study of the effects of the contribution of type and level of disability and socio-economic status. Such a study would include the extent to which being born into socio-economic disadvantage set a pattern which was difficult to break out of without specific types of assistance, and whether the opportunity for eventual successful outcomes was increased if a person had access to certain services despite having a disability or prior to becoming disabled.

2.12 The socio-economic background of people with disabilities can vary enormously and while the benefits of an enriched and financially secure background may be considerable¹⁵ they may in the end contribute nothing to worthwhile or meaningful employment. Hence, the suggestion that people with severe disabilities were able to overcome some problems of access that could be income-related would not necessarily mean a beneficial outcome for people with severe disabilities, whatever their socio-economic background or status. Persons in this category, whatever the disability type, were generally considered disadvantaged.

2.13 There appears to be limited knowledge about the socio-economic background of people with disabilities, at least as demonstrated in submissions made or evidence given verbally. Nonetheless, the issue is an important one. Being born into socio-economic disadvantage, and to some extent experiencing it later in life, has a

14. *Transcript of Evidence*, p. 3719 (The New South Wales Council for Intellectual Disability). See also *Transcript of Evidence*, p. 4302 where The Queensland Spastic Welfare League stated that 'people feel that the physically disabled have easier access to the workforce' (though the organisation itself was not necessarily in agreement with that view).

15. *Transcript of Evidence*, p. 4177 (Dr M. Steinberg).

number of implications¹⁶ particularly regarding the capacity to take advantage of various opportunities. If access problems are not identified and met through a number of targetted strategies it is likely that programs of both governments and organisations will not in fact meet the needs of people with disabilities.

Recommendation

The Committee RECOMMENDS:

1. That a research project be undertaken to determine the problems of access to services experienced by people with disabilities of differing socio-economic background.

Housing and employment

2.14 A major cost to most people is that of housing or accommodation, with financially disadvantaged persons paying substantial parts of their income on this item and studies indicating that only subsidised housing can move disadvantaged persons from below to above the poverty line. Those who pay private rental on low to moderate incomes will most likely continue to be disadvantaged in the housing market. The quality of housing which many people can afford is also poor, contributing to physical and emotional ill health; for those obliged to move often, primarily for financial reasons, additional insecurity and stress may occur. Lack of choice, location in or near industrial areas, poor transport, distance from cheaper stores etc are also related problems which can be detrimental in both the long and the short term.

2.15 Because the Committee had already completed a report on accommodation¹⁷ little direct evidence was presented on the cost of housing or on the detrimental effects to people with disabilities resulting from poor housing.¹⁸ That housing or accommodation was an important factor for people with disabilities, as for all other members of the community, was, however, noted by those witnesses who looked at the totality of needs:

16. Peter Hollingworth, *Australians in Poverty*, Melbourne 1985. See also Louise Crossby *Children and the Future of Work* (Brotherhood of St Laurence: Child Poverty Policy Review 3) Melbourne, 1990, especially Chapter 2.

17. Senate Standing Committee on Community Affairs report on *Accommodation for People with Disabilities*, AGPS, 1990.

18. See *Transcript of Evidence*, p. 5573. The National Multiple Sclerosis Society of Australia referred to the effects on families of people with multiple sclerosis, in particular the poverty that resulted from housing costs. In effect the Society was talking about a decrease in income and living standards occurring later in life with the onset of the condition. See also *Transcript of Evidence*, pp. 5864, 5898 (Human Rights and Equal Opportunity Commission).

Equality of opportunity means that housing, transportation, social services, sanitation, education and work opportunities, culture and social life, including sport and recreational institutions, are easily accessible to all. This includes the removal of those barriers that impede the participation of people with disabilities in all areas, allowing them to attain a standard of living equal to all other persons.¹⁹

2.16 Reference was made also to the number of young people with disabilities (including psychiatric disabilities) who were homeless²⁰, and also to the claimed detrimental effects of relatively poor accommodation on a person accustomed to more affluent housing.²¹

2.17 The cost of housing, including modifications in order for people with disabilities to remain living in the community (or to return to the community from institutional accommodation) was investigated in the Committee's report *Accommodation for People with Disabilities*. It was noted there that it was difficult for people with disabilities, who were usually on a low income²², to be able to afford to purchase housing. It was only with the assistance of special purchasing schemes²³ or with parental assistance²⁴ that many people with disabilities can afford this type of security.

2.18 Such factors have an impact on employment issues in general terms – for example, there is likely to be stress as to security of tenure, the problem of finding appropriate housing relative to employment options, and the need to balance housing against other expenses – such as transport costs – in order to optimise employment choice. Since housing is such a major cost factor, it is important to note the implications for retention of housing arrangements of improved employment options. If general, modified or special purpose accommodation is linked to pension status special arrangements may need to be made to allow continued occupancy, or eligibility for rental assistance, for those who move into paid or better paid employment, otherwise a further employment barrier may be created.²⁵

19. *Transcript of Evidence*, p. 4439 (Disabled Peoples' International, Queensland Branch). See also *Transcript of Evidence*, p. 5123 (Health Department of Western Australia).

20. *Transcript of Evidence*, pp. 3956–7 (New South Wales Department of Further Education, Training and Employment).

21. *Transcript of Evidence*, p. 4177 (Dr M. Steinberg).

22. *Accommodation for People with Disabilities*, p. 36 (Paragraph 3.35).

23. *ibid.*

24. Submission No. 2, p. 7 (Miss L. Roberts).

25. See below Recommendations following Paragraph 7.48.

Health and employment

2.19 There is considerable support for the belief that there is a clear correlation between low socio-economic status and poor health²⁶ and health statistics for Australia indicate that certain groups of people, particularly those from locationally disadvantaged areas, have higher illness and death rates from a number of preventable diseases.

2.20 In addition some groups of people may be more exposed than others to environmental factors such as pollution through location of residence or through the location and type of work.²⁷ Poor quality housing may exacerbate or cause health problems, and travel to work may be long and difficult, producing low level but chronic stress. Generally, lack of money may inhibit use of medical services or mean a delay in medical treatment; pharmaceuticals may not be purchased at all, even at low rates, or not purchased in sufficient quantities. Other needs – aids, appliances, various treatments – may not be available or their purchase may need to be postponed for some time. Over a short period, some or many of the above problems can affect individuals noticeably; for those accustomed to them, not even a change in financial status can easily change established patterns or eradicate the ill effects of years of poor health conditions.²⁸

2.21 Evidence presented to the Committee on the poor health status of some people with disabilities was mostly indirect²⁹, and the relationship of this health status to income or to the disability is not easy to determine. While making the basic point that low income can contribute to poor health, it also would be necessary to look more closely at the actual use of health services by people with disabilities to determine the proportionate effects of income/environment/disability.

2.22 It has been suggested that the concern with retention of the Pensioner Health Benefit card (PHB) is an indication of general low health levels among people with disabilities. However, it is more likely that the importance to people with disabilities of the Pensioner Health Benefit card is not necessarily an indication of need for

26. Recent research is summarised in *In Fair Health? Equity and the Health System*, pp. 13-33, especially p. 16 and The National Health Strategy *Setting the Agenda for Change* (National Health Strategy Unit Paper No. 1) November 1990, especially p. 11. See also Daryl Dixon *Unemployment: the Economic and Social Costs* (1988), p. 20.

27. See below, Paragraphs 2.30, 2.32. See also Submission No. 79, pp. 6, 8 (Ethnic Child Care Development Unit); Submission No. 186, p. 15 (Federation of Ethnic Community Councils of Australia).

28. Submission No. 92, p. 5 (ACT Association for Mental Health Incorporated).

29. However, see *Transcript of Evidence*, pp. 5732, 5745-6, where the Epilepsy Foundation of Victoria emphasised that 'the key to effective epilepsy management is quality health care'. Such care was not always available, and this resulted in increased disability (Epilepsy Foundation of Victoria).

medical services but may be a desire for security.³⁰ If people with disabilities have low incomes they may nonetheless utilise medical and related services effectively, and some people with disabilities may always have received good levels of health care, whatever their original or current socio-economic status, *because* of their disability.

2.23 Again, the point to be made is that poor or fluctuating health status can have serious effects on a person's capacity to undertake employment or to be involved in employment on a continued or full-time basis. It is essential for effective employment programs and projects to be flexible enough to meet needs created by health status, including a recognition of different work patterns, the need for part-time work, and for a mixture of employment and recreation.³¹ As is discussed in greater detail below people with some disabilities may require particular work arrangements to avoid situations leading to stress. One submission noted that some people with psychiatric disabilities could not cope with full-time work and 'their conditions of work should be sufficiently flexible to allow deviation from the norm expected of other staff so that they may be relieved of the stresses associated with longer hours'.³²

Other factors affecting participation in employment

2.24 Other major factors which may contribute to disadvantage people with disabilities in the labour market include language, membership of a group with low status, age, gender, and location. A number of submissions referred to the importance of employment programs identifying the particular needs of people with disabilities who may experience other disadvantage because of race, cultural background, or gender and of the lack of sufficiently detailed information about multiple disadvantages.³³ One consumer organisation, DEAC, noted:

DEAC has been aware of the need to provide specialised support and intervention for people who may be "doubly" disadvantaged. That is women and girls who have disabilities, people from non-English speaking backgrounds and Aboriginal people with disabilities.³⁴

The New South Wales Office of the Director of Equal Opportunity in Public Employment told the Committee:

30. See Paragraphs 7.46, 7.49-7.54.

31. See especially Paragraphs 5.17-5.58, 6.253-6.292.

32. Submission No. 92, p. 9 (ACT Association for Mental Health Incorporated).

33. See *Transcript of Evidence*, pp. 676-7 (Centacare) 'Both overt discrimination and the problems faced by minority persons, who are more likely to be economically and socially disadvantaged, are seen as causal factors in . . . under representation'.

34. *Transcript of Evidence*, p. 5587 (DEAC - Disability Employment Action Centre).

People with a physical disability are continually facing the lack of knowledge in able-bodied people about disability and they are constantly fighting the stereotypes held by able-bodied people.

If race and gender bias are also considered then the complexity increases. There is a need to address in greater detail how race, gender and disability impact on each other in regard to Equal Employment Opportunity (EEO).³⁵

Race and culture

2.25 Lack of familiarity with, or fluency in, the major language of society can be both a causal factor and a symptom of disadvantage. It may be associated with poor education, lack of skills/qualifications, or disadvantage may be caused by inability to obtain a position commensurate with high level skills or qualifications. Consequences of both situations may include low income, stress, other health problems, poor access to services and a sense of alienation from dominant social structures.

2.26 To a considerable degree lack of familiarity with the dominant language is associated with membership of low status groups, although this is not always the case, with variations occurring through education levels, income, networks and social/cultural cohesion.

2.27 For people in ethnic communities, poor language skills, limited education, difficulty in establishing self-esteem and the pressures of living in an often unfriendly environment working between two cultures (and experiencing isolation from one or both) can take a considerable toll. Such pressures can affect awareness of services and the capacity to lobby for what are seen as appropriate services. As has been pointed out by one ethnic organisation, a number of people of non-English speaking background have acquired disabilities through employment³⁶, rather than such disabilities having been life-long. Because of this, they may lack knowledge about services available to them and feel further marginalised if they are unable to return to employment or to the same type of employment.

2.28 People of Aboriginal or Torres Strait Islander (ATSI) background are generally considered to be particularly vulnerable physically and emotionally, and to be deemed of low status. In terms of health/life expectancy, housing, education, self-image, independence, and employment, the Aboriginal population *per se* suffers

35. *Transcript of Evidence*, p. 3817 (Office of the Director of Equal Opportunity in Public Employment).

36. Submission No. 79 (Ethnic Child Care Development Unit). See also *Transcript of Evidence*, pp. 5866-5867 (Human Rights and Equal Opportunity Commission (HREOC)).

multiple disadvantages within Australian society and is generally considered the most disadvantaged.³⁷

2.29 While it has been argued that there is not enough information available to enable identification of specific employment problems relating to persons of Aboriginal or Torres Strait Islander or ethnic background with a disability³⁸ there are a number of issues which have been identified by organisations as having detrimental effects on particular groups of disabled people's chances of employment or as being contributory factors to their disability.

2.30 In respect of the latter point, one ethnic organisation suggests that a range of factors, including poor living and working conditions, physically demanding and dangerous work, and a range of environmental factors have contributed to disability conditions or industrial accidents for people of NESB.³⁹ Lack of familiarity with language, inability to understand signs concerning industrial safety, or lack of training in occupational health and safety are also seen as major causal factors of work-related injuries.

Proportionally more people of NESB work and live in poorer conditions, thus general health conditions are of a lower standard.

Proportionally more people of NESB are heavily concentrated in the construction, metal working and manufacturing industries which are all high risk environments, i.e. resulting in proportionally more accidents compounded by:

- Safety regulations not being translated, explained or understood;
- Exposure of chemicals of which potency and effects have not been tested.⁴⁰

37. See *Barriers to Employment*, survey of Department of Social Security Aboriginal and Torres Strait Islander Clients with Disabilities (DSS, 1990). See also *National Health Strategy Setting the Agenda for Change*, p. 11, and *Transcript of Evidence*, p. 5867 (Human Rights and Equal Opportunity Commission).

38. *Transcript of Evidence*, pp. 3838, 3842 (Office of the Director of Equal Opportunity in Public Employment), pp. 5866, 5867 (Human Rights and Equal Opportunity Commission).

39. *Transcript of Evidence*, p. 5866 (Human Rights and Equal Opportunity Commission), and Submission No. 79, p. 6 (Ethnic Child Care Development Unit) and Submission No. 186, p. 15 (Federation of Ethnic Communities' Councils of Australia Inc.).

40. Submission No. 79, p. 6 (Ethnic Child Care Development Unit) and Submission No. 186, p. 15 (Federation of Ethnic Communities' Councils of Australia Inc.).

2.31 The extremely poor health and housing status of Aboriginals in general is a contributing factor to a high level of disability⁴¹ though there is little information on work-related disability; violence, however, may also contribute to a high rate of disability.

... it should not be forgotten that a high level of violence in some communities may also result in a range of injuries.⁴²

2.32 Similar factors – lack of fluency in mainstream language, poor living standards affecting health, and limited experience in accessing services⁴³ or in being able to develop appropriate services to meet special needs – also limit the extent to which people of ATSI or ethnic background benefit from mainstream programs which are established to assist people with disabilities.⁴⁴ In discussing the provision of services to people of non-Anglo cultural backgrounds, a service provider noted that:

Even the whole idea of an outside person helping the person with a disability is a major step. [Another] problem they have to try to get over is a lack of trust of “professionals”. A lot of people that we are working with have been really screwed around by being promised things that have not eventuated. Decisions have been made without consultation with parents, forms filled in – like the nature of consent – without the forms being explained through an interpreter, and forms signed where the actual parent can sign but cannot read and feels embarrassed about being able to say, “I cannot understand this”. That is really common. It is very hard to get over that distrust, especially when you go into a very protected family environment.⁴⁵

2.33 Additional major factors in decreasing access are ones which can be considered cultural. While conceding that their direct knowledge was limited, one service-providing organisation for people with psychiatric disabilities considered that:

people who do not have command of English as their first language are in a very, very difficult situation because they do not have anywhere to turn and they do not have the ability to be able to explore networks, so often they are in a very, very isolated situation.⁴⁶

41. *Transcript of Evidence*, p. 5867 (Human Rights and Equal Opportunity Commission).

42. *Transcript of Evidence*, p. 5867 (Human Rights and Equal Opportunity Commission).

43. Submission No. 79, p. 2 (Ethnic Child Care Development Unit).

44. Submission No. 186, pp. 16-17 (Federation of Ethnic Communities Councils of Australia Inc.).

45. *Transcript of Evidence*, p. 4009 (Community Program Services).

46. *Transcript of Evidence*, p. 580 (Mental Health Co-ordinating Council Inc.).

An organisation representative went on to say:

We have not really addressed it but I think the cultural differences would mean that the problem is a lot more hidden in families with a non-English speaking background. It is still there, however, and there would be a lot more shame and a lot more difficulty in identifying the problem and getting services for people in those families.⁴⁷

2.34 A submission to the inquiry/consultations on Commonwealth legislation prohibiting discrimination on the basis of disability, summarised the problem of Aboriginals and Torres Strait Islanders concisely:

The failure of mainstream services to take into account cultural factors in service delivery, the principles of access and equity and the geographic isolation of this group has led to Aboriginal and Torres Strait Islander people emerging as the most disadvantaged group in Australia, particular in areas such as education. Many Aboriginal and Torres Strait Islander people have low levels of access to higher levels of formal education and a low level of educational achievement and job related skills.⁴⁸

2.35 A number of organisations have pointed out that cultural issues will affect the extent to which some groups are able to access services, and where such services are essential to gain or maintain employment, the inability of some mainstream organisations to meet needs will further limit employment opportunities. Consequently, organisations concerned with the needs of NESB people with disabilities emphasise that:

Ethno-specific services act as advocates of their communities' needs and liaise with the mainstream agencies on the relevant cultural and linguistic considerations in dealing with persons with a disability of a NESB.

Ethno-specific services are not transient, short-term services. They are not "fringe" services to be cut or "pruned" when the need or whim arises. Though the needs of the NESB may change, the philosophies and realities of multiculturalism won't alter. These structures need to be permanent.⁴⁹

2.36 With respect to access and equity issues, evidence suggests that there is likely to be considerable underservicing of groups which cannot use mainstream services

47. *ibid.*

48. Disability Advisory Council of Australia (DACA), *National Disability Discrimination Legislation*, Report of the National Consultations with People with a Disability, AGPS, 1991, p. 19.

49. Submission No. 79, p. 3 (Ethnic Child Care Development Unit).

for a range of reasons⁵⁰, such reasons often including location – particularly for Aboriginal groups.⁵¹

Recommendations

The Committee RECOMMENDS:

2. That the specific needs of people with disabilities of Aboriginal and Torres Strait Islander background (including those in urban and rural areas) be identified and that a strategy be established to ensure the provision of appropriate services.
3. That the specific needs of people with disabilities of non-English speaking background be identified and that a strategy be further developed to ensure the provision of appropriate services.

Location

2.37 Several factors are relevant in disadvantage arising from location. While most disadvantage is perceived to result from living in a remote or rural area with limited access to services, and limited employment and educational opportunities (overcome, if at all, only through re-location), considerable disadvantage also arises in urban areas. Some of these problems – distance from work, poor housing, health problems – were referred to above; the cumulative effects of multiple disadvantage which is linked to location, whether in urban or more remote areas, mean that participation in society can be marginal.

2.38 For people with disabilities, the availability or lack of services in rural or remote areas is, and may well continue to be, a major disadvantage. The evidence provided in most States reinforced the belief that not only were job opportunities likely to be extremely limited for the community in general, and particularly for people with disabilities but that all other services required to enhance access, including education and training, accommodation and support services, were also in short supply.

50. *Transcript of Evidence*, p. 4003 – the Inner-Western Sydney Developmental Disability Service, Community Program Services indicated that changes had begun to reverse this situation; See also *Transcript of Evidence*, p. 5866 (Human Rights and Equal Opportunity Commission): 'Confronted by a person of non-English speaking background with a disability, a mainstream rehabilitation or training service may be unable to assist adequately due to language difficulties and cultural differences. The person may even be referred to an 'ethnic' agency which does not have a rehabilitation function but on the basis that the person's primary problem is his or her ethnicity'.

51. *Transcript of Evidence*, p. 5867 (Human Rights and Equal Opportunity Commission).

2.39 This raises the issue of equity of service provision, relative to location⁵² and whether it is possible to develop innovative services in order to overcome location problems. Queensland Government officials referred to a scheme operating in Western Australia for people with an intellectual disability⁵³ which appeared able to overcome some problems of service provision in a cost-effective manner. However, as is the case in other States, not all services could be provided so easily:

While the long-term goals must be to provide access to all education and training in institutions, in the short term a program of gradual implementation based on regional and national demands will be needed. This is important for those living in isolated areas, so it is particularly important in Australia with our population being so diverse and with so many isolated areas.⁵⁴

2.40 A further reason given for lack of development of services was the absence of co-ordinated data.⁵⁵

I worked with a group of parents and interested people in a small town called Coleambally out in the far Riverina. When I started working with them, we were working with six people with moderate to severe intellectual disabilities. I helped to establish a small catering service in the Coleambally area which was servicing a number of chook factories in the area. Once we got established, almost overnight, without anyone understanding where they came from we found ourselves with another 10 people banging on the door asking if they could come and get access to some employment support services. Even the local development disability teams, which have a responsibility for providing community based support, were not aware of the existence of five of those people.⁵⁶

2.41 The absence of data certainly affected urban, rural and isolated areas generally, but is an issue which could be a major factor in non-identification of some needs in isolated areas⁵⁷ and failure to provide services, or to utilise those services which did exist.⁵⁸

52. *Transcript of Evidence*, p. 4366 (Department of Family Services, Queensland).

53. *Transcript of Evidence*, p. 4367 (Department of Family Services, Queensland).

54. *Transcript of Evidence*, pp. 4443-4444 (Disabled Peoples' International, Queensland Branch).

55. *Transcript of Evidence*, pp. 3718-3719 (The New South Wales Council for Intellectual Disability).

56. *Transcript of Evidence*, pp. 3718-19 (The New South Wales Council for Intellectual Disability).

57. *Transcript of Evidence*, p. 3720 (The New South Wales Council for Intellectual Disability).

58. *Transcript of Evidence*, p. 3951 (New South Wales Department of Further Education, Training and Employment).

2.42 Whatever the level of service provision, a major difficulty in development of employment opportunities in more remote and rural areas was the relative scarcity of employment options; while this would have an effect on many members of the population of those areas, the emphasis on physical work could disadvantage many people with a physical disability.⁵⁹ Additional factors such as need for transport, and cost of transport, as well as lack of access to services such as education and training, limited the options of most people with disabilities. They were considered to be an inhibiting factor in employment opportunities for Aboriginals with disabilities in particular:

The provision of services to rural communities often requires the consumer of those services to travel to a regional centre in order to gain access to the service. For many rural Aboriginal communities transport to services is both costly and limited. Accessing education, training, employment, health and social security services for Aboriginal people with a physical disability is an imposing task given the lack of suitably equipped and modified transport. The cost associated with the acquisition of such transport services is unaffordable for an individual with a physical disability in a remote and isolated area.⁶⁰

Recommendation

The Committee RECOMMENDS:

4. That the particular needs of people with disabilities in rural and remote areas be studied (for example, by the Rural and Remote Areas Unit, DHH&CS), and that strategies be developed to overcome problems identified as limiting the provision of appropriate services.

Age

2.43 While there is relatively little written about discrimination on the basis of age in Australia, there is an increasing awareness of the negative image imposed on society through the media in particular, about older age groups and Commonwealth age discrimination legislation has been proposed.⁶¹ Nonetheless, there is a general negative image of ageing, with incompetence and dependence being marked features of that image. In a society where production or active participation in paid employment is an important means of identifying value, it is difficult to dissociate non-participation in employment from non-value.

59. *Transcript of Evidence*, p. 3839 (Office of the Director of Equal Opportunity in Public Employment).

60. *ibid.*

61. It has been suggested that this legislation would take into account discrimination against young people as well as those in older age groups. At March 1992 this legislation was still being considered by a task force.

2.44 Like older people, children or those who are seen as children, can be perceived in negative ways including as non-contributors to the economy, and they lack the information and experience necessary to create a more positive image. Lack of direct contribution to the economy is a characteristic of the young, and this has made certain groups of young people and those who may be seen as permanently non-adult, highly disadvantaged.

2.45 In respect of disability, age is a complex factor. '... age is not always a factor in disability. A young person can have a disability which requires a high level of intervention. If such people have less money when high intervention is required all the time, they will be at a further disadvantage.'⁶²

2.46 Many witnesses commented on people with disabilities being treated by the community and by employers as if they were children, and this fact is crucial to understanding the loss of dignity and independence experienced and a consequent lack of experience in making decisions and choices, the hallmark of the independent adult.⁶³ Such discrimination was experienced most directly in some forms of employment, but was also a result of overprotective families, especially in respect of people with intellectual disabilities – 'we still have a guy who is 55 who is a lovely guy, but his mother does not think he is ready for work yet'.⁶⁴ Family attitude was extremely important in a number of ways⁶⁵, especially regarding support for people to be able to participate in activities appropriate to their age and there were obvious effects on women especially, creating a link between gender and 'age' which appeared detrimental. In particular, lack of encouragement of women either to work⁶⁶ or to become more independent in employment may have contributed to their living at a level inappropriate to their age.⁶⁷ For some younger women, greater opportunities may reduce the risk of this⁶⁸, but programs would need to ensure that older women also received the benefits of new services. Additionally, insofar as some people with disabilities begin to age earlier as a result of disability⁶⁹, programs and services may need to be specifically directed to more

62. *Transcript of Evidence*, p. 5329 (Australian Association of Social Workers Ltd (Tasmanian Branch)).

63. See below, Chapter 3, Paragraphs 3.116, 3.120.

64. *Transcript of Evidence*, p. 4468 (Australian Red Cross Society, Queensland Division).

65. *Transcript of Evidence*, p. 4468 (Australian Red Cross Society, Queensland Division), p. 5080 (Royal South Australian Deaf Society Inc.), pp. 5206-8 (PE Personnel), p. 5338 (Jobmatch), p. 5389 (Summit Industries).

66. See below, Paragraphs 2.52, 2.54.

67. *Transcript of Evidence*, p. 4464 (Australian Red Cross Society, Queensland Division).

68. *Transcript of Evidence*, p. 4876 (Disability Advisory Council of Australia).

69. *Transcript of Evidence*, p. 440 'Often it is the case that somebody who has worked until about the age of 50 cannot work any longer; the ageing process of cerebral palsy is such that sometimes they become so severely disabled that they cannot work any more' (The Spastic

flexible outcomes, including different work patterns or a greater need for non 'work' occupations.⁷⁰

2.47 The most important points relative to age may be, firstly, that the decreased value often given to people because of not being employed should be countered wherever possible, and programs must be able to take this into account. Secondly, it is also important that the wide range of programs and services which are being developed are not directed to the young at the expense of older people with disabilities who have similar needs. While accepting the importance of breaking the nexus between the end of school and placement in an often inappropriate setting (because of lack of alternatives) it is also essential to provide programs for those in older age groups who have also had very limited opportunities.⁷¹

Many people in this age range [late fifties] have a low standard of formal education, and with the modern age of technology, plus the economic climate, many have found themselves redundant. People with disability at this age often have an even lower standard of formal education and therefore are often the first hit by retrenchment. Often they are unable, because of their disability, to transfer to a job requiring a lower standard of skills as these are often very physical occupations. Added to that, there are the effects of natural ageing on a body already suffering from a disability.⁷²

2.48 Possibly greater reluctance to try new services because of previous adverse experiences means that services will need to be able to meet such concerns as well as provide appropriate training.⁷³ While such reluctance is experienced by a range of people with disabilities, fear of rejection may be more entrenched by those in older age groups.⁷⁴ The Committee has made a recommendation on age discrimination at the end of Paragraph 2.59.

Gender

2.49 Generally, women are disadvantaged in Australian society in and outside of employment; various stereotypes about women are perpetuated, with dependence sometimes being seen as a valuable quality but one which simultaneously makes the individual less of a person and more vulnerable. While there has been noticeable

Centre of New South Wales).

70. *Transcript of Evidence*, p. 5031 (Australian Down's Syndrome Association Incorporated). See also *Transcript of Evidence*, p. 4440 (Disabled Peoples' International, Queensland Branch). Aboriginal people also are considered to age earlier, particularly because of disability.

71. *Transcript of Evidence*, pp. 4440-41 (Disabled Peoples' International, Queensland Branch).

72. *Transcript of Evidence*, p. 4440 (Disabled Peoples' International, Queensland Branch).

73. See below, Paragraph 3.3.

74. *Transcript of Evidence*, pp. 4455-83 (Australian Red Cross Society, Queensland Division).

improvement in certain areas relating to specific discrimination, wages/salaries equalisation and access to a greater variety of paid employment, changes have not yet led to full equality.

2.50 Similar limitations exist for women with disabilities⁷⁵, although many of the comments made by witnesses indicated that specific concerns were expressed primarily about women with intellectual disabilities. These limitations, therefore, may result primarily from the concerns of families and particularly in respect of employment which is not 'sheltered':

The disproportionate under-representation of females in job placements has been observed in other competitive employment programs. A similar bias is found in P.E. Personnel's register of job seekers. It would appear from this data that parents of daughters with an intellectual disability are less inclined to direct their daughters towards competitive employment. This may arise on their part from a heightened fear of sexual exploitation in an integrated environment and a general concern for their daughters' safety.⁷⁶

2.51 Another consumer organisation pointed out that 'right from the early years of education, there needs to be action around the issue of the double disadvantage that girls with disabilities face in their lives as well'.⁷⁷

2.52 Other evidence indicated that women might possibly be kept at home to look after household jobs⁷⁸; it was not mentioned if this type of work was as likely to be expected of males, but the skills acquired in a domestic situation, although extensive and transferable, presumably would not be exercised outside the home unless specific opportunities were developed.

2.53 Other indications of gender discrimination also exist in the limited range of jobs available to women in some forms of employment; for example, 'domestic' jobs such as sewing were common in sheltered employment, although other organisations provided quite a variety of jobs for both men and women. The Committee visited one organisation which was operating a supported employment service in lawn and garden maintenance; administrators stated that they would accept both men and

75. *Transcript of Evidence*, pp. 4802-4 (Disability Advisory Council of Australia). See also *Transcript of Evidence*, pp. 5865-5866, 5917 (HREOC).

76. *Transcript of Evidence*, p. 5166 (Project Employment Inc.). See also *Transcript of Evidence*, p. 5208 (PE Personnel), and Submission No. 210, p. 4 (National Women's Consultative Council).

77. *Transcript of Evidence*, p. 5614 (DEAC - Disability Employment Action Centre).

78. *Transcript of Evidence*, p. 5208 (PE Personnel).

women (and such policies were not unusual), but that most of the staff were male.⁷⁹

2.54 One witness suggested that NESB women with disabilities might be discouraged from employment – ‘people from some cultures have a different perspective on employment for women, especially for women who have some form of disability who may actually have to work next to males’.⁸⁰

2.55 In other evidence it was stated that the problem lay not only in parental or similar protection but also in the attitude of employers and in the type of jobs available. One solution, suggested by a placement service, was to change attitudes – ‘We have to be able to access other types of jobs, larger corporations and also government areas, so that more girls, young women or older women can get jobs there’.⁸¹

2.56 While perhaps it is indicative of a stereotype to assume that women with disabilities would automatically be responsible for child care, it was noted by the National Women's Consultative Council that employment/education/training options for such women might only be viable if suitable child care was provided:

The provision of adequate child care and priority of access should be given to women with disabilities wishing to undertake education, training or employment. The providers of such child care must be cognisant of the difficulties faced by women with disabilities in effecting their choices. For example, the transition from home to work or from home to training may take longer and be more fragmented. It may be appropriate to provide additional related service until this transition is complete.⁸²

2.57 The difficulties for women in other types of employment and for women with other than intellectual disabilities are similar to some extent (although other issues were also raised):

In our society it is easy to take control of the lives of women with disabilities and assimilate them into traditional submissive roles. The choices that are available to most women in Australian society do not apply to women with disabilities. They are handicapped by low

79. Waverley Helpmates, Melbourne (visited 22 November 1990).

80. *Transcript of Evidence*, pp. 4008-9 (Community Program Services).

81. *Transcript of Evidence*, p. 5209 (PE Personnel).

82. Submission No. 210, p. 3, Recommendation 9 (National Women's Consultative Council).

expectations and lack of knowledge about options and choices in the way they wish to live their lives.⁸³

2.58 One example given was of (anecdotal) evidence that women with disabilities were placed in government departments 'dealing with disability and rehabilitation'.⁸⁴ This type of evidence would suggest a lack of consideration on the part of the relevant department; it is especially important for Commonwealth departments to be aware of general attitudes about women and people with disabilities, and to take steps to counter negative images.

2.59 Stereotypes exist also for men, with disadvantages resulting from inability to meet various social expectations, including physical strength, successful participation in the workforce, provision of financial/emotional support to a family, etc. For those who do not wish to adhere to these norms or for those who do, but feel unable to measure up to supposed standards, severe emotional stress may occur with considerable individual/family and social change:

Having to give up a job and seek other employment options (which are probably very few) can cause major psychological trauma which is often more debilitating than the physical impairments caused by M.S. itself. This is especially true for males who find the prospect of unemployment particularly threatening.⁸⁵

Recommendation

The Committee RECOMMENDS:

5. That departments providing or funding services used by people with disabilities be aware of the more subtle discrimination against people with disabilities based on age, on the belief that people with disabilities are dependent and/or childlike, and on gender, and ensure that service providers do not maintain these forms of discrimination.

Matching services to needs

2.60 For programs to be effective they must address the different needs of individuals or as many as can reasonably be addressed at much the same time. Programs and services which, unconsciously, are directed to people with high literacy skills, for instance, may only ensure that the planned target group of people with poor literacy skills reject the message or cannot understand it. While a number of people with a similar disability may benefit from a particular program, it may

83. Submission No. 210, p. 1 (National Women's Consultative Council). See also Margaret Steinberg 'Special Consultations with Disabled Women and Girls' (NWAC Research Report, partially incorporated in *Transcript of Evidence*, pp. 4119-4143 (Dr M. Steinberg).

84. Submission No. 210, p. 4 (National Women's Consultative Council).

85. See Submission No. 15, p. 2 (People with Multiple Sclerosis Queensland).

better service the needs of young, rather than older people, men rather than women, Anglo rather than persons of other ethnic groups. Consequently, information which could enable components of the program to meet the specific needs of all participants or potential participants, is essential.

2.61 Departments need to be able to obtain and disseminate such information, hence their planning and data systems must be able to accommodate such variables. In addition, their information/education services, both internal and external, must also reach their target groups, so that services are both carefully planned and able to attract the attention of those to whom they are directed.

2.62 Interdepartmental work⁸⁶ and the development of a number of interconnected initiatives, as in the 1990-91 Budget⁸⁷, demonstrate that multi-departmental approaches may be a useful process in providing services which meet broad needs of people with disabilities. Additionally, both DHH&CS and DEET have established a number of specialist services already in order to maximise access of disadvantaged groups as, indeed, have a number of other departments including the Department of Social Security. However, there are still gaps in service provision, and, while there have been developments in providing services for young people, it is considered particularly important to ensure that young school leavers are not ignored, either to go to inappropriate employment or to be unable to access any support services:

... this transitional period is a critical period and what happens then might well determine the long term future that an individual ... faces.⁸⁸

2.63 Another way of ensuring that services are able to meet a range of needs is to allocate services to 'generic' departments, that is, to have departments which provide training and employment for the community in general provide such services also for people with disabilities.⁸⁹

2.64 This suggestion was made often by witnesses and in submissions.⁹⁰ As an integral part of normalisation, and to avoid the correlation of disability and illness, it may be thought that employment services should not be operated by the Department of Health, Housing and Community Services. Some organisations

86. An example of interdepartmental working groups is the Disability Task Force set up to develop new policy to maximise opportunities and limit disincentives for people with disabilities. The major departments involved have been DSS, DHH&CS, DIR and Finance.

87. See the 1990/91 Budget Paper, *New Initiatives for People with Disabilities*. See also *Transcript of Evidence*, pp. 4781-95 (DEET).

88. *Transcript of Evidence*, p. 3710 (The New South Wales Council for Intellectual Disability).

89. However, see below Paragraph 2.77. See also Paragraphs 3.82, 5.120-5.125.

90. *Transcript of Evidence*, pp. 3708-9, 3716 (The New South Wales Council for Intellectual Disability), p. 5376 (JobMatch).

suggested that, if there is competition for funds, this should be competition among employment services, and not between employment and other services – ‘the competition would all be employment related’.⁹¹ At the very least, JobSupport argued, there should be better links between relevant departments to ensure effective operation of different components of programs.⁹²

2.65 Organisations did note, however, that while ‘generic’ departments and programs were preferred, there was still a need for specialised services within these in order to ensure a greater chance of success for participants.

I think there is a case to have people with specialised skills and knowledge operating some of these generic services in employment.⁹³

2.66 Where this did not occur, it was believed, those generic services were unable to meet needs.

It is not recognised by DEET that many people with disabilities are more appropriately assisted in finding and monitoring employment by specialised job search, on the job training and on-going liaison and support.⁹⁴

2.67 Developing services to meet the needs of different groups, with considerable variation in background and experience, is clearly a challenge. This is particularly the case in a period of high unemployment and an increase in multiskilling.⁹⁵

Multiskilling certainly is making it more difficult to put people with a disability into employment – within the Public Service, particularly.⁹⁶

A more competitive and more skilled non-disabled/non-disadvantaged workforce presents greater difficulty of access for people with disabilities.⁹⁷

91. *Transcript of Evidence*, pp. 5376-7 (Jobmatch). Obviously, the division of Commonwealth/State responsibilities in the disability field could affect this view to some extent.

92. *Transcript of Evidence*, p. 5378 (JobMatch).

93. *Transcript of Evidence*, p. 4417 (Queensland Association for Mental Health). See also *Transcript of Evidence*, p. 4418.

94. *Transcript of Evidence*, p. 5160 (Project Employment Inc.).

95. See especially *Transcript of Evidence*, p. 3716 (New South Wales Council for Intellectual Disability).

96. *Transcript of Evidence*, p. 4197 (Epic Employment). See also *Transcript of Evidence*, pp. 1320-21 (National Council on Intellectual Disability).

97. See *Transcript of Evidence*, pp. 1320-21 ‘The trend is evident throughout a whole range of occupations to require higher and higher academic qualifications which perhaps have nothing to do with the job that is to be done. That may relate to some future promotion, but even

2.68 The development of access and equity guidelines, and particularly the recent broadening of these to include a wider range of cultural backgrounds, including Aboriginal, could help to ensure that these disadvantaged groups are better serviced. However, both the then DCSH and DEET had already directed considerable attention to the specific needs of Aboriginals although, for the latter Department, not necessarily for Aboriginals with disabilities. In addition, as part of its charter, the Aboriginal and Torres Strait Islander Commission (ATSIC) established in 1990 will work towards the achievement of justice and equity for Aboriginal and Torres Strait Islander (ATSI) people. As such, the commission has a fundamental role to play in advising the Commonwealth government on the development, implementation and co-ordination of programs of assistance for ATSI people with disabilities.⁹⁸

2.69 The Disability Services Program in DHH&CS considers gender a factor which may inhibit participation, and undertook research to determine access of women to CRS services.⁹⁹ While a number of relevant DEET programs are not specifically directed to women, they may be included in other 'disadvantaged' categories. However, this may not mean that generic services will be particularly useful to them, for example because of their lack of recent work experience, and also because their disability may be a more important factor than gender.

2.70 Socio-economic disadvantage and related factors are not specifically addressed by services for people with disabilities. Most services which are directed to people with disabilities appear based on the assumption that access is limited more by lack of services than by lack of knowledge or experience in accessing services, or by unwillingness to become involved with the system. While it is true that the absence of comprehensive data makes it difficult to determine both the numbers of people with disabilities and the factors which affect their access to such services as are available, it is also likely that services not only need to be increased but to be aware of individual access problems.

2.71 As was suggested above, socio-economic disadvantage may affect a number of areas of individuals' lives, and programs and services which cannot take account of this may perpetuate the exclusion of groups from required assistance. Where programs are directed to addressing issues of disadvantages, including lack of

then it is doubtful. As there is an increased emphasis within our society on academic qualifications then people with intellectual disabilities fall farther and farther behind ordinary job opportunities' (National Council on Intellectual Disability).

98. Aboriginal and Torres Strait Islander Commission, *Annual Report*, 5 March 1990 – 30 June 1990, p. ix.

99. As women did not suffer the same accident rates as men, the research indicated that 50 per cent access to CRS services would not be appropriate.

employment experience, it is essential that they can identify both the factors that limit access and the long and short-term effects of these.¹⁰⁰

2.72 If assumptions which become central to programs are inadequately researched, it is possible for the program or service to fail in its objectives. This could easily produce further disadvantage.

2.73 The issue, therefore, is that while there is a need to ensure that people do not miss out on services, it is also essential that they are not provided with services which cannot meet their needs.

2.74 Similar comments could also be made about other groups (who may also have experienced socio-economic disadvantage). This has been recognised to some extent by the establishment in DEET of specialist units – for example, Disability Access Support Units (DASUs) – which may be essential in the effective operation of programs such as Skillshare.¹⁰¹ The new service *Paid Work Experience for People with Disabilities*¹⁰² for people with a high level of disability may also be an effective means of providing relevant work experience for those people with disabilities who would have difficulty working in a wage subsidy program. While concern has been expressed about marginalisation produced through specific programs, it is also important to ensure that such programs and other assistance is available for those who will benefit from them.

2.75 Generic programs will often be inappropriate for people with particular disabilities and such individuals can be easily marginalised through failing to keep up with others or for other reasons: ‘in order to gain equal access you sometimes need special conditions to allow certain groups to gain that equal access’.¹⁰³

2.76 This is not to say that focussed or specialist services will inevitably succeed in meeting all needs equally. For example, the Innovative Rural Education & Training Program may be valuable to people in rural areas, but is not necessarily able to meet the needs of people with disabilities in a rural location. Services would need either to be developed within generic programs so as to meet such individual needs, or generic programs may need to be combined with specialist services which could meet the different needs of people with disabilities.

100. For example, there is some awareness demonstrated of the ill-effects of socio-economic disadvantage in education – see DEET National Board of Employment Education and Training *A Fair Chance for All*, February 1990, pp. 14-19. DEET only addresses indirectly the issue of socio-economic disadvantage in some labour market programs.

101. See Senate *Hansard*, 4 December 1991, pp. 4121-4122. It has been suggested that there is conflict between the Skillshare Guidelines for 1992 and the draft SkillShare strategy paper which recommended additional funding for projects that met set targets in terms of clients with disabilities; however, see below Paragraphs 5.68, 5.137-5.138.

102. DEET Program Performance Statement 1991-92, p. 117.

103. *Transcript of Evidence*, p. 5605 (DEAC – Disability Employment Action Centre). However, see Senate *Hansard*, 4 December 1991, p. 4121.

2.77 What has emerged in the Committee's consideration of DEET programs (particularly as they operated in 1989 and 1990) is that it is difficult for a Department with overall responsibility for employment services to be able to meet all the needs of differing target groups through generic services. The desirability of DEET providing all Commonwealth employment services for people with disabilities must be questionable, at least in the next few years to 1995.

2.78 Major changes in the workforce and the particular needs of people with disabilities will both be factors that must be addressed, and addressed consistently and with creativity. DEET has demonstrated that it can meet the needs of some people with disabilities through generic programs and that it is willing to introduce special services to assist others with some severe disabilities. It is necessary for these special services to be properly evaluated, and for others to be developed for people requiring flexible and/or part-time employment, before DEET can take on greater responsibilities for people with disabilities.

2.79 The Committee considers that it is still necessary for DHH&CS to continue developing other employment options and assisting in the transition of sheltered workshops to more open employment and structures. The Disability Services Program in the Department is specifically directed to people with disabilities, and its capacity to achieve social justice outcomes for people with disabilities may be greater than that of DEET. The extent to which this is the case is likely to depend on the program identifying specific needs and adjusting services to meet these.

2.80 A major step in this direction has been taken with the development of a new data system which is intended to identify areas of highest unmet need on a quantitative basis, and which also has the capacity to add qualitative data.¹⁰⁴ Although based on the ABS 1988 Disability and Ageing Survey which required self-identification and assessment, the new system will also access DSS income security data at a 'small area' (local) level. The benefit of this will be a greater dependence on identified need for income support, rather than on statistics which may result in an underestimate, as there is often a reluctance to identify that one has a disability if there is no apparent benefit to be gained. However, it should also be noted that in the 1988 survey, 32.8 per cent of people with disabilities were not in the labour force nor in receipt of a listed pension, and therefore DSS data will not provide the complete picture. Additional information should also be available from the Home and Community Care (HACC) program which will be able to provide some information on clients' age, service type and location, to give a better picture of the needs of some non-aged people with disabilities. However, it must be remembered that there is a need to develop standard definitions and terminology in order to ensure more useful data collection and use.

The Committee has made recommendations on the need for standard definitions and terminology, and on data collection in Chapter 1.

104. See above, Paragraphs 1.42-1.44.

2.81 The refinement of available data, in conjunction with the development of consultative bodies and the use of qualitative information, should provide the basis for a more complete knowledge of need. Nonetheless, knowledge of broad need, in the sense of numbers and general categories of service required, will not in itself meet specific needs. The Department of Health, Housing and Community Services' Disability Services Program has indicated its awareness of this, including through research carried out by the CRS on access to specific types of employment (public versus private)¹⁰⁵; through the establishment of complaints units and advocacy services; through the development of a consumer rights strategy¹⁰⁶; and through the provision of information from a number of consultative bodies such as DACA, the Disability Services Advisory Committees, and HACC advisory committees.

2.82 However, a more direct way of determining and meeting certain types of needs might be to run several external evaluations of new program types such as CETPs and Supported Employment services. Until recently, it was not possible to utilise much information from these new services because the Department had remained at arm's length from them and had not insisted upon the regular provision of standard data.¹⁰⁷ While the number of persons using these programs is small, and hence no general conclusions could be reached in terms of specific components that might need to be developed to meet the needs of women with disabilities or Aboriginal women with disabilities, for example, the long-term usefulness of the services in meeting a range of employment needs will depend on their capacity to meet these needs as well.

2.83 A census of disability services was undertaken in March 1991¹⁰⁸, was still being finalised in September 1991¹⁰⁹, and more detailed information was expected to be available in 1992.¹¹⁰ During the Budget Estimates session in September 1991 it was stated that 'detailed information' had not been obtained for 1990-91 for new services, and therefore the extent of employment of service users was not known.¹¹¹ This absence of information is discussed in greater detail below¹¹² but it is important to note here that the absence of systematic data collection on new service types must have had an effect on identifying the problems and benefits of such services over the last five years. In particular, the absence of a range of information especially on specific needs and on the needs of people with severe

105. Senate Estimates Committee E, 18 April 1991, p. E94.

106. DHH&CS Program Performance Statement 1991-92, p. 130.

107. See below, Chapter 5, Paragraphs 5.186-5.193, and Chapter 6, Paragraphs 6.316-6.330.

108. DHH&CS Program Performance Statement 1991-92, p. 130.

109. Senate Estimates E, 12 September 1991, p. E201.

110. *ibid.*

111. *ibid.*

112. See Paragraphs 5.186-5.193, 5.219-5.236. See also Appendix 7.

and/or multiple disabilities and on the extent to which they can be assisted by new services, is a weakness in Departmental operation and in advancing social justice.

2.84 This is not to undervalue the considerable achievements of the Disability Services Program over the last five years; it has made considerable changes in the employment area. However, in the absence of information about unmet need, and about the extent to which services can meet the variable employment needs of particular groups of individuals, the depth of change produced through the implementation of the DSA is still difficult to measure.

2.85 New service types have indicated a capacity to provide employment options outside of sheltered employment for some people with severe and/or multiple physical disabilities, and services have also been established for people with moderate to severe intellectual disabilities. The major questions, then, relate not so much to the actual establishment of services for such groups, but how equitably these can be distributed; how much they cost; how long employment is maintained; whether services can meet a number of different needs; and, for people with severe to profound disabilities, whether 'employment' is a real option, valued by them. These issues are discussed further in Chapters 5 and 6.

CHAPTER 3

EQUALITY – THE LAW AND PUBLIC PERCEPTION

3.1 Access and participation can be affected by a range of factors, some of which are shared by other members of the wider community. Access, participation, and equality are also limited by community attitudes, and by the application of these attitudes by a number of community sub-groups.

3.2 Attitudes are a reflection of the beliefs held by different members of the community and, as one witness stated, 'the government can't legislate on attitude'.¹ In considering the range of beliefs held about people with disabilities, and the responses of people with disabilities to these, it is nonetheless necessary to note that legislation has helped to change beliefs in the short and the long term, and that information and education programs have also been crucial to a better understanding by the broader community of people with disabilities. Commonwealth legislation is extensive², although constitutional limitations affect the extent of power to have certain forms of discrimination declared illegal; some State governments have also developed legislation which protects people with disabilities from some forms of discrimination.

3.3 Those who may benefit most from these relatively recent developments are people with disabilities in younger age groups, although this in itself will not necessarily or directly enhance employment opportunities. While there has been considerable development of services for younger people, it is also important to ensure that there is both sufficient 'transition' service provision³ and parent awareness of such services and their importance. Greater expectations, and enhanced confidence may result from a more understanding society, but the level and type of disability and the influence of disadvantaging factors will also operate against effective participation. The absence of appropriate services for young people will also mean that their expectations will not be met, and their confidence may decrease rapidly. For people with disabilities in older age groups, long experience of both subtle and more obvious forms of discrimination (including poor education, limited community contact during employment experience or a lack of involvement with the community for a number of years) may be major factors in limiting access to more open employment options. Again, this will vary between individuals, but increased participation may be possible only through specific programs which meet needs based on past experience. For example, programs may need to provide self

1. Submission No. 29, p. 2 (Mrs I. Kwong).

2. Planned Commonwealth anti-discrimination legislation for people with disabilities was announced in June 1991. See below, Paragraphs 3.5, 3.10.

3. See above, Paragraph 2.62 and below Paragraphs 4.38-4.77.

confidence *before* actually trying to overcome specific problems such as lack of literacy and numeracy.

3.4 As suggested above, people with disabilities require access to greater self-determination in order to avoid being marginalised and deprived of participation in the community. In particular, they need the protection of the law and access to the equality that is afforded under the law to all citizens, but so far legislation relating to people with disabilities has been unable to provide this protection. Four States⁴ have legislation relating to discrimination on the basis of disability. State/Territory governments will also be developing legislation which complements the *Disability Services Act*, under the Disability Services Agreement signed in July 1991.

3.5 Broad Commonwealth anti-discrimination legislation which was an issue discussed in the first Ronalds report⁵, has been considered in some detail. Such legislation will operate independently of State/Territory disability services legislation. Where provisions exist, State and Territory anti-discrimination legislation would apply. For issues or matters where State and Territory legislation did not have appropriate provisions, Commonwealth legislation would apply. The Commonwealth legislation proposal was further developed by the publication in July 1991 of a paper *National Disability Discrimination Legislation*, which was followed by extensive consultations in July and August 1991. The results of these discussions were published at the end of 1991.⁶ On 5 December 1991 the Minister for Health, Housing and Community Services, the Hon. Brian Howe, and the Attorney-General, the Hon. Michael Duffy, announced that 'the Government had agreed to the drafting of legislation which would make it unlawful to discriminate against people with disabilities'.⁷

Human Rights

3.6 Human rights are, by definition, those to which all people are entitled by virtue of their status as human beings. Human rights should be universal, applying to 'all people at all times in all situations'.⁸ They are rights one can assume from basic humanity, irrespective of social and other status, and consequently, people with disabilities have human rights. Such rights are not always enshrined in national legislation, but several countries have entered into international treaties and

4. New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, the ACT and the Northern Territory are considering similar legislation.

5. C. Ronalds, *National Employment Initiatives for People with Disabilities*, 1990 (hereafter cited as *Ronalds Report*), p. 99.

6. DACA – *National Disability Discrimination Legislation*. Report of the National Consultancy with People with a Disability, AGPS, 1991.

7. Attorney-General, Press release 'Disability Discrimination Legislation', 5 December 1991.

8. Peter Bailey, *Human Rights: Australia in an International Context*, London, 1990, p. 2.

agreements of a quasi-legal nature which obliges them to abide by certain minimal 'rights' standards is the conduct of their national affairs.

3.7 The United Nations is largely responsible for the promotion and awareness of human rights, and the 1948 Universal Declaration of Human Rights (UNDHR), the International Covenant on Civil and Political Rights (the ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1976 are considered to comprise the 'definitive international statement on the scope of human rights'.⁹ Countries which ratify UN covenants or conventions, or which pass UN declarations, enter into certain international obligations with respect to these instruments. Although some of these obligations may, strictly speaking, not be legally binding in international law, countries are nevertheless bound to honour them, as good international citizens, and they are held accountable for them by the international community.

3.8 Australia is a signatory to a number of United Nations covenants, conventions and declarations on human rights, some of which have particular relevance to the human rights of people with disabilities. These instruments include the International Covenant on Civil and Political Rights (ICCPR), ILO Convention Numbers 111 and 159, the 1948 Universal Declaration of Human Rights (UNDHR), the 1971 Declaration on the Rights of Mentally Retarded Persons, and the 1975 Declaration on the Rights of Disabled Persons.¹⁰ Australian legislation is linked to these international agreements under the foreign affairs power of the Constitution.

UN Declarations

3.9 Australia has assented to a number of UN Declarations which have provisions relating to the human rights of people with disabilities. Unlike Covenants and Conventions, declarations have no binding force in international law¹¹, but the principles they embody may be viewed as international standards of acceptable practice in this arena. In fact, some human rights declarations (those concerned with the rights of the mentally retarded, the child, and the disabled) have virtually attained the international legal status of covenants.¹² The Human Rights and Equal Opportunity Commission (HREOC) gives these declarations the status of covenants, and this is signified by their appendage, together with the ICCPR, to the 1986 HREOC Act.¹³

9. *ibid.*, p. 1.

10. See Appendices 9-12.

11. Bailey, *op. cit.*, p. 111.

12. See Appendix 9.

13. Bailey, *op. cit.*, p. 111.

Federal Legislation

3.10 At June 1991 when the Attorney-General and the Minister for Health, Housing and Community Services announced that new legislation would be considered, Australia had no comprehensive anti-discrimination or equal opportunity legislation which had been specifically devised for the protection of the rights of people with disabilities, comparable to that relating to sex and race discrimination. However, some protection was provided by various federal laws, which include the *Human Rights and Equal Opportunity Commission Act 1986*, and the *Public Service Act 1922*. In the context of this inquiry it is also appropriate that the *Disability Services Act 1986* be considered, for, although it was not designed to legislate for the direct provision of human rights for people with disabilities, the principles which inform the Act are clearly in the domain of human rights, and issues surrounding the implementation of this Act are the basis of this inquiry.

The Human Rights and Equal Opportunity Commission Act 1986

3.11 This Act established the Human Rights and Equal Opportunity Commission (HREOC) as an independent, statutory body with particular functions in the human rights and EEO arena.¹⁴ Specifically, HREOC's authority has related to functions conferred on it by the *Sex Discrimination Act 1984*, and the *Race Discrimination Act 1975*, but the Commission has enjoyed fairly broad power to investigate allegations of discrimination in the workplace, and it has played a central role in raising the level of community awareness in the domain of human rights.

3.12 The original HREOC Act formally gave the Commission authority to investigate complaints of discrimination on certain grounds, which included race, colour, sex, religion, political opinion, national extraction or social origin. Although the original Act made provision for the Commission to investigate complaints based on 'other grounds', and the Commission did this, regulations which came into effect on 1 January 1990 formalised the Commission's authority in the domain of disability by extending the Act's definition of 'discrimination'. The formal definition of discrimination in subsection 3(1) of the Act includes 'any distinction, exclusion or preference made on the ground of . . . impairment . . . mental, intellectual or psychiatric disability . . . physical disability'. 'Impairment' is defined in the regulations, as: (a) total or partial loss of a bodily function, (b) the presence in the body of organisms causing disease, (c) total or partial loss of a part of the body, (d) malfunction of a part of the body, (e) malformation or disfigurement of a part of the body.

3.13 However, the HREOC Act does not make discrimination on the grounds of disability unlawful and the Commission does not have the power to make enforceable orders against bodies, including Commonwealth authorities. While sexual and racial discrimination are outlawed by the *Sex Discrimination Act* and the *Race Discrimination Act*, respectively, discrimination on the grounds of disability can only be pronounced illegal through new legislation. The Commission is empowered to

14. *Ronalds Report*, p. 85.

'inquire into any act or practice that may be inconsistent with or contrary to any human right', and, where the Commission considers it appropriate to do so, to 'endeavour, by conciliation, to effect a settlement of the matters that gave rise to the inquiry'. The Commission is further empowered, where it 'has endeavoured without success to effect . . . a settlement, to report to the Minister in relation to the inquiry'. The Commission has undertaken an inquiry into psychiatric disability which had not been finalised by the time this report was published.

The Public Service Act 1922

3.14 Under the EEO provisions of this Act, Federal government departments are 'responsible for eliminating unjustified discrimination against people with disabilities'.¹⁵ Section 7 of the Act specifically includes people who are physically or mentally disabled in the designated groups for which EEO programs must be devised. Section 22B(2) of the Act sets out the requirements for EEO programs, and EEO Guidelines have been developed to assist departments in the formulation of these. Basically, government departments are required to make 'reasonable adjustments' to the work environment, to facilitate the integration of people with disabilities. However, it is justifiable to not make 'reasonable adjustments' whenever 'undue hardship' can be demonstrated.¹⁶ According to the provisions of this Act, departments are obliged to collect data to enable evaluation of the operation of their EEO programs, and to 'inform . . . of the results of any review of the program . . . '.

The EEO (Commonwealth Authorities) Act 1987

3.15 The provisions of this Act were designed to protect the interests of certain 'designated groups', including people with disabilities, in Commonwealth statutory authorities. 'Authorities are required to lodge an annual report covering the development and implementation of their EEO program with either the relevant Minister or with the Public Service Commission.'¹⁷

3.16 There is currently no legislation which protects the rights of people with disabilities working in the private sector; private sector employers are not obliged to produce EEO programs for people with disabilities, although larger employers must devise them for women in their employ.¹⁸

15. *ibid.*, p. 93.

16. *ibid.*, p. 93.

17. *ibid.*, p. 94.

18. *ibid.*, p. 93.

The Disability Services Act 1986

3.17 The *Disability Services Act* (DSA), proclaimed on 5 June 1987, is concerned with the funding of services for persons with disabilities. As the then Minister for Social Security, The Hon. Brian Howe, said in an address to the Human Rights Congress in September, 1989: 'The *Disability Services Act* provides an integrated set of arrangements for employment, training, rehabilitation, and accommodation based on the objectives of promoting competence, self-reliance, consumer choice and a positive self image for those using them'.

3.18 Section 5 of the DSA states that the 'Minister may formulate principles and objectives to be furthered, and guidelines to be complied with, in the administration of this Act'. These have been articulated in a document, entitled 'Principles and Objectives Formulated Under the Disability Services Act 1986', which was published in the Commonwealth of Australia Gazette No. S118, Tuesday, 9 June 1987.¹⁹ The seven principles refer to the inherent right of individuals with disabilities to respect for their human worth and dignity, and to the same basic human rights which are the entitlement of other members of society. Principle 3 states that people with disabilities have the same rights as other members of Australian society to 'realise their individual capacities for physical, social, emotional and intellectual development', and Principle 4 that they have the 'same right as other members of Australian society to services which will support their attaining a reasonable quality of life'. Principle 5 states that people with disabilities 'have the same right as other members of Australian society to participate in the decisions which affect their lives', and Principle 6 that these same people have the 'same right as other members of Australian society to receive those services in a manner which results in the least restriction of their rights and opportunities'. Finally, Principle 7 argues that people with disabilities have the 'same right of pursuit of any grievance in relation to services as have other members of Australian society'.

3.19 The *Disability Services Act* will be amended in 1992 to allow a number of changes, announced at the end of 1991, to be implemented. Some of these changes are outlined below.²⁰

State legislation

3.20 As noted above, four States have anti-discrimination legislation relating to certain disabilities, and this is discussed briefly in Appendix 8. The other States and Territories are also considering the introduction of such legislation. In addition, the Disability Agreement signed in July 1991 in respect of the transfer of accommodation and related services to the States/Territories, and the maintenance by the Commonwealth of employment services, will require legislation complementary to the DSA.

19. These principles are reproduced in Appendix 13.

20. See Paragraphs 6.294-6.297.

3.21 However, proposed amendments to the DSA in 1992 will include a section under which the Minister is able to approve a disability service currently funded under another Commonwealth, State or local government program as a prescribed service. This amendment will facilitate the implementation of the Commonwealth/State Disability Agreement.

Affirmative action and quotas

3.22 More effective anti-discrimination legislation is crucial. Many people with disabilities employed in mainstream, open employment are not covered by any anti-discrimination legislation making it illegal for them to be discriminated against in the workplace.²¹ Many witnesses argued for the enactment of comprehensive, anti-discrimination legislation to protect the human rights of employees with disabilities.²² It would be far better to prevent the occurrence of discriminatory acts, and, in this sense, anti-discrimination legislation is always an after-the-fact redress. However, given the level of harassment that employees with disabilities have experienced in some workplaces, the development of uniform suitable, strong legislation is a major achievement.

3.23 A number of witnesses and submissions to this Committee discussed the issue of quotas and affirmative action in relation to employment opportunities for people with disabilities.

Quotas

3.24 Opinions on the value of quotas varied. Some people believed that a quota system could be useful in that it could actually get people with disabilities into the workforce. 'I think the Government has to make some sort of stand on actually giving people opportunities for jobs.'²³ The National Council on Intellectual Disability (NCID) was opposed to the use of quotas on the grounds that it was a negative approach, indicating the end, rather than the beginning or continuation, of a person's opportunities in employment.

There are countries in this world where an attempt has been made to produce equal opportunity through quotas, and it is our belief that it has not worked and we do not believe that it is at all appropriate in Australian society to think about employment quotas or to think about proportion of people who should be in the work force I guess some of it comes down to simply going as far with individuals as is possible to go. The view that says, "Okay; this is okay for this person, this is

21. *Transcript of Evidence*, p. 3682 (The New South Wales Council for Intellectual Disability). See above Paragraph 3.13.

22. See, for example, Submission No. 122 (Australian Down's Syndrome Association Incorporated), Submission No. 206 (Human Rights and Equal Opportunity Commission), and Submission No. 168 (Disabled Peoples' International).

23. *Transcript of Evidence*, p. 56 (South Australian Government).

where we must stop with this group of people", is not one that National Council supports. We believe that it is possible – again it is the consensus view – within the framework of the Act for a wide variety of competitive, open and supported employment options to be carried forward; that much of the work that is currently being done by those organisations will move, over time, very comfortably into a supported employment role.²⁴

3.25 The use of quotas was seen as having a number of problems, all of which would have to be addressed if the system was to be effective rather than just window-dressing. It was believed, for example, that departments/agencies could simply meet requirements by employing people but taking little interest in skills development – a point which is essentially that of NCID representatives. Quotas had to be part of an active, involved strategy, and should not be a matter of meeting a target but paying no attention to the individuals concerned and their abilities.

... the jobs that are provided have to be worthwhile. They have to increase the dignity of people. I have seen instances where, when you have a compulsory percentage, a person is taken on and they are given a broom and stood down at the far end of the building and they do not play any part in that industry whatsoever.²⁵

Another witness stated that:

... where employers had been required to take on people with disabilities it had more negative effects than it had positive effects. That was the gist of the point: it was open to tokenism; it was open to resentment. The person who was placed there was devalued by the fact that they had to be there and that seemed to outweigh the benefits of the requirement.²⁶

3.26 Another problem that had to be faced was the level of disability of people employed under quotas. It was believed that people with very mild levels of disability²⁷ might be deliberately taken on in order to meet a quota with the minimum inconvenience to the employer. People with more severe disabilities would not be assisted under such a scheme, although one witness referred to a quota program where companies took either larger numbers of people with mild

24. *Transcript of Evidence*, pp. 1329-30 (National Council on Intellectual Disability).

25. *Transcript of Evidence*, p. 3724 (The New South Wales Council for Intellectual Disability).

26. *Transcript of Evidence*, p. 5299 (Mr B. Blakeman).

27. *Transcript of Evidence*, p. 3724 (The New South Wales Council for Intellectual Disability), pp. 4305-6 (The Queensland Spastic Welfare League).

disabilities, or smaller numbers of those with more severe disabilities.²⁸ Consequently, the fact that the system could be abused 'should not stop organisations and governments from proceeding'.²⁹

3.27 To overcome the difficulty of only taking people with mild disabilities it was suggested that a 'standardised scheme for the assessment of handicap for employment and the degree of handicap in relation to work opportunities' be established.³⁰ This would have the effect of giving some priority to people with more severe disabilities (though it should always be remembered that a number of people in this category may not wish to be seen as having a disability or as being adversely affected by it).

3.28 Some consideration was given also to a blanket quota system which might take limited account of an employer's capacity to take on staff with disabilities.³¹ It was believed there would be no point in expecting all employers to take on a number of people with disabilities, as many employers would not be in a position to do so.

3.29 The European (including the United Kingdom)³² system of quotas does not appear to have been particularly successful³³, although this system has had some useful residual benefits. Companies which decided to avoid taking on staff with disabilities were obliged to pay a fine³⁴, and this money went into a fund, part of which was used to provide services for people with disabilities. The objective of providing employment opportunities for people with disabilities, however, is presumably of sufficient importance to make the option of a fine unacceptable; the point is to change the attitudes of employers so that people with disabilities are not perceived as too unproductive to be accommodated in an extremely sophisticated workforce (for example, in former West Germany) and, with other 'non-productive' groups, marginalised and supported by a relatively small workforce.

28. *Transcript of Evidence*, p. 4307 (The Queensland Spastic Welfare League), p. 4483 (Australian Red Cross Society, Queensland Division).

29. *Transcript of Evidence*, p. 4306 (The Queensland Spastic Welfare League), p. 4483 (Australian Red Cross Society, Queensland Division).

30. *Transcript of Evidence*, p. 454 (Messrs Rothwell and Smith, Cumberland College of Health Sciences).

31. *Transcript of Evidence*, pp. 84-5 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.), p. 1329 (National Council on Intellectual Disability).

32. See Joan C. Brown, *Victims or Villains. Social Security Benefits in Unemployment*, London, 1990, pp. 145-7.

33. *Transcript of Evidence*, p. 56 (South Australian Government), p. 4208 (Epic Employment Service, M.O.R.E. Inc.).

34. *Transcript of Evidence*, p. 56 (South Australian Government), p. 4208 (Epic Employment Service, M.O.R.E. Inc.).

3.30 As was indicated very clearly by one witness, the real point was not merely to talk about quotas or affirmative action, but to see why such measures were in fact being discussed. There was a need for more active intervention to assist people with disabilities at an earlier age³⁵ and resources should be directed towards such intervention.

If you take that back one step further and you start to say, "Why are we not getting these people under the normal process, what is going wrong there", and look at why people are not just presenting themselves in that sort of proportion in any case, then I think you are really starting to do some sort of service. That would mean that you would have to get out there and find out what is going on in the education system; you would have to find out why it is that in some of the tertiary areas you are not receiving those people coming in as the normal part of the process. If we followed that sort of a system it might in fact act as a monitor for us to go back and discover the problems very early on in the day.³⁶

3.31 One organisation which believed that quotas could work, also emphasised that quotas should be used in conjunction with education/information systems.

A lot of people have made the point that this does not work. My experience overseas is that, where it is backed up with a package of information giving employers advice about how they can employ disabled people and what jobs they can employ them in, etcetera, it has tended to work in Japan and West Germany not so much in the United Kingdom. The point is that employers have generally received this sort of scheme quite favourably, and it has actually shown them that people with disabilities can do a lot of work that prior to that they did not think they could do. It has had a positive effect in that way.³⁷

3.32 It has been stated that organisations in some European countries include workers' compensation cases in their statistics of people with disabilities in their employment; that they count a person with low levels of disability such as minor hearing loss; and that they prefer paying a higher tax to employing people with disabilities. The Chair of the Committee was advised by senior government officers from the Department of Employment in Bonn and Nuremberg that the quota system had not been as effective as had been hoped or, sometimes, claimed.

35. As is discussed in Chapter 4.

36. *Transcript of Evidence*, pp. 56-7 (South Australian Government).

37. *Transcript of Evidence*, pp. 460-1 (Messrs Rothwell and Smith, Cumberland College of Health Sciences).

Affirmative action

3.33 Most organisations and individuals who discussed quotas and affirmative action appeared to be in favour of either a quota system (to get people into employment) in conjunction with affirmative action (which helped them to move into other positions)³⁸ or of affirmative action itself. A number of witnesses clearly meant affirmative action even though they referred to quotas. Disabled Peoples' International (Queensland) noted that affirmative action was necessary 'to redress past imbalances'.³⁹ However, it was not clear if this opinion was based more on a belief in the psychological boost this might provide than on the belief that previous lack of access required specific training/education to overcome lack of experience.

3.34 Other witnesses considered that affirmative action would be useful both in the short and the long term. Attitudes, they believed, were not changed by legislation only, but by education and information, and by practical experience.⁴⁰

We have talked about positive discrimination as being something that we would argue in favour of for that very reason because if employers across the board are not in contact to some degree with disabilities it is very difficult to be educated about disabilities. If we see somebody in a wheelchair we may assume that they cannot do something without actually looking at the job, and saying, "What are this person's abilities in relation to this job?" There is a big area there of not so much employer attitude as if positive discrimination was something that was across the board, people would automatically be exposed to looking at abilities and not disabilities.⁴¹

3.35 Affirmative action legislation was seen as a more positive and active process than equal employment opportunity which was considered 'passive'.⁴²

I would like to go further as women have done with the affirmative action program so that employers actively look at all of their structures – their policies, practices and procedures – to see in what way they can actively encourage disabled people to apply and to get those people into the appropriate training programs so that they can then take up positions at different levels within the organisation.⁴³

38. *Transcript of Evidence*, p. 56 (South Australian Government).

39. *Transcript of Evidence*, p. 4440 (Disabled Peoples' International, Queensland Branch).

40. *Transcript of Evidence*, p. 4209 (Epic Employment Service, M.O.R.E. Inc.).

41. *Transcript of Evidence*, p. 4305 (The Queensland Spastic Welfare League).

42. *Transcript of Evidence*, p. 1364 (Disabled Peoples' International (Australia)).

43. *Transcript of Evidence*, p. 1363 (Disabled Peoples' International (Australia)).

3.36 Affirmative action was favourably considered because it offered the opportunity of 'genuinely equal access'. In the context of equal skills and abilities as the basis of choice, it must be noted that a substantial number of people with disabilities have not had the opportunities to gain skills and experience commensurate with, for example, their age and abilities. As is indicated elsewhere in the report⁴⁴, people with disabilities often are affected by a range of factors – discrimination, lack of confidence, lack of motivation, lack of experience – which all mitigate against their effective operation in the workforce and often in the community generally. In such instances, it is likely that affirmative action would be a very long-term process in terms of changing community attitudes. In the short-term affirmative action could mean that those people with disabilities who had experienced fewer disadvantaging factors⁴⁵ than other people with disabilities might have greater success than those with more substantial needs – for example, in areas such as support, self-confidence, etc. This could mean that those who currently had the least difficulties with access could continue to be advantaged over other people with disabilities, at least in the short term.⁴⁶

3.37 Other witnesses indicated that they would be in favour of affirmative action legislation, though they did not necessarily consider whether this would be a part of anti-discrimination legislation. One of the benefits of such legislation, one organisation believed, would be that it would help to educate the community.

While it might be unrealistic to expect that legislation would actually be totally effective, it certainly would make a contribution, I am sure. Secondly, if it achieved nothing else it might let the general community have a greater knowledge of people with disabilities. The general community, as far as I can see, does not have a great knowledge of who actually is a person with a disability or disability issues. It is only really when a person is actually touched by knowing somebody with a disability or actually looking at issues, that they really have any knowledge of that. Maybe legislation might help to achieve that.⁴⁷

3.38 Affirmative action legislation was seen as potentially beneficial because it suggested an active strategy:

EEO is very passive. It means that employment panel people can sit there and just let anyone come before them and whoever turns up, they will then select the best applicant based on EEO principles. What

44. See Chapters 2, 5 and 6.

45. See above, Chapter 2, Paragraphs 2.47-2.48; see also Chapters 5 and 6.

46. See especially Paragraphs 6.326 and 6.329.

47. *Transcript of Evidence*, pp. 4209-10 (Epic Employment Service, M.O.R.E. Inc.).

we are looking at is before they get to the interview and what happens to the person.⁴⁸

Affirmative action, by contrast:

will take positive steps to encourage those people to apply, and to provide them, if necessary, with separate training so that they can get up to the level where they can compete equally.⁴⁹

Anti-discrimination legislation

3.39 Anti-discrimination legislation was discussed by a number of witnesses to this Committee who identified that it would be useful – though perhaps as part of a package, including information/education, rather than as an isolated measure.

Our view is that the legislation would be only one part of a continuum, a bigger package, which is the same sort of thing that has happened in regard to sexual harassment, for example. It has been a long process to get people to even understand that there is such a thing as sexual harassment and then to bring in the protections, through legislation, which are not always resorted to but which we know are there. It is a legal thing to say that it is not okay to do that, and then that should be joined with education. We do not think that the discrimination legislation on its own would be an answer.⁵⁰

Recommendations

The Committee RECOMMENDS:

1. That Commonwealth anti-discrimination legislation incorporates affirmative action principles⁵¹, whereby Commonwealth departments and statutory authorities apply affirmative action principles in the employment of people with disabilities.
2. That Commonwealth anti-discrimination legislation provides strong penalties for both open and systemic discrimination, including penalties for harassment in the workplace.
3. That Commonwealth anti-discrimination legislation highlights the responsibilities of Commonwealth departments to take all steps possible to

48. *Transcript of Evidence*, p. 1364 (Disabled Peoples' International (Australia)).

49. *Transcript of Evidence*, p. 1364 (Disabled Peoples' International, (Australia)).

50. *Transcript of Evidence*, p. 574 (Mental Health Co-ordinating Council).

51. Affirmative action principles – see Glossary.

ensure improved access of people with disabilities to employment and related services.

Attitudes

3.40 As a number of witnesses noted, legislation has resulted in some changes. However, for people with disabilities, as for other groups of disadvantaged people, there is a need for continual monitoring of access in order to ensure that there is continual development of legislation, policy and attitudinal changes, and implementation of appropriate services. The process of change is neither easy nor short, nor is there always general agreement either as to content or rate of change.

3.41 Certainly, there is a now greater acceptance of involvement and participation by people with disabilities in decision-making processes and, indeed, in other aspects of life which relate to obtaining power and independence, but the perceptions held about people with disabilities are still often negative and little attention is paid to the effort which is required of people with disabilities to survive, to establish a measure of independence. The daily work each person with a disability (and/or carers) carries out in order to cope with the community and 'the system', and to demonstrate their abilities, is often unrecognised. The central issue of self-management, and of the need for individuals and supporters to obtain greater control over their environment, is one which has been acknowledged, but it is rarely seen in terms of being a matter which takes up a considerable amount of time, to the point of being a form of employment.⁵²

3.42 In any study of the capacities and skills of persons with disabilities, the costs of educating and informing one's self and others is high in personal terms and requires a more formal recognition. It is through this interaction with the community, and specific groups within it, that people with disabilities have managed to obtain some measure of autonomy and control. However, the nature of the contact in many cases suggests that acceptance of the independence and equality of people with disabilities is not universal, and that discrimination continues in a number of areas.

3.43 Discrimination can be direct or indirect. Direct discrimination occurs 'when a person acts, either deliberately or unintentionally, to discriminate against another on the grounds of stereotyped attitudes or beliefs', and indirect discrimination occurs 'when policies, practices or rules, although [apparently 'neutral'], result in discrimination against a particular group of persons'.⁵³ Discrimination can be demonstrated in ways which are not necessarily as obvious as is a verbal insult, for example, and can occur when policies and practices are inappropriate for a particular group of people, and when certain people's needs are overlooked in policy

52. Submission No. 84, p. 9 (Ms B. Saxby).

53. Human Rights Australia, *The Rights of People with Disabilities: Areas of Need for Increased Protection: A Discussion Paper prepared for the Human Rights and Equal Opportunity Commission*, (undated), p. 6.

formulation and implementation. Discrimination, therefore, can be as much a matter of omission as of commission.

We consider that [the current] employment initiatives for people with disabilities, are not sufficient for people who have had a traumatic head injury. This is so for many who have otherwise achieved moderate to good social recovery but who are unable to access employment opportunities under these current employment structures. If the specific needs of people with a traumatic head injury are addressed, then there will be a distinct possibility that many more people will successfully return to work following a traumatic head injury. Increased feelings of personal worth and self-esteem will result in an enhanced role in the community.⁵⁴

3.44 During this inquiry reference was made particularly to discrimination against people with disabilities, to the violation of human rights to dignity, respect, security, choice, and development, and to lack of equal access to all of the opportunities normally accorded members of society. Some of these violations were instances of direct discrimination, but more often than not, the nature of the discrimination which occurred was indirect, and much of it is inbuilt and unthinking, indicating that there are problems of image of people with disabilities.

The Community

3.45 The effort made by people with disabilities to establish a positive image has been carried on for many years, both in the broad community and in more specialised groups such as employers, governments and organisations.

3.46 A number of witnesses indicated that, although there had been changes in public attitudes, these had been slow – ‘I think it is all for the better. It is slow; we are a bit impatient’⁵⁵ – and that a lot of work needed to be done still:

The general community, as far as I can see, does not have a great knowledge of who actually is a person with a disability or disability issues.⁵⁶

3.47 Acceptance was sometimes superficial, and acceptance itself could not be legislated for⁵⁷; there was still a belief that people with disabilities were different and that it was difficult to find the right way to express both their needs and the fact that they were part of society. ‘Consciously or unconsciously’, noted the Intellectual Disability Rights Service, others develop the attitude ‘that people with

54. *Transcript of Evidence*, p. 4104 (Headway NSW).

55. *Transcript of Evidence*, p. 4432 (Queensland Association for Mental Health).

56. *Transcript of Evidence*, p. 4209 (Epic Employment Service, M.O.R.E. Inc.).

57. *Transcript of Evidence*, p. 4208 (Epic Employment Service, M.O.R.E. Inc.).

disabilities are different and that they have fewer rights'.⁵⁸ Another witness stated that there had been apparent change, but that one had to be careful not to see this as meaningful acceptance:

Outwardly, yes, [public opinion] . . . has changed, but if it comes to a position of someone needing to be retrenched, the person with the disability will always be chosen first over an able-bodied person, if you have to make that choice. There is still a stigma attached to disability. The attitude of many people is that disability is fine and the person with the disability working in employment is fine as long as they do not work next to me, or so long as I do not have to do something for them.⁵⁹

Employers/employees

3.48 This lack of understanding and of empathy clearly creates difficulties for people with disabilities in all aspects of everyday life. In relation to employment, it puts particular strains on an individual's capacity to cope and to find satisfactory ways of establishing links with the community. Many people with disabilities gain particular support from their disability organisations.⁶⁰

. . . the help I got from working with them was expert, kind and patient and I never learnt so much in a short period of a year in my life before that. My ability to integrate on a more meaningful level with people like myself developed greatly because of this experience and I began to [accept] my own disability instead of fighting it all the time and losing the battle. I felt I was part of a broad spectrum of a group, instead of being just mentally ill in a hopeless and meaningless way. I believed more in the reality of my own illness, and thus was able to tackle it forthrightly, instead of fighting it.⁶¹

3.49 Nonetheless, there is a strong desire to be accepted at the social and work level in a more open environment. The lack of general understanding of both the needs and the skills of people with disabilities were matters which were raised by witnesses and in written submissions. It was felt that there was little understanding of the abilities of persons with disabilities, a fact which in part indicates a lack of effectiveness of information/education campaigns directed to the community in general. Concerns which are specific to employers, however, are also worth detailing

58. *Transcript of Evidence*, p. 4029 (Intellectual Disability Rights Service); see also p. 4205 'there is a reluctance on the part of people to accept and treat some people with disabilities "like other people"'. (Epic Employment Service).

59. *Transcript of Evidence*, pp. 4446-47 (Disabled Peoples' International, Queensland Branch).

60. Submission No. 2, p. 1 (Miss L. Roberts).

61. *ibid.*

because they highlight areas where particular recommendations/solutions might profitably be applied.

3.50 The Queensland Spastic Welfare League listed the major difficulties for people with physical disabilities attempting to enter open employment:

A serious and detrimental aspect to the growth and development of employment options for people with disabilities is the ambivalent attitude that many of the public seem to have about persons with disabilities. In our experience, we have found that many employers are reluctant to employ disabled people. They regard them as too slow to keep up with the work pace. They doubt their ability to maintain a good work record and fear they will have too many sick days. They see them as creating social problems and inconvenience by requiring special privileges denied to other employees.⁶²

3.51 Even when potential employers were willing to consider the possibility of employment, they were not always in receipt of enough advice about what was required – 'I feel there is a big gap between what is put across and the employer's perception of a disability'⁶³, said a witness from the League. While there were many employers who were informed and realistically aware of difficulties that had to be addressed as well as benefits to be gained, many of these had gained their knowledge either through knowing (including being related to) someone with a disability, or over a period of time when various placements had been successful.

Employer incentive

3.52 Some submissions/evidence suggested that employers be given an incentive to increase the likelihood of their offering jobs to people with disabilities.

If they take on a person with mental disability who is not producing the same amount of work but who is still paid the normal rates of pay, then unless there is either a government subsidy, which currently exists, or something else you are not going to get people taken on.⁶⁴

3.53 On the evidence given, there was limited consideration of the reasons why an employer *should* automatically receive an incentive in order to employ a person with a disability. There is an assumption that people with disabilities are too awkward to fit into the ordinary workplace and will require additional support, workplace modification, or supervision. This is similar to the belief that people with disabilities will invariably produce less and hence should receive lower wages. However, this is

62. *Transcript of Evidence*, p. 4288 (The Queensland Spastic Welfare League).

63. *Transcript of Evidence*, p. 4305 (The Queensland Spastic Welfare League).

64. *Transcript of Evidence*, p. 5026 (Australian Down's Syndrome Association Incorporated).

not invariably the case, and a number of people with disabilities may require no support or support only for a relatively short period.

The social stereotyping of disability reinforces a view that disability prevents most people with disabilities from working in all but the most menial of jobs. The facts are that many people with disabilities, and that many disabilities, pose practically no limitation at all on the ability to perform a large variety of work tasks. In other cases, a very small and inexpensive adjustment to the work environment can render many jobs suitable to people having a large range of disabilities. . . . Until now the emphasis has been on changing people or people with disabilities to suit the environment. We are suggesting more emphasis on the introduction of measures to encourage the community in general, and employers in particular, to give more consideration to people with disabilities.⁶⁵

3.54 Any incentives that may be offered, therefore, would need to vary according to circumstances; otherwise, the difficulties of integration may only be emphasised with the disability, rather than the ability, of the individual concerned being the major focus. It should also be noted that in many cases incentives already exist through the provisions of training and labour market programs⁶⁶, the changes that were proposed in the 1990/91 Budget to increase payment for workplace modifications and special equipment⁶⁷, and through the support available to workers through a number of new employment options.

3.55 The Director-General of the Confederation of Australian Industry, Mr Bryan Noakes, also advocated the need for an incentive to the employer.

Firstly, it has to be recognised that in many cases the productivity of disabled persons, and therefore their value to the employer, will be less than that of non-disabled persons and that has to be taken into consideration. The need to provide an inducement for the employer to employ disabled persons in those circumstances needs to be taken into account; the need to secure an adequate remuneration, if I could put it that way, for the disabled person in the work force needs to be taken into account; and the need to provide some incentive over and above the payments made to a disabled person not in the work force needs to be taken into account.⁶⁸

65. *Transcript of Evidence*, p. 456 (Messrs Rothwell & Smith, Cumberland College of Health Sciences).

66. See especially Paragraphs 5.59-5.113.

67. See Paragraphs 5.69, 5.99.

68. *Transcript of Evidence*, pp. 5724-5 (Confederation of Australian Industry).

3.56 There was also consideration of the fact that there should be no *disincentive* to employers to participate in a skills-based wage system. Some participants in the discussion on the first Ronalds report believed that any further work which employers felt they had to undertake (for example, additional paperwork) would be used as a reason for not participating. This was considered in the context of whether the employer should receive any wage subsidy and then pass it on to the employee, or whether this subsidy should go directly to the employee.⁶⁹ Given that employers were considered to be one of the required parties in any assessment process⁷⁰ the minimisation of employer effort was clearly important.

3.57 A number of witnesses also suggested that those who employed people with disabilities should have access to reduced payroll tax⁷¹, or to reduced company tax, or a tax credit⁷², or in short, that there should be tangible benefits available to employers. Other witnesses, speaking more perhaps from the employee's point of view, disagreed. One was reluctant to support the idea of a reward for employers.

The area of awards is one which in a sense is often seen as an alternative to providing models which actually increase a person's performance and skill within a given workplace and systems which actually support the worker in the workplace. Those are the sorts of models that we would be much more in favour of. We would promote the model that enables workers to be supported within the workplace, rather than in a somewhat superficial sense rewarding employers who employ the most people with disabilities or that sort of approach.⁷³

3.58 This organisation was more concerned to move away from any hint of paternalism and rather to encourage the standing of people with disabilities and, indeed, of employers, by emphasising the fact that the employee was providing a service and should not be seen as dependent.

... there is a lot of danger associated, I suppose, with the whole ethic of being charitable and that kind of thing. That is not a neutral thing; it is a really bad thing. It is a very negative approach to the employment of people with disabilities. We are not talking about charity here, we are talking about people doing a fair day's work for a

69. Report of the National Consultations with People with a Disability, 1991, p. 27 (4.12) (hereafter referred to as *Ronalds 2*).

70. *ibid.*, p. 22 (4.6). See also *Transcript of Evidence*, p. 5725 (Confederation of Australian Industry).

71. *Transcript of Evidence*, pp. 5258-9 (West Australian Special Schools Parent Action Group), p. 5274 (Developmental Disability Council of Western Australia (Inc.)).

72. *Transcript of Evidence*, p. 434 (Spastic Centre of New South Wales).

73. *Transcript of Evidence*, p. 5611 (DEAC - Disability Employment Action Centre).

fair day's pay, being successful in their employment and getting access to the opportunities to do just that.⁷⁴

3.59 However, insofar as this may be the case only for people with other than severe disabilities, it is not necessarily realistic. While it is important for employers to be aware of, and sensitive to, the different needs of people with disabilities⁷⁵, it is also the case that many employers will need some assistance or support (financial, technology, leave, wage subsidy) in order for them to be able to employ people with other than minimal disabilities or low support needs. This was noted by the Spastic Centre of New South Wales which was particularly concerned to obtain opportunities for people with severe disabilities.⁷⁶

3.60 The Centre was aware that a number of people using its services, were currently 'unemployable by us' but that 'given sufficient capital outlay on electronic equipment or, whatever, the situation could change'.⁷⁷ While this statement is related to the funding limitations of services, it also suggests that some capital for equipment would need to be available in order to help people with severe physical disabilities obtain employment. Employer incentives could take this into account, and there is some indication that this will be effected at least for small numbers of people, in new employment/work experience options.⁷⁸

3.61 Education for employers on disabilities was considered particularly useful. One witness from Victoria's Office of the Public Service Board told the Committee:

We run disability awareness seminars for both the personnel managers, placement officers and also line managers, where we actually go through and talk about the issues involved in employing people. We have found that our placement rate has been very high after running those particular seminars. In fact, agencies where we have run seminars do have a good record in terms of placement of people with disabilities.⁷⁹

3.62 The Australian Public Service Commission released a strategy for managers which outlines the advantages of employing people with disabilities⁸⁰, and the Human Rights and Equal Opportunity Commission (HREOC) is committed to

74. *Transcript of Evidence*, pp. 5611-12 (DEAC - Disability Employment Action Centre).

75. *Transcript of Evidence*, p. 576 (Mental Health Co-ordinating Council).

76. *Transcript of Evidence*, p. 434 (The Spastic Centre of New South Wales).

77. *Transcript of Evidence*, p. 438 (The Spastic Centre of New South Wales).

78. See Paragraph 5.69.

79. *Transcript of Evidence*, p. 5444 (Victorian Government).

80. *Transcript of Evidence*, p. 5658 (Westwork Industries (Wesley Central Mission)).

education work of this type⁸¹; HREOC has established a national advisory committee which will focus particularly on ways of 'securing greater cooperation from employers' in relation to the employment of people with disabilities.⁸²

3.63 For employers, more direct information was seen as the most important and immediate need and possibly the basis for later co-operative projects on information/education. 'As employer groups we would certainly accept that we have a role to play, but I would not pretend that it is an easy task' noted the Director-General of the Confederation of Australian Industry, Mr Bryan Noakes.⁸³

3.64 The Committee is aware of initiatives undertaken in employer information/education under the auspices of the DHH&CS and other departments. Bearing in mind the constraints of a recessionary environment, emphasis needs to be placed on the provision of assistance and incentives to employers to provide opportunities for people with disabilities.

Recommendation

The Committee RECOMMENDS:

4. That a number of information programs for employers be developed by relevant departments, emphasising the different skills, abilities and potential of workers with disabilities. Such programs should be developed for different employment markets and should include information on assistance available to employers, the possible training needs of employees, and the importance of access to promotion and other benefits.

3.65 One of the benefits of producing material specifically for employers may be that there is a more honest and realistic portrayal of the needs of people with disabilities, as well as the advantages which they have to offer an employer. Employment is likely to be more successful for both parties when this is the case, as was stated by the Paraplegic and Quadriplegic Association of South Australia's representative:

... we have had a little bit of experience as an association in supporting people's applications for jobs. . . Employer education is a very important area and an area which may not necessarily be best served by throwing huge amounts of money at it.⁸⁴

81. *Transcript of Evidence*, p. 5727 (Confederation of Australian Industry).

82. *Transcript of Evidence*, pp. 5723-4 (Confederation of Australian Industry).

83. *Transcript of Evidence*, p. 5728 (Epilepsy Foundation of Victoria).

84. *Transcript of Evidence*, pp. 5099-5100 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

3.66 Another advantage of this approach may be that the chance of developing an employer/employee relationship may be increased, rather than the potential or actual employee feeling he/she owes a debt of gratitude because of being employed. As many persons with disabilities have indicated, a substantial responsibility is placed on them *as individuals* to address issues and to prove themselves, like members of other disadvantaged groups, against a standard (which in fact may not be met by other employees). People with disabilities:

spoke of the dilemma they faced in deciding whether to mention their disability in application letters or phone calls. Some felt that so doing may reduce their chances of getting to the interview stage. Having to compete with non-disabled people for jobs was seen as a significant problem. A further difficulty was feeling that because of having a disability, you had to work harder than others doing the same job to prove yourself.⁸⁵

3.67 The emphasis which is placed by organisations and individuals on the employability of people with disabilities or people with particular disabilities may also require careful monitoring. The nature and level of the jobs which some groups of people with disabilities are undertaking is looked at in Chapters 5 and 6. In the context of images of people with disabilities, however, it is questionable if stressing reliability, punctuality, capacity to do repetitive jobs, has a beneficial effect in the long run. In the short term, this way of presenting people with disabilities may expand the employment market for some – for example, people with intellectual disabilities. However, since the image presented differs markedly from the supposed standard expectations of workers, it may serve only to accentuate differences.

3.68 The extent to which the individual and any supporting organisation needs to take the initiative in overcoming preconceptions as well as particular real problems (for example, the need for equipment or for 'special' leave, etc.) demonstrates the additional demands which people with disabilities have to face in order to become or stay employed, as well as to maintain good working relations with colleagues or superiors.

3.69 There may be a role for the support by work colleagues of persons with disabilities⁸⁶; this may need to be carefully managed with a possible option being paid rather than voluntary assistance for any long-term or permanent arrangement relating to meeting needs during working hours. It is likely that working relationships operate effectively only when the person with a disability is seen as an equal rather than as someone for whom other people have to assume responsibility or part-productivity. As was noted by the New South Wales Council for Intellectual

85. *Transcript of Evidence*, p. 4288 (The Queensland Spastic Welfare League). See also p. 4305.

86. See Paragraphs 3.98, 3.106. See also below, Paragraphs 5.246-5.248.

Disability in respect of employment itself, 'it should not be on the basis of charity'.⁸⁷

3.70 From the evidence of a number of submissions and witnesses, this issue of image and perception of people with disabilities in employment situations is a complex one which cannot be resolved easily. Many witnesses referred to the difficulties which they experienced with colleagues, often noting that they were aware of the effect they had on other people⁸⁸ and, in particular, the tremendous stress they themselves faced, and the difficulty of maintaining any self-esteem.⁸⁹ Co-operative work mates and skilled managers can ensure that people with disabilities are no longer seen as dependant but are accepted and seen as equals. The wide range of types and levels of disability demand a range of information packages.

3.71 These issues are referred to later in the context of employment services. While there are a number of factors involved in establishing and maintaining a sense of self-worth, positive images are likely to be crucial.

Recommendation

The Committee RECOMMENDS:

5. That further community information and education programs about people with disabilities be developed. These programs should be directed to all members of the community, including primary and secondary schools, where they should be co-ordinated with integration programs. Emphasis should be placed on the needs that people with disabilities have for access to all aspects of community life, including employment. Such programs should indicate the ways in which obvious and more indirect discrimination can occur, particularly in employment and in access to employment.

Government

3.72 Witnesses perceived governments as performing a number of functions, including funding services, providing pensions and, in some instances, offering employment. They noted that various government departmental staff held a range of attitudes which, as in the wider community, reflected constructive and positive approaches as well as indifference and thoughtlessness.⁹⁰

87. *Transcript of Evidence*, p. 3717 (The New South Wales Council for Intellectual Disability).

88. Submission No. 2, p. 3 (Miss L. Roberts).

89. *ibid.*

90. For recent evidence see the Spastic Centre of New South Wales' recent publication *The Rhetoric and the Reality: Employment of People with Disabilities*, October 1991 - '... results clearly indicate that Government employees have a significantly more positive attitude towards the employment of people with severe physical disabilities' (p. 10).

3.73 There was considerable support for the positive image of people with disabilities that some departments projected, and of the fact that this image was maintained by staff as well as demonstrated through programs and services. However, adverse comments were made about the staff of various departments and the existence of uninformed⁹¹, disinterested or unskilled staff, particularly in direct contact positions, is a matter which departments will need to address if they wish to project a positive attitude to people with disabilities as a Departmental image.⁹²

Often officers of the Commonwealth employment services [CES] have little if any knowledge of the needs of people with disability. I know of a man who suffers from cerebral palsy being offered road work . . . he should not be put in a position where he has to explain to an officer of this service why he cannot do it, especially after he has stated his physical disability on this form. The officer is not to blame personally for his lack of knowledge; rather the system as a whole is to blame. Officers should be educated.⁹³

3.74 The Queensland Spastic Welfare League referred to the staff in departments recommending that people with disabilities go on to benefits or pensions, rather than discussing other options such as employment; providing inaccurate information; or sending people out to jobs for which they were manifestly unqualified.⁹⁴

3.75 Other witnesses indicated that 'departments' rejected information that did not accord with preconceived notions, thereby denying the validity of individuals' opinions or experience. One witness referred to:

. . . the lack of insight shown by the staff and the project worker at Community Services and Health regarding the cooperatives. We did place someone in a job at an inner urban cooperative, and that was not recognised as a competitive employment placement until I argued the point.⁹⁵

Another organisation stated:

91. *Transcript of Evidence*, p. 4444 (Disabled Peoples' International, Queensland Branch).

92. *Transcript of Evidence*, pp. 4441-2 (Disabled Persons' International), p. 5199 (PE Personnel), p. 5391 (Summit Industries). See also *People with Disabilities: Attitudes of Service Providers in DSS, CES and CRS*, Artcraft Research, June 1990.

93. *Transcript of Evidence*, p. 4441 (Disabled Peoples' International, Queensland Branch).

94. *Transcript of Evidence*, pp. 4288-4289 (The Queensland Spastic Welfare League). See also *Transcript of Evidence*, p. 4441 (Disabled Peoples' International, Queensland Branch).

95. *Transcript of Evidence*, p. 5711 (The Brotherhood of St Laurence).

... in the implementation of [the legislation] I do not believe that the Department is really listening to the ground swell of people who actually will be required to run with the implementation of the Act.⁹⁶

3.76 In considering the broad issues raised by the *Disability Services Act*, a number of witnesses and submissions considered that the (then) Department of Community Services and Health had often demonstrated too great a concern with theory and too little with practicalities. While it is clearly the job of departments to implement programs with a view to broad as well as individual outcomes, some witnesses expressed concern that ideology has dominated at the expense of the people involved.⁹⁷

3.77 One of these organisations expressed a belief that the ideology of the Department led to specific discrimination against it, and a refusal to consider its service and proposals for change, or to accept that there were valid reasons for not being able or willing to meet transition timetables.⁹⁸

3.78 Another organisation referred to some of the early problems with Departmental attitudes on transition:

The Department was enthusiastic in its implementation of the Act in the early stages, which I think caused some problems around Australia. Now it is reviewing its method of implementation and allowing a greater degree of flexibility in the transitional period, which seems to be a fairly positive step.⁹⁹

3.79 Another witness believed that the Department was working according to a set of principles and a timetable which seemed inflexible to some organisations¹⁰⁰, and, in effect, not to be concerned with the fate of persons who might prefer to stay in sheltered employment or who would not have been placed in another form of employment by the end of June 1992.

... we were told then that they would support the idea of enclaves, they would support the idea of integrated work settings, if you like, but they would not support the idea of gathering together about 12 school leavers and giving them a year's course - I suppose you could call it a training course - of highly structured work preparation to enhance the

96. *Transcript of Evidence*, p. 696 (Centacare).

97. *Transcript of Evidence*, p. 696 (Centacare), pp. 4252-4 (Endeavour Foundation), pp. 4463-4 (Australian Red Cross Society, Queensland Division).

98. *Transcript of Evidence*, pp. 4252-4 (Endeavour Foundation).

99. *Transcript of Evidence*, p. 1353 (Disabled Peoples' International, Australia).

100. *Transcript of Evidence*, pp. 5247, 5261-2 (West Australian Special Schools Parent Action Group).

opportunities of success when they left little program to go into, perhaps, open employment. It seems to me that the funding is going towards the mildly disabled person and restricting the moderately, severely and profoundly disabled people because they cannot meet the criteria for integrating into the workforce.¹⁰¹

3.80 Some organisations, however, may also be seen as inflexible and as not wishing to change their service philosophy or to make any obvious change to their methods of operation.¹⁰² Others may be perceived as not working towards transition as rapidly as possible and as not assisting service users to understand the benefits offered by the DSA.¹⁰³

3.81 While some of the opposition to the Department's approach appears based on a misunderstanding of the future of sheltered workshops¹⁰⁴, allegations of an inflexible approach and lack of concern for individuals may contribute to a belief that government officials have little understanding of, or interest in, the needs of people with disabilities and/or their carers and families.

Recommendation

The Committee RECOMMENDS:

6. That information and education programs about people with disabilities be developed by the Public Service Commission to improve the knowledge of departmental staff about the needs of people with disabilities, and how departmental services can assist people with disabilities.

3.82 However inaccurate any negative views of the Department of Health, Housing and Community Services are in reality, such perceptions have fuelled the controversy about equity in distribution of resources. Such controversy has centred on the high level of services available for some and the limited funding directed to others. Some witnesses questioned the apparent refusal to fund services to meet specific needs when these needs were not adequately met by other employment options.¹⁰⁵ There are differences of opinion regarding the benefits of generic rather than disability-specific services. Much of the opposition of certain consumer/provider groups to 'generic' services, however, is based on the belief that generic services are too broad to meet key specific needs of some people with

101. *Transcript of Evidence*, p. 5261 (West Australian Special Schools Parent Action Group).

102. *Transcript of Evidence*, pp. 4258-9 (Endeavour Foundation), p. 4986 (ACROD Limited).

103. *Transcript of Evidence*, p. 4877 (Disability Advisory Council of Australia), p. 5953 (DHH&CS).

104. See for example, *Transcript of Evidence*, p. 4757 (DHH&CS), pp. 5923-5 (DHH&CS), p. 5950 (DHH&CS), pp. 5952-3 (DHH&CS). See also Chapter 6, Paragraphs 6.179-6.197.

105. *Transcript of Evidence*, pp. 5572-3 (National Multiple Sclerosis Society of Australia).

disabilities.¹⁰⁶ Consequently, any emphasis by departments on the benefit of generic services may be seen as ignoring the needs of some groups for the only type of service appropriate enough to achieve a result. This issue is discussed further below.¹⁰⁷

3.83 Departments (among others) were also seen as suggesting that work which people with disabilities were said to enjoy was in fact demeaning because it was repetitious or boring¹⁰⁸, thereby not being able to perceive that the issue was one of whether the needs of specific individuals were met by certain types of jobs which they found challenging. This issue is a complex one, in that (as is discussed later)¹⁰⁹ the nature of the job may be less important than whether it is seen as a 'real' job and whether there are other benefits from working in more open employment. It is important that the value of work to the individual is recognised, both as work and as a means to obtaining greater access to community life in general.¹¹⁰ If government departments are concerned that job options for people with different types of disabilities do not provide a challenge or a future for those people, then they have an obligation to either suggest other types of work as more suitable or to relate levels of job satisfaction to those of the general community. After all, too excessive a concern with the 'needs' of people with disabilities may be seen as being too protective, patronising and essentially in opposition to the principles of the *Disability Services Act*.

3.84 A further area of criticism of government departments, particularly of the then Department of Community Services and Health, related to staffing turnover. This matter was discussed in the Committee's report *Accommodation for People with Disabilities*¹¹¹, but it is worth noting some key points again since they clearly concerned service providers in particular and were to some extent seen as indicative of a lack of commitment to people with disabilities.

3.85 One organisation indicated that effective liaison with departments was adversely affected because of this problem, and that this involved building new relationships - 'You have to repeat the process again, again and again'.¹¹² Another service provider made much the same point.

106. *Transcript of Evidence*, p. 4768 (DHH&CS), p. 5572-3 (National Multiple Sclerosis Society of Australia). See also above Paragraphs 2.63-2.66, 2.75, 2.77-2.79.

107. See Paragraphs 5.31-5.33.

108. *Transcript of Evidence*, pp. 5007-8 (Sola Optical), pp. 5225-6 (The Disabled Workers Union of Western Australia), p. 5910 (Human Rights and Equal Opportunity Commission).

109. Chapter 5, Paragraphs 5.6-5.8; Chapter 6, Paragraphs 6.115-6.119.

110. *Transcript of Evidence*, pp. 4011-12 (Inner-Western Sydney Developmental Disability Service, Community Program Services).

111. *Accommodation for People with Disabilities*, Chapter 5, pp. 64-67.

112. *Transcript of Evidence*, p. 4210 (Epic Employment Service, M.O.R.E. Inc.).

I found it quite extraordinary that these nine people to whom I presented [a training project] had between them only eight years' experience in the Department. Therefore, some of them did not understand the process. This concerned me greatly.¹¹³

3.86 Similar comments were made by another organisation which believed that Departmental staff brought little support and insight to the employment area¹¹⁴ (although the specific problem referred to indicates that it is sometimes difficult to be definitive when new service types are being developed). In general, however, this organisation was most concerned with staff turnover because of the difficulty that new staff had in grasping the 'entire field' of disability issues.¹¹⁵

3.87 While new programs may cause particular problems for departments as well as for service providers and consumers, the inevitability of new service developments should lead departments to ensure that effective training and staff placement is operative before programs are introduced. This is essential in order to reduce the pressure on service providers and consumers and on departmental staff themselves.

3.88 Where staff turnover is high, departments should ensure that key information is stored and readily available to all new staff, and that in areas of intense and complex service development, systematic studies of developments should not only be produced but should be an obligatory part of the training of new staff.

3.89 It is noted that the Department of Health, Housing and Community Services has developed a series of key documents which provide the basis of a 'corporate memory' of changes in disability services. Any problems that have resulted from staff changes in this department, therefore, may result from training and staff management problems. In order to assist departmental officers, service providers and consumers, departments should ensure that liaison officer positions are established and maintained and that such officers are thoroughly familiar with all aspects of disability services philosophy and administration, and sensitive to the needs of people with disabilities.

3.90 The Committee is concerned at the staffing problems such as rapid staff turnover in Commonwealth Government departments and has made the following recommendations in this area.

113. *Transcript of Evidence*, p. 5394 (Summit Industries).

114. *Transcript of Evidence*, p. 5711 (The Brotherhood of St Laurence).

115. *Transcript of Evidence*, p. 5715 (The Brotherhood of St Laurence).

Recommendations

The Committee RECOMMENDS:

7. That Commonwealth departments establish liaison officer positions in programs such as the Disability Services Program, and ensure that such officers are sensitive to the needs of people with disabilities, thoroughly conversant with all aspects of the program and able to provide accurate information on policy and practices. Where possible new liaison officers should be fully trained before the previous position holder leaves or moves to another job.
8. That Commonwealth departments maintain the principle of service to the community by building up sections and programs of committed staff who remain in their positions for at least two years.
9. That Commonwealth departments provide adequate and ongoing training to such staff.
10. That the Commonwealth public sector be eligible for a special category of the Prime Minister's Employer of the Year Awards.

3.91 Some government departments were seen to be lacking in their ability to sell a positive message.¹¹⁶ Yet, as the source of policy implementation and funding, any unsympathetic and negative image which departments project is clearly quite damaging to the self-confidence and self-image of people with disabilities. While organisations are able to counter and deal with negative messages, individuals with disabilities could be at risk of being affected by unfavourable images. Therefore, departments have a major responsibility to ensure that services, including the provision of information, are always up to date and directed to the needs of consumers and that a positive image is presented, if this is a realistic portrayal of departmental philosophy.

3.92 The commitment of both State and Federal governments to people with disabilities should be indicated by their own record as employers which is generally perceived as poor. Governments are seen by some witnesses as hypocritical¹¹⁷, critical of the private sector (and of many sheltered workshops) for not providing opportunities or new employment options but failing to provide many options themselves. Neither government departments¹¹⁸ nor the wider public sector

116. *Transcript of Evidence*, pp. 4448-9, 4451 (Disabled Peoples' International, Queensland Branch).

117. *Transcript of Evidence*, p. 5383 (JobMatch).

118. *Transcript of Evidence*, pp. 3722-3 (The New South Wales Council for Intellectual Disability), pp. 4421-2 (Queensland Association for Mental Health), p. 5149 (Health Department of Western Australia), pp. 5197-8 (PE Personnel), pp. 5345, 5382 (JobMatch).

(hospitals, schools, etc.)¹¹⁹ were seen as having demonstrated a commitment to the employment of people with disabilities, although the greater part of evidence referred primarily to the public service. Although not spelt out by witnesses, the distinction between the public sector and the public service was considered important. It was felt that people in the public service should be setting an example of implementing policy in their own workplace.

3.93 There was some consideration given to the marginally advantageous situation of people who had already been employed at the time of becoming disabled, and some witnesses suggested that these employees would be more likely to be catered for than would persons with an equivalent disability attempting to enter the public service.¹²⁰ Others felt that the support available was likely to vary according to the type of disability. This situation, however, of providing support to an existing employee while not deliberately seeking to employ a person with a similar disability, may well be common to all employers.¹²¹

3.94 Overall the opportunities for entry into government employment for people with existing disabilities was considered to be limited and, in spite of a range of access programs, to set a poor example.

3.95 Evidence of discriminatory practices regarding entry and advancement in the public sector, both Federal and State, was given to the Committee during 1989 and 1990. In particular, concerns were raised about discriminatory entrance examinations and criteria, and the difficulties of gaining permanent status and superannuation which are associated with medical examinations. Although some of these practices have changed, the issues raised indicate some of the barriers to employment previously experienced by people with disabilities. These experiences may continue to affect those who felt excluded and hence reluctant to make further efforts to join the public service, even though changes have been made.

3.96 Basic entry criteria such as a requirement to have a school leaving certificate or basic literacy and numeracy skills operated as bars to people with intellectual disabilities, and normal entry examination procedures discriminated against people with a range of physical, sensory, and intellectual disabilities. In some cases, special measures are taken to accommodate the needs of disabled applicants; these measures include provision of examination papers with large print, aides who can read out questions, the granting of extra time for completing an examination, and the provision of separate rooms for people who are uncomfortable with crowds. However, these measures do not cater for all disabilities, and do not appear to have been universally available. As a placement agent in the Commonwealth public service, the Commonwealth Employment Service (CES) was considered by some

119. *Transcript of Evidence*, p. 5382 (JobMatch). See also *Transcript of Evidence*, pp. 5511-12 (Australian Council of Trade Unions).

120. *Transcript of Evidence*, pp. 4425-6 (Queensland Association for Mental Health).

121. *Transcript of Evidence*, pp. 5513-14 (Australian Council of Trade Unions).

witnesses to be particularly unhelpful, and to illustrate a gulf between policy and practice in the Federal arena.¹²²

3.97 On a positive note, at the Federal level, public service entry provisions which would disadvantage people with intellectual disabilities are being bypassed by a new recruitment initiative, the Intellectual Disability Access Programme (IDAP). By regulation under the Public Service Act, the IDAP allows discrimination in favour of people with intellectual disabilities, if they are recruited through the program. Recruits do not have to compete for access into the APS through standard selection processes but on individual merit. The Committee heard that IDAP was set to 'go national'¹²³ in 1990 after a positive PSC evaluation of a pilot program with ten IDAP recruits in the ACT in 1988.¹²⁴ By the end of 1991 although it was considered to be available across Australia, IDAP was operating in the Australian Capital Territory and New South Wales only (50 people), and was to be reviewed in the near future by the Public Service Commission, DHH&CS and DEET. DEET is responsible for maintaining statistics on the program.

3.98 Some problems were identified late in 1991 by the sponsoring body for the program in the ACT, Advance Personnel, as needing to be addressed. These included:

- the need for greater emphasis to Government departments that the Program was a Government initiative and departments should therefore become much more involved in it;
- the decline in base-grade positions in the APS, which added to the difficulty of obtaining placements; and
- lack of non-disabled staff in departments, and of other resources, to provide assistance, and to provide the training required for IDAP staff to have reasonable access to promotion.

Recommendation

The Committee RECOMMENDS:

11. That there be sufficient flexibility in the allocation of staffing resources for Commonwealth departments to have positions available for people on the Intellectual Disability Access Programme and for people with disabilities who are eligible for higher level positions.

122. *Transcript of Evidence*, p. 4441 (Disabled Peoples' International, Queensland Branch).

123. *Transcript of Evidence*, p. 5772 (Public Service Commission).

124. *Ronalds Report*, pp. 93-4.

12. That sufficient resources be provided to departments employing people with disabilities to provide training, job rotation and other measures which can enable access to promotion on merit.

3.99 The Commonwealth has also reviewed its procedures with regard to medical examinations relating to superannuation and permanency through the 'Review of Commonwealth Medical Standards and Procedures'. At the time of the Review, Federal public servants aspiring to permanency were obliged to pass a medical examination which deemed them fit to serve for three years, and similar provisions limited access to superannuation.

3.100 The medical examination procedures regarding access to permanency and superannuation in the APS have now been revised, and the new provisions took effect on 1 July 1990. It is now no longer possible for access to superannuation and permanency to be refused solely on the grounds of medical examinations, but there are still hurdles and obstacles that people with disabilities have to overcome in order to achieve security within the APS. Under the new guidelines relating to medical examinations and permanency in the APS, government departments will be able to exercise their own judgment on the matter of the granting of permanency to an individual officer, after taking into account the recommendations of a Commonwealth Medical Officer.¹²⁵

3.101 The principle of 'reasonable adjustment' allows that 'adjustments can be made to a work environment to reduce or eliminate the effects of disabilities and enable people with disabilities to compete, on their merits, for recruitment and career advancement opportunities'.¹²⁶ If people with disabilities are disproportionately represented in the lower ranks of the public service, the EEO principle of 'reasonable adjustment' may not be practiced sufficiently well in many public sector workplaces. Part of the reason for this could be attitudinal, but since the devolution of responsibility for EEO from the Public Service Board to the Public Service Commission, DEET, and individual government departments, adjustment costs which previously operated continually through special schemes such as Technical Equipment for Disabled Commonwealth Employees Program (TEDCEP), are now paid directly by individual departments.¹²⁷ Each department is given TEDCEP allowance in their base funding allocation and therefore is funded to purchase equipment or to modify the workplace. In a context of ever-increasing

125. *Transcript of Evidence*, pp. 5885-6, 5912-13 (Human Rights and Equal Opportunity Commission). PSC document, *Changes to Medical Standard for Appointment/Confirmation of Appointment to the APS*, June, 1990. The new guidelines relating to superannuation enable people with disabilities who do not meet the superannuation entry medical standard (ie who may need to take excessive sick leave in their first three years) to make superannuation contributions and become 'limited benefits members' of the scheme until they have completed three years of membership. At the completion of the three year period, if the public servant has not retired on an invalid pension, s/he will automatically become entitled to full coverage under the superannuation scheme.

126. Submission No. 206, p. 32 (Human Rights and Equal Opportunity Commission).

127. *ibid.*, pp. 35-6.

competition for funds, departments may be unwilling to take on employees who require expensive special equipment. The funding allocation may therefore be absorbed into departmental revenue and not directed to people with disabilities.

3.102 The abolition of the Public Service Board in 1987 and the ensuing diffusion of responsibility for Federal EEO programs appears to have been a major setback in the advancement of the human rights of people with disabilities in the employment arena. In its submission, the HREOC¹²⁸ indicated that the new arrangements did not augur well for a co-ordinated EEO program and in a discussion paper prepared for HREOC¹²⁹, it was stated that: 'Despite the formulation of EEO programs by each department, the establishing of Special Placement Officer positions, the principle and process of reasonable adjustment, and the IDAP, employment in the APS remains difficult for most people with disabilities, and particularly for people with intellectual disabilities'.¹³⁰ After the abolition of the Board, recruitment activities became the responsibility of individual departments, and DEET took over the administration of the Selective Placements Program for people with disabilities. The EEO unit of the newly-formed PSC replaced the EEO Bureau of the PSB, central staff numbers were radically reduced, and regional office staff positions were abolished.

3.103 Departments have established EEO officer positions or sections, and, in some cases, specific areas of responsibility for certain EEO groups such as women. However, since 1987, the recruitment of people with disabilities into the APS has been considered to have 'fallen dramatically'¹³¹, relative to that of non-disabled staff and this fall was seem to relate directly to the above administrative changes.

3.104 However, there is some controversy about the extent and rate of decline. While data are kept, through the Continuous Record of Personnel (CRP) which is maintained by the Department of Finance, such data must be placed in context. No information is available on 32 per cent of APS staff, as information is only recorded at appointment. It has been considered that the 4.5 per cent (end 1990) of total APS staff defined as having a disability under CRP figures is an underestimate. Based on the EEO data maintained by departments, it is considered that a more realistic assessment is 6.7 per cent. This may also be an underestimate, with individuals choosing not to provide such information about themselves.

3.105 Other factors may also have limited recent intake into the APS generally. In 1990-91, some 71,650 persons undertook the Administrative Service Test for selection to 4,564 ASO1 positions – an increase of over 20,000 applicants from 1990. In short, there are fewer positions available overall, and the claimed decrease in

128. *Transcript of Evidence*, p. 5884 (Human Rights and Equal Opportunity Commission).

129. *The Rights of People with Disabilities: Areas of Need for Increased Protection*.

130. *ibid.*, p. 12. See also *Transcript of Evidence*, p. 5884 (Human Rights and Equal Opportunity Commission).

131. *ibid.*, p. 37.

positions available to people with disabilities must be put in the context of the decrease in base grade positions available *per se*. Mention should also be made of the Selective Placements Program which was set up to ensure that people with disabilities who are applicants for base-grade positions had their claims considered fairly. This program, in conjunction with IDAP, has helped to create a structure for entry into base-grade positions.

3.106 It is also important to note that promotion rates for people with disabilities are considered not to be significantly different to those of employees without disabilities. However, insofar as workplace restructuring will continue to have a significant impact on job structures, it is possible that people with intellectual disabilities and people with severe disabilities will be adversely affected. They may be unable to carry out all parts of a job without increased training and/or support. As is noted above¹³², programs such as IDAP will require the provision of support by the employing department, yet, through the restructuring of the APS, the emphasis is on maximum use of available resources, with little if any flexibility to provide training or longer-term support. While departments do have funds available for assisting employees with disabilities, it is essential that a more systematic program of recruitment, training and support be established in order to provide data on costs and needs, including the need for job redesign. It is likely that under-notification of disability will decrease when a more positive policy on job structuring, including the establishment of a career path, is evident. It is possible that people with disabilities are more likely to report disability if they see that no disadvantage will occur and that job structuring (including career paths) is in place.

3.107 While it might be expected that the Australian Public Service would take the lead in the employment of people with disabilities, this does not appear to have been the case in the past. There is a need for a more active employment strategy by the Commonwealth and perhaps for an enhanced monitoring and enforcement role by the PSC.¹³³ The Commission maintains a central, monitoring role in the coordination and evaluation of departments' performance in adhering to Federal EEO guidelines, but believes it is hampered by resource inadequacies, and by the strategic difficulties of coordinating activities across numerous departments.¹³⁴

3.108 A number of proposals relating to increased options for people with disabilities in the Australian Public Service were drafted as a result of work done in a sub-committee of the Disability Task Force. At the end of January 1992, a draft Strategic EEO Plan for the APS was released. The draft plan indicates that 'the

132. See Paragraphs 3.97-3.98.

133. Proposals for increasing intake into the public sector (Estimates Committee E, 18 April 1991, p. 94).

134. See *Transcript of Evidence*, pp. 5769-5770, 5774-5776, 5777-5778, 5783, 5793-5795 (Public Service Commission).

Government is committed to improving the efficiency and effectiveness of [existing] policies and programs'.¹³⁵ Such commitment includes:

... reviewing aspects of the Selective Placements Program, investigating the extent and impact of structural change in the APS on people with disabilities and examining the use of job redesign in the operation of the principle of reasonable adjustment.¹³⁶

Data collection will also be a priority, with the Department of Finance and the PSC being asked to give special priority to this matter.

Recommendations

The Committee RECOMMENDS:

13. That a specific target of employment of people with severe disabilities be set for each Commonwealth department as a part of its EEO program. The Secretary of each department should be required to report on the operation of this program at least annually, in the department's annual report. A report covering all departments is to be provided annually to Parliament by the Public Service Commission (PSC).
14. That all departments be explicitly accountable for the funding received to pay for work adjustment costs or equipment for people with disabilities. A statement on the use of these funds is to be included in departments' EEO reports and in the PSC report to Parliament referred to above.
15. That the Australian Public Service (APS) develop (under the Department of Administrative Services if required) an equipment-lease system (such as that available to employers participating in labour-market programs) in order to provide the more expensive required equipment/aids for people with disabilities wishing to undertake employment in the APS. Where possible, such a scheme should be extended to State and Territory government departments.
16. That the Public Service Commission, in conjunction with departments, develop strategies to ensure that people with disabilities, other than severe, are able to gain access to permanent employment in the Australian Public Service.
17. That the Commonwealth public sector be *required* to provide more employment places for people with disabilities, including people with severe

135. Public Service Commission Equal Employment Opportunity: *A Strategic Plan for the Australian Public Service for the 1990's* (Public Service Commission, 1992).

136. Minister for Industrial Relations Press Release, 24 January 1992 'Release of Draft Strategic Plan on EEO in the Australian Public Service', p. 2.

disabilities. Strategy plans are to be developed by each department, authority, etc. to demonstrate how such employment policies will be implemented.

Organisations

1. Service Providers

3.109 As with government departments, a wide range of attitudes was held by people with disabilities about different service providers and about the image which these organisations projected of their clients. Many responses were extremely positive, when witnesses felt that they had been perceived as individuals who needed some help.¹³⁷

After I expressed my fears about job interviews to DEAC [Disability Employment Action Centre, Melbourne] they immediately made me an offer of role playing interviews and going over with me [some] of the questions I might be asked. This was of enormous use to me. [Their] personal support and encouragement even more so.¹³⁸

3.110 Many sheltered workshops were also seen as working actively with other organisations in order to develop working conditions which accept that people with disabilities are entitled to the same working conditions as non-disabled persons.¹³⁹

3.111 Other witnesses stated that some organisations did not respect their individuality, including their abilities, their wish to move to other employment, or their right to be treated in the same fashion as other people.¹⁴⁰ One witness with a disability said:

you have to educate the people who actually work with people with disabilities because if you do not educate them and you do not change their attitudes things will not improve.¹⁴¹

3.112 While perceptions are obviously influenced by experience and values there are grounds for believing that some service providing organisations, whether as employers or not, are limiting their clients/employees.

3.113 Many organisations are limiting because of over-protectiveness, believing that the individual could experience discrimination or would not be able to cope in other ways, or was not sufficiently qualified to work at a different level. Others hold

137. Submission No. 2, p. 9 (Miss L. Roberts).

138. *ibid.*

139. *Transcript of Evidence*, p. 4029 (Intellectual Disability Rights Service).

140. *Transcript of Evidence*, p. 4028 (Intellectual Disability Rights Service).

141. *Transcript of Evidence*, p. 4876 (Disability Advisory Council of Australia).

attitudes which are seen as more patronising and exploitative. Witnesses before the Committee gave evidence of the negative, patronising, paternalistic attitudes of some sheltered workshop staff. Some workshop employees are treated as though they are children, and humiliated in countless ways; one example provided was having to ask for permission to go to the toilet. As one witness told the Committee:

In our education work with residential care workers, the biggest hurdle to overcome is getting them to realise that people with a . . . disability have the same human rights as themselves . . .¹⁴²

3.114 Service users are often expected to be grateful and dependent, and it is claimed that some organisations, particularly sheltered workshops, actively discourage people from moving into more adventurous and profitable areas. The messages given to people with disabilities by such services may not produce a good self-image¹⁴³; and, insofar as such organisations have played a major role in the rate and extent to which a person has developed abilities or participated in different options, they can profoundly influence the lives of many individuals.

3.115 Prior to the enactment of the *Disability Services Act 1986*, sheltered workshops were funded under the *Handicapped Persons Assistance Act 1974*. The purpose of the workshops was to offer employment and training opportunities for people with disabilities, to assist access to 'open' employment. Many workshops have succeeded in meeting these objectives. However, a number of workshops did not perform well, not only in terms of advancing the social and occupational development of people in their employ, but in terms of respecting their human rights.¹⁴⁴ The shortcomings of these traditional facilities were identified in the Commonwealth's 1985 Handicapped Programs Review; the report arising from this Review provided much of the impetus for the changes proposed by the DSA.

3.116 The aims of the DSA are to ensure that people with disabilities have every opportunity to attain their maximal potential, and are not, as they were in the past, segregated, and allowed to become institutionalised and dependent. To that end, the DSA has tied the funding of services to compliance with the objects, principles, objectives and guidelines of the DSA.

3.117 There are approximately 11,700¹⁴⁵ people with disabilities currently employed in approximately 282 sheltered workshops around Australia, many of

142. *Transcript of Evidence*, p. 4025 (Intellectual Disability Rights Service).

143. *Transcript of Evidence*, p. 4877 (Disability Advisory Council of Australia), p. 4986 (ACROD Limited).

144. See below, Chapter 6.

145. Figures varied throughout 1991, with both 11,000 and 12,000 being cited in speeches by the Minister. Some increase in numbers has occurred, though this appears to be very limited (Senate *Hansard* Estimates E, 12 September 1991, p. E207).

which do not appear to have taken significant steps towards transition¹⁴⁶ – by September 1991, 274 workshops had yet to finalise the transition process.¹⁴⁷ In evidence given to the Committee in 1989 and 1990 people with disabilities in many of these establishments still appeared to be subject to discrimination of various kinds. As one witness said to the Committee: ‘Some workshops are getting better, but they could be a lot better’.¹⁴⁸ In its submission, the HREOC claimed that ‘many sheltered workshops are as inadequate now as at the time of the introduction of the Act’¹⁴⁹, although it did not provide any evidence on this matter. In its original submission (February 1989) ACROD estimated that only 30 per cent of sheltered workshops were presently acceptable in respect of DSA principles and objectives, and the rest need to be upgraded according to these principles.¹⁵⁰ It had been expected that all organisations which had not completed transition would have signed the Minimum Outcome Standards, thereby indicating their willingness to abide by approved standards. However, given the considerable funding and other problems experienced by the more traditional services, coupled with resistance in some cases, it is not surprising the Minister in late 1991 noted that nearly 58 per cent of services ‘are still struggling to put in place the necessary policies and procedures to meet the minimum outcomes, and that others have given no response at all about their intentions’.¹⁵¹

3.118 HREOC also stated that sheltered workshops had been criticised for paying ‘allowances’ instead of wages, deducting too much money from pensions for board, not respecting common law rights of employees failing to enhance the skills and self-reliance of workers and providing only boring, repetitious work, improperly restricting the freedom of workers, and denying workers the right to organise industrially or discouraging them from exercising that right.¹⁵² ‘The traditional format of sheltered workshops often breaches the rights of people with disabilities to develop their skills to the maximum, to engage in a useful, productive and remunerative occupation, to economic security, and to protection against treatment that is discriminatory.’¹⁵³

3.119 A principal issue surrounding sheltered workshops is the status of the people with disabilities who work in them. In the eyes of many in the community, people

146. *Transcript of Evidence*, p. 3962C (New South Wales Department of Family and Community Services).

147. DHH&CS Program Performance Statement 1991-92, p. 138.

148. *Transcript of Evidence*, p. 4030 (Intellectual Disability Rights Service).

149. *Transcript of Evidence*, p. 5858 (Human Rights and Equal Opportunity Commission).

150. *Transcript of Evidence*, p. 4993 (ACROD Limited).

148. Speech, 14 November 1991, p. 5.

152. *Transcript of Evidence*, p. 5858 (Human Rights and Equal Opportunity Commission).

153. *ibid.*

with disabilities who work in sheltered workshops are workers who are entitled to the status of 'employee', and to all that that status entails. However, at least one organisation, Endeavour¹⁵⁴, while welcoming the introduction of the DSA, believes there is a large gulf between service providers and the Department on the implementation of the Act. The Foundation regards sheltered employment as a service provided to a client, not purchase of labour by an employer.¹⁵⁵ The Department is therefore in opposition to the Foundation's viewpoint since it attempts to reflect the relationship between employer and staff as being the most appropriate in the client-organisation relationship.¹⁵⁶

3.120 The legal status of sheltered workshop employees has never been judicially determined¹⁵⁷, and the ambiguous, negative status of people with disabilities in some sheltered workshops is manifest in conditions of work which would be unacceptable to most employed Australians today. A number of witnesses/submissions indicated that poor working conditions in these sheltered workshops include low wages¹⁵⁸ and poor occupational health and safety standards.¹⁵⁹ This was also observed in some of the Committee's visits. Workers are generally not unionised¹⁶⁰, and are hence voiceless and in general unable to change their working conditions, although the development of advocacy services has helped to bring about changes.¹⁶¹ There are frequent personal assaults on human dignity and pride and sometimes physical assaults.¹⁶²

People with intellectual disability have been segregated in special places such as sheltered workshops and other institutions.

It was believed that they had to be looked after. Decisions had to be made for them, they were seen – at least subconsciously – as lesser

154. *Transcript of Evidence*, pp. 4247, 4249 (Endeavour Foundation).

155. *Transcript of Evidence*, p. 4250 (Endeavour Foundation).

156. *Transcript of Evidence*, p. 4251 (Endeavour Foundation).

157. Submission No. 207, p. 3 (Intellectual Disability Rights Service). See also Ronalds Report, pp. 146-7 and *Transcript of Evidence*, p. 4026 (Intellectual Disability Rights Service).

158. *Transcript of Evidence*, pp. 86, 89-90 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.) and see below Chapter 6.

159. *Transcript of Evidence*, pp. 72, 74, 76 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.), pp. 4037-40 (Intellectual Disability Rights Service), p. 4982 (ACROD Limited), p. 5025 (Australian Down's Syndrome Association Incorporated).

160. *Transcript of Evidence*, pp. 4026, 4034 (Intellectual Disability Rights Service), pp. 5506-7, 5518 (Australian Council of Trade Unions).

161. *Transcript of Evidence*, pp. 4033-4 (Intellectual Disability Rights Service), p. 4876 (Disability Advisory Council of Australia).

162. See Chapter 6.

people with lesser rights. This attitude leads to many unconscious infringements of rights and in some cases it can and has indeed led to physical abuses.

... It is as if the person's disability seems to disentitle him or her to human rights such as dignity, privacy or freedom from unnecessary interference.¹⁶³

3.121 However, it is not intended here to demonstrate that traditional organisations, particularly those providing sheltered employment, are all to be seen as regressive institutions, nor, conversely, that all new services are providing exactly what clients want. The more traditional organisations have often evolved in response to local needs, often as a result of individual action, and this evolution has led to different social, attitudinal and structural problems. In the first place, while there have been a considerable number of problems with sheltered workshops, including those of attitude and conditions, many of these problems may have arisen from lack of funding and poor management as well as from attitudes which were in fact shared by many members of the community.¹⁶⁴

3.122 Secondly, a number of sheltered workshop services were established by parent groups some of which retained involvement in their operation.¹⁶⁵ Such problems as have been demonstrated by these services, then, are ones which may have been known to persons most involved in the care of employees/clients. This does not excuse the existence of sub-standard conditions but it does suggest that the argument cannot be seen as simply one of good versus bad service provision. The existence of different community attitudes will have influenced the nature of service provision and therefore the issue is one of the extent to which poor conditions and degrading treatment of workers was tacitly endorsed by society in general.¹⁶⁶

3.123 Thirdly, a number of traditional service providers involved in sheltered employment are also providers of new services and hence provision of sheltered services is in itself no indication of one particular series of attitudes which cannot be changed.

3.124 This situation has, of course, been acknowledged by the Department of Health, Housing and Community Services¹⁶⁷ and the atmosphere of co-operation

163. *Transcript of Evidence*, p. 4025 (Intellectual Disability Rights Service).

164. See for example, *Transcript of Evidence*, p. 4025 (Intellectual Disability Rights Service); this matter is discussed fully in Chapter 6.

165. *Transcript of Evidence*, p. 4993 (ACROD Limited).

166. Barry, Andrews and Elkin, *The Development of Services for the Handicapped in Australia* (DCSH-DSP Transition Resource No. 19, July 1988, pp. 12-13. Ariotti, *Services in Australia for People with Disabilities*, loc. cit., pp. 2, 26. See also *Transcript of Evidence*, p. 1477 (DHH&CS).

167. *Transcript of Evidence*, pp. 4739-40 (DHH&CS).

and recognition of the contribution of established services has been a positive statement in the midst of discussion about old and new services. While not ignoring the serious problems that many sheltered workshop clients have faced, and the poor standards that exist, there must also be recognition of the positive side of this form of employment in order to assist in transition services for those able to take advantage of them. What is required, and what is expected to develop over time, are national standards adhered to equally by all services. Many sheltered workshops have performed a valuable role, and, as discussed further below, it is possible that they may have a continued role in providing services.¹⁶⁸

Those services which have met minimum outcomes requirements, and have committed themselves to undergo the rest of the change process, need have no fears for their future . . . Nor will any services which are needed by people with disabilities close down.¹⁶⁹

2. Consumer groups

3.125 Like everyone else, people with disabilities must play a number of different roles. Circumstances have meant that groups often discuss their uniqueness, their differences, their special needs. To a degree, this is essential in that, as a broad group, people with disabilities may require assistance to meet one or more particular needs in order to enable them to participate more fully in society. This continual recognition of different types of need is essential in order to provide appropriate services to maximise potential. For example, many people with multiple disabilities, while severely limited in some areas, may also be capable of substantial achievements, relatively speaking; nonetheless, they have often been seen as incapable of attaining a quality lifestyle because their individuality has not been recognised. Others with more than one disability may have been placed in one category (for example, intellectual disability) and little attention paid to the effect of other disabilities and the degree to which these may limit or enhance opportunities for development.¹⁷⁰

3.126 Within the context of employment in particular, emphasis on need in itself should be seen as a positive factor, enabling individuals to identify those services which can help make employment a viable option, thereby assisting government programs to be more effective. There is, for example, the need, certainly recognised by a number of Departments and service providers, to provide additional support to

168. See Chapter 6, Paragraphs 6.278-6.292.

169. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services at the official launch of NTAU, 5 July 1991, p. 12.

170. *Transcript of Evidence*, p. 4068 (Nadow Training Program), pp. 4302-3 (The Queensland Spastic Welfare League), p. 5067 (Southern Regional Planning Groups for People with Disabilities), p. 5083 (Royal South Australian Deaf Society Inc.), p. 5140 (Health Department of Western Australia).

employed people when jobs may change in content.¹⁷¹ A variation of this may also be the need to accept that, depending on disability and previous experience, continuous and/or full-time employment or occupation may not be a viable option for a number of people, including those previously able to work full-time.¹⁷² It is also recognised that the work performance of some people with disabilities will vary because of factors such as psychiatric disabilities and various head injuries, with resulting fluctuating moods and difficulty in controlling behaviour.¹⁷³

3.127 However 'need' can be misinterpreted as 'dependence', an attitude which consumer organisations seek to overcome. Often this is done by organisations emphasising the differences between disabilities, and this can have unfortunate effects of further distinguishing people with disabilities from the mainstream.

3.128 The different historical experiences of organisations, their success or lack of it in establishing some separate financial standing and their need for considerable public support has tended to emphasise separate types of disability and the needs of particular organisations. Several witnesses commented on the better standing of groups other than their own¹⁷⁴, on the relatively recent 'acceptance' by the community of particular disabilities¹⁷⁵, and hence their consequent limited form of support, on the lack of understanding by the community and/or government departments of particular needs of some groups¹⁷⁶, and on the apparent priority of some service types over others, and the needs their own organisation and members had for special consideration.¹⁷⁷ Many of these complaints may be valid; what they reflect is tremendous pressure placed on services, carers and people with disabilities to lobby continually, gain community support, influence government, provide education and information and seek to expand and adapt to circumstances.

3.129 While acknowledging the importance to organisations, carers and people with disabilities of explaining their differences, the effect of the more obvious divisions between groups may be detrimental to the overall cause. It is essential that the

171. See *Transcript of Evidence*, p. 1523 (DHH&CS), p. 4481 (Australian Red Cross Society, Queensland Division).

172. This is discussed in greater detail in Chapter 5; see especially Recommendations following Paragraph 5.58.

173. See Chapter 5, Paragraphs 5.22-5.36.

174. *Transcript of Evidence*, pp. 4301-2 (The Queensland Spastic Welfare League).

175. *Transcript of Evidence*, p. 4432 (Queensland Association for Mental Health).

176. *Transcript of Evidence*, p. 4768 (DHH&CS).

177. *Transcript of Evidence*, pp. 4416-19, 4423 (Queensland Association for Mental Health), p. 4472 (Australian Red Cross Society, Queensland Division), p. 5062 (Southern Regional Planning Groups for People with Disabilities), pp. 5101-2 (The Paraplegic and Quadriplegic Association of South Australia Inc.), pp. 5250, 5256-7 (W.A. Special Schools Parent Action Group).

particular needs of different groups are met, but equally important that the emphasis on particular needs does not give a message of division and of powerlessness. At present, and despite the intentions of many organisations and governments, fragmentation does occur, severely affecting access and equity and continually reinforcing disability rather than ability. The continual competition for government and community funding can lead not only to a decrease in collective power but an increase in the emphasis in disabilities and separateness as opposed to abilities and integration. Governments indicated an awareness of this and had clearly sought, or intended, to deal with some aspects of these problems. However, it is likely that redressing imbalances in funding would not in itself solve the problem, as another group may feel disadvantaged.

3.130 People hold many different images of people with disabilities which indicate changes in broad community attitudes and in those of specific groups within the community. These changes relate to a greater acceptance and awareness of the needs of people with disabilities; an awareness of the broad social and economic factors which inhibit people with disabilities in general and in the obtaining of employment; some capacity to accept differences; and a capacity to separate having needs from being dependent.

3.131 However, for people with disabilities there are still many areas in which their self image and others' perception of them need to be changed, and this does add further to the work which they and their families/carers etc. are obliged to undertake in order to increase self-esteem. For many, a positive and contributing image is desired, indicating that people with disabilities can give something to the community, rather than being seen as 'dependent'. For others, the issue is of being seen as needing some assistance to be equal, not as demanding privileges denied to the rest of society. For still others, the issue is to be seen 'as people, and not as people with a disability'.¹⁷⁸ It is important that general society-wide changes continue to be made in order to make real advances in opportunities. Otherwise, there is a strong likelihood that, like other disadvantaged groups, people with disabilities may retreat from social involvement and lose both work and social skills, many of which may not have been easily acquired in the first place.¹⁷⁹

3.132 If real changes are not made, then society will need to look at the effects this failure has both in the short and long term. The cost to society in terms of health and support service funding, the additional indirect cost of lost opportunities and thwarted individual development, and of less than optimal participation in social as well as employment situations, is substantial both in cash and in other terms.¹⁸⁰

178. *Transcript of Evidence*, p. 4030 (Intellectual Disability Rights Service).

179. Submission No. 2, p. 2 (Miss L. Roberts).

180. Submission No. 84, pp. 4-5 (Ms B. Saxby). See also Daryl Dixon *Unemployment: the Economic and Social Costs*, Brotherhood of St Laurence Research for Action Series No. 2, Melbourne, 1988.

The cost in terms of personal suffering, expressed by many witnesses and in submissions, is incalculable.¹⁸¹

3.133 The solutions to such problems are not simple. Given the importance of addressing problems in terms of general and broadly-based change, there must be proper consideration of the issue of employment/occupation and the effect which it has on the individual and the community as a whole. A number of people with disabilities clearly demonstrate that they, as individuals, are thwarted and limited in their personal development. They make considerable efforts on a day-in-day-out basis to overcome these limitations.¹⁸² However, the structure of society is such that generally individual problems are only to be resolved by integrated service and program developments and changes in community attitudes. 'Disability has too long been viewed as a problem of the individual and not the relationship for that individual and his/her environment.'¹⁸³

181. Dixon, *ibid.*, p. 22.

182. McConnell & Pretty, *Wage Determination in Sheltered Employment*, Discussion Paper, 1988, p. 39.

183. *Transcript of Evidence*, p. 1338 (Disabled Peoples' International).

CHAPTER 4

EDUCATION

Government responsibilities

4.1 The Commonwealth provides funding for a wide range of school programs as part of its contribution to the national effort for Australian schooling.

Both the recurrent and capital programs provide financial assistance to schools so that students can be better prepared to undertake post-school education and training, to participate successfully in the labour market and to contribute to and benefit from Australian society.¹

4.2 Education and training are constitutionally the responsibility of the State and Territory governments, which play a major role in the management and delivery of school education, TAFE and vocational training.² This has led to a considerable diversity in the range of responses to the education and pre-vocational training needs of students with disabilities. As with all students the foundations for future employment and training opportunities are to a large extent shaped by access to, experiences of, and achievements in, primary and secondary schooling.

4.3 The major providers of technical and further education in Australia are the TAFE colleges administered by State governments. While the major financial and educational responsibility for TAFE rests with the States, the Commonwealth government provides substantial assistance to the States, in order to improve the quality of TAFE education and to expand the opportunities for vocational education and training. The Commonwealth assumes a dominant role in higher education³, as well as a significant role in the funding for the TAFE and school sectors. The Commonwealth also seeks to enhance the labour market prospects of the unemployed and other disadvantaged groups through special programs such as SkillShare, JobStart and JobTrain.⁴

1. Commonwealth Programs for Schools 1991 Administrative Guidelines, AGPS Canberra, 1990.

2. Employment, Education and Training Key Trends and Government Initiatives, Submission to EPAC by the Minister for Education, Employment and Training, Discussion Paper 89/08, p. 1.

3. DEET/National Board of Employment, Education and Training *A Fair Chance for All*, AGPS, 1990, see especially pp. 40-3 on higher education initiatives for people with disabilities.

4. See Chapter 5, Paragraphs 5.93-5.138.

Access to Education

4.4 Education is essential for gaining access to employment through providing a range of knowledge, skills and practical experience which are the basis of further development. 'Education would have to be the single most important aspect for employment'.⁵

4.5 Evidence to the Committee highlighted the vital role of education in determining the future employment opportunities of people with disabilities. 'Unless people with disabilities are offered the same opportunities as their peers to gain a secondary education, with a chance of going on to tertiary education; then the chances of people with disabilities [are] severely reduced.'⁶

4.6 The Human Rights and Equal Opportunity Commission identified the lack of adequate education qualifications or vocational training as a barrier to people with disabilities obtaining employment or advancing in employment.⁷

4.7 The 1988 Survey of Disability and Handicap found that of the 220,000 'handicapped'⁸ people aged 5 to 20 years, 171,300 attended school. More than two thirds of handicapped school children attended ordinary classes, 94,600 at Government schools and 25,000 at non-Government schools. Children whose primary condition was a physical disability were more likely to be in a mainstream education (i.e. ordinary classes at ordinary school) than were those children whose primary disability was classified as 'mental'⁹ (mostly intellectual).

4.8 ABS data¹⁰ indicate that in 1989 there were 462 special schools in Australia catering for 19,844 students (or 0.7 per cent of all full-time students). Only 3,230 of these students were identified as being in secondary education (for 64 per cent their level of education was not identified as being primary or secondary).

Primary and secondary education

4.9 Witnesses and submissions differed in the emphasis which they placed on problems with schooling, and the benefits to be obtained from mainstream or from special education services. A number of people clearly believed that issues of

5. *Transcript of Evidence*, p. 4442 (Disabled Peoples' International, Queensland Branch).

6. Submission No. 28, p. 1 (Mr I. Dalwood).

7. *Transcript of Evidence*, p. 5861 (Human Rights and Equal Opportunity Commission).

8. ABS terminology; 'handicap' is a more serious level of incapacity than 'disability'. See Appendices 5 and 6.

9. 'Mental' handicap/disability is a term which should no longer be used by the ABS; it is not acceptable terminology.

10. ABS, *Schools Australia*, 1989, 4221.0.

integration versus segregation were important in the consideration of the *type* of education available.

Integration versus segregation

4.10 A major philosophical argument about primary and secondary education for people with disabilities has centred on the imbalance of mainstream versus segregated schooling. As noted above¹¹ there is considerable pressure by many people with disabilities to be accepted by the broader community and to gain access to the opportunities taken for granted by others; at the same time, there is also an awareness of the importance of identifying needs and having these met in order to overcome multiple disadvantages, including the particular disadvantages of different types and levels of disability. In the area of education these approaches have not always been brought together in terms of outcomes for individuals, with the major ideological divergence between integrated versus segregated schooling dominating thought in some States and possibly insufficient attention being paid to the end result of either form of schooling. In some States where integration is established as an option for the majority of students with a disability, the lack of adequate resourcing may reduce its viability as an option.

4.11 Some submissions painted an alarming picture of the fate of some students with mild intellectual disabilities:

Preparation for employment is also a major issue. In NSW this is virtually non-existent for students in high schools with intellectual disabilities . . . They leave school at 14 years and 9 months, too young to qualify for unemployment benefits, sickness benefits or the invalid pension. They have no skills for work, have behavioural problems and poor self esteem.¹²

In some cases, the educational vacuum may be filled by less desirable influences still, with the result that we are now becoming aware that our prisons contain disproportionately high numbers of people with intellectual disabilities, who represent the challenges of training, re-training, and employment once more – though, this time under much more difficult circumstances.¹³

4.12 There is a need for programs which promote training and employment opportunities for people with mild intellectual disabilities such as programs to improve the secondary school retention rate for children with those disabilities and TAFE courses aimed specifically at such students which would prepare them for work.

11. See Paragraphs 3.46-3.50.

12. Submission No. 6, p. 2 (Dr M. Ryan).

13. *Transcript of Evidence*, p. 3681 (The New South Wales Council for Intellectual Disability), p. 5377 (JobMatch).

4.13 To meet the needs of primary and secondary school students an adequate response within the regular school curriculum is essential. For students with physical or sensory disabilities, the major factor may be obtaining access to the curriculum, whether through the provision of ramps and toilets or aids, or through other assistance such as material in braille or taped materials etc. The author of one submission noted that problems of physical access could limit education opportunities.

The chances of an integrated system of education (in NSW) offering students with disabilities equal opportunity must be reduced when the building program for the Department of Education does not always reflect in practice, physically accessible schools for students with disabilities. In 1980/81 many people with disabilities demonstrated outside the Glebe High School in Sydney at the lack of access to various parts of that school for its students with disabilities. Since that time, this unfortunate experience has been repeated. These factors impact on the chances of people with disabilities gaining access to the workforce and, having choices about the point(s) of entry into the workforce.¹⁴

4.14 By the end of the 1980's and early in the 1990's, however, there was evidence that greater integration of services had occurred in New South Wales government policies. While problems with physical access may remain – and these are not peculiar to New South Wales schools, or even to secondary education¹⁵ – it was obvious from evidence given to the Committee in 1990 from officers from the Departments of Further Education, Training and Employment, and Family and Community Services, that a much more active series of strategies had been developed to improve access to services.¹⁶

4.15 Greater awareness of access problems amongst the community in general, has meant that these issues are now more taken into account. However, it is apparent that resources simply are not sufficient to assist all people with disabilities to access courses physically, to have the direct assistance they need (in terms of aids, individual coaching/interpreting)¹⁷, or to obtain access to courses which meet their specific needs.

4.16 A discussion paper prepared by the National Council on Intellectual Disability for HREOC found that:

14. Submission No. 28, p. 2 (Mr I. Dalwood).

15. See *Transcript of Evidence*, p. 5602 'Some programs are literally not accessible' (DEAC – Disability Employment Action Centre).

16. *Transcript of Evidence*, pp. 3966, 3968 (New South Wales Department of Family and Community Services).

17. *Transcript of Evidence*, pp. 5602, 5606 (DEAC – Disability Employment Action Centre).

18. Although all State and Territory education authorities have written policies which to a greater or lesser extent promote the integration of students with disabilities into regular school environments, these policies are often not supported with the allocation of appropriate resources.¹⁸

This view was supported by other witnesses.¹⁹ One of these noted that integrated education:

not only helps to give a broader education to people with disability but also to able-bodied students, educators and the wider community. This in itself will help with the education of people with a disability in the future.²⁰

The Committee notes that all members of the community benefit from integration, and this view is one which could profitably inform many education and information campaigns. It helps both to identify particular needs at the same time as indicating that these needs are those of non-disabled people as well as those of people with disabilities.

Recommendation

The Committee RECOMMENDS:

1. That adequate human and financial resources be allocated to all mainstream schools to ensure provision of services required for true integration.

4.17 The provision of additional resources to the level required for integration to operate, therefore, should be seen not only as an investment in people with disabilities but an investment in the wider community as a part of its own education.

4.18 Other witnesses emphasised that special or segregated education might have some benefits, even though they also had drawbacks.

4.19 A recent study of special education in Australia found that while 'most States had moved towards integration of students with intellectual and other disabilities into regular classes . . . the extent to which integration has been achieved differs from state to state, region to region, and even school to school'.²¹ The study

18. *The Rights of People with Disabilities*, p. 33. See also Transcript of Evidence, p. 5599 (DEAC - Disability Employment Action Centre).

19. *Transcript of Evidence*, p. 4444 (Disabled Peoples' International, Queensland Branch).

20. *ibid.* See also *Transcript of Evidence*, p. 5612 (DEAC - Disability Employment Action Centre).

21. A. Ashman and J. Elkins (Eds), *Educating Children with Special Needs*, Prentice Hall, Sydney, 1990, p. 86.

concluded that the successful introduction of integration depended on a range of social, administrative and policy responses, including modification of the curriculum to include the needs of children with disabilities, attitudinal change and adequate resources (for example, training, assistance and physical resources).

4.20 Mainstream schools, in other words, theoretically offer both a better education and the development of individual opportunities to make contact with the broader community. Yet, unless they provide appropriate resources they may not be able to offer any equity to their students both in terms of scholastic or social development.²²

4.21 An education consultant in Western Australia, for example, pointed out that students with an intellectual disability 'generally have not continued into upper school' because of 'certain constraints in resources and curriculum'.²³ While there could be problems in keeping students at school until later (because of the higher wages they might need to be paid when they left) the special schools *did* maintain students until they were eighteen.²⁴

4.22 Other parent groups or individuals had had different experiences with mainstream education – one finding that the State system could not make appropriate provision for his daughter.²⁵ An organisation representing people with disabilities believed that schools 'are not doing enough in the area of transition education', thereby suggesting that this preparation for employment should not be left to the end of schooling 'students with disabilities – who may require additional support – are even less apt to be catered for'.²⁶

4.23 However, other witnesses or submissions pointed to the defects of special education which included a limited awareness by the community of people with disabilities and of their needs.

4.24 The segregated special schools system was considered the source of 'many of the problems that people with disabilities face in employment and further education and training'²⁷, with attitudinal barriers being seen as linked to the policy of segregation adopted in the past:

22. *Transcript of Evidence*, p. 4176 (Dr M. Steinberg).

23. *Transcript of Evidence*, p. 5293 (Mr B. Blakeman).

24. *ibid.*

25. *Transcript of Evidence*, p. 5064 (Southern Regional Planning Groups for People with Disabilities).

26. *Transcript of Evidence*, p. 5042 (Southern Regional Planning Group for People with Disabilities).

27. *Transcript of Evidence*, p. 5599 (DEAC – Disability Employment Action Centre).

Many of the barriers which people with disabilities face in the community are associated with attitudes of the general community and basic ignorance of disability issues. That has stemmed significantly from the fact that people with disabilities are segregated throughout childhood from non-disabled people. Despite the existing integration program, that has not been dealt with any great success at this time, in our view.²⁸

4.25 One of the arguments against segregated education has been that, whatever the level of educational achievement, it has not been able to provide its students with the other services which are perceived as an integral part of education – socialisation skills, experience in decision making, transition to the adult world and independence. While the levels of these will no doubt vary according to the intellectual level and personality of the individual and the environmental factors influencing his or her life (including other disadvantaging factors), the capacity to enter the workforce and operate successfully within it demands the ability to function with other people on at least a superficial level. Insofar as segregated schooling may not offer that opportunity over a number of years, it will produce children who are severely disadvantaged. People with disabilities, as indicated above²⁹, are well aware of their separateness, and of the attitudes of society, of some employers and fellow employees; while education and information programs must work towards overcoming such attitudes, provision of the confidence with which to deal with negative attitudes is also a responsibility of those educators who have the future prospects of people with disabilities entrusted to them.

4.26 Issues of access for students with intellectual disabilities are more complex than for people with other disabilities.

4.27 They may require additional opportunities to learn – ‘either because they have not learned things which are assumed to be known by regular students, or because they need to be taught things which schools assume are learned incidentally out of school’.³⁰

4.28 Traditionally, special schools have responded to these needs by either continuing students' education for several years until 18 or 20 years of age or by eliminating some of the content of the regular curricula, and planning curricula with the needs of the individual student in mind. Obviously it may be more difficult to accommodate these special curricula needs in a regular classroom environment; inability to do so, however, will mean that mainstreaming is not the complete answer and supplementary classes and/or individual assistance may also be required. This is true also for many students regarded as ‘mainstream’, for example children from non-English speaking backgrounds or children whose parents move frequently.

28. *ibid.*

29. See Paragraphs 3.41-3.47.

30. A. Ashman and J. Elkins (Eds), *op. cit.*, p. 53.

Quality of education

4.29 However, the problems are more extensive than this, and also concern the quality of education and the resources available to maintain standards.

4.30 A sub-standard education, in the sense of one which does not provide a solid grounding in basic principles of literacy and numeracy, could be the end result of a number of years of schooling. A young woman described for the Committee the difficulties she had experienced:

I was integrated at a very early age, and I honestly thought that to get a job in the normal work force would be a lot easier for somebody who had been educated the way I had. But I missed grade 7 and went from grade 6 to high school. I went into the hearing impaired unit there for maths, science and social studies. . . . I was integrated for English and all my options, but in those three subjects I did not get any homework so, consequently, I did not learn the study skills.

When I left school and tried to get a job in the normal work force I found that it was very hard if you did not have the proper schooling.³¹

4.31 The then Director of the Epic Employment Service in Queensland (a CETP program) made a similar point:

One of the big problems that we face is that most of our clients come from special schools and the special schools headmasters say, "Don't expect them to be able to read and write". We say, "What else are you actually doing there?". They say, "We are doing all sorts of other wonderful things like microwave cooking courses". They do a lot of things which are very useful and teach them independent skills but they would never assist them in being able to get employment.

I faced the problem, when I was at the CES, that people would come in but could not fill in the forms, could not understand the questions, could not read the newspaper to find a job, or could not access the CES boards because they could not read the cards. If those sorts of basic skills are lacking, we have really got a long way to go before we are going to be looking at more advanced things.³²

A consumer service, DEAC, stated to the Committee:

31. *Transcript of Evidence*, p. 5202 (PE Personnel).

32. *Transcript of Evidence*, p. 4209 (Epic Employment Service M.O.R.E. Inc.).

As for the standard of schooling levels in many special schools, people come out with grade 2 or 3 level of schooling. That includes thousands of people with physical disabilities.³³

DEAC also suggested that 'part of the problem is . . . that traditionally special school teachers are primary teachers. People come out of special schools at the age of 18 unable to access further education'.³⁴

4.32 Many children with disabilities, they believed, are not as well served as they might be by their education.

[There are] people for whom, possibly because of a severe physical disability, their intellect and the development of their educational skills are the potential ways that they can contribute significantly to their own life and to the community, and participate in the community fully. Unfortunately, because of their participation in the special school system, they come out at the age of 18 with virtually no schooling as well, and so they have no access to the further education system.³⁵

4.33 These statements indicate that there are difficulties both within special schools and mainstream schools for people with disabilities although the magnitude of these problems may vary across States. Unless there is a full commitment to developing the abilities of all students on an individual basis, both forms of education may fail to prepare students to participate in society to their full potential. Although not supporting segregated education because of its 'flow-on effect', one consumer group suggested that there was a need for a flexible, individualised education service.

There are a range of models for delivering educational services and some of them are your strictly segregated models. There are schools which provide a degree of integration and there are schools which provide a range of regional services and support to people with disabilities within mainstream settings. . . . I guess what we would be on about would be providing a service to a person, with a range of supports, both those directly on deck and those that could be shared amongst schools in terms of providing an integrated education and also delivering for students with disabilities the same sorts of outcomes that would be expected in the mainstream community, in particular levels of literacy and numeracy and those sorts of very basic things which the education system does not deliver for a number of people with disabilities in segregated settings, when it could.³⁶

33. *Transcript of Evidence*, p. 5600 (DEAC – Disability Employment Action Centre).

34. *Transcript of Evidence*, p. 5599 (DEAC – Disability Employment Action Centre).

35. *Transcript of Evidence*, p. 5600 (DEAC – Disability Employment Action Centre).

36. *Transcript of Evidence*, pp. 5612-13 (DEAC – Disability Employment Action Centre).

4.34 A submission from a thirty-five year old man who had studied at university after attending special school until age 15 highlighted the importance of such a commitment.

The emphasis on "special schools" as with "integrated" mainstream schools should be on qualitative educational options for students with disabilities. Both the special schools and the mainstream schools require resourcing at a level which will guarantee as far as possible that the opportunities offered a student with a disability are *equal* to those made available to students without disabilities.³⁷

Recommendations

The Committee RECOMMENDS:

2. That both special and mainstream schools ensure that people with disabilities receive an education which is appropriate to their needs.
3. That all children with disabilities have access to required remedial teaching during school hours in order to ensure that appropriate education is available, and to ensure that students do not leave school without their education and other needs being identified and adequate steps being taken to meet these needs.
4. That schools be adequately resourced to provide such assistance as is required by people with disabilities to obtain an education which will allow them to participate in society (including employment) as much as possible. Such access includes, but is not limited to, physical access, appropriate courses, aides and interpreters, equipment.
5. That effective monitoring and evaluation processes be established to ensure that education services are meeting the needs of individuals.

4.35 The increasing trend towards integration of children with disabilities into mainstream school settings has opened up a wide range of social, educational and vocational opportunities which previously have been denied this disadvantaged group. In Victoria and South Australia, the parents of children with disabilities have been able to choose whether their child is educated in a 'regular' or 'non-regular' educational setting since the early 1980's. While not all children with disabilities can be 'integrated', the Director of the Integration Unit for the Victorian Education Department noted in 1985 that a 'realistic and flexible approach to "integration" would permit more disabled children to attend "regular" schools than ever

37. Submission No. 28, p. 2 (Mr I. Dalwood).

before'.³⁸ The Queensland Department of Education policy supports integration, and a number of students with disabilities are enrolled in mainstream schools.³⁹

4.36 Most State governments now offer a range of options to students with disabilities. In Western Australia, depending on the needs of individual students they may participate in regular classes or may alternate between educational support centres on the same campus and regular classes or they may attend a separate education support school. The Northern Territory Minister for Education outlined his department's approach to the education of students with disabilities whereby students with disabilities are encouraged to attend their local school, with the Department and School principal identifying and making available the necessary support services. If it is decided by a formal placement and review panel that it is inappropriate for a student to attend a local school, education is provided within specialised settings such as special units/classes attached to mainstream or special schools. A child attending such a unit is seen as being provided with maximum opportunities for interaction with mainstream peers.⁴⁰ However, some contradiction between policy and practice was evident during consultations conducted by the Chair of this Committee in the Northern Territory in June 1990. Public servants, as well as consumers (who had recently attended Northern Territory schools) stated that this policy was not always supported in practice.

4.37 In Tasmanian schools, the emphasis is on maximum integration with the majority of children with visual, hearing and physical disabilities being fully integrated. Special schools operate in each of eight districts; the majority of students in these schools have intellectual disabilities, and a percentage of these may be able to attend some components of mainstream education. Special support units provide assistance to such students.

Post school options and problems of transition from secondary school

4.38 ... the preparation of people with intellectual disabilities for employment must start before they leave school. The tendency for the eighteenth birthday or whatever to arrive and nothing to have been done specifically to prepare people for this inevitable event is very largely responsible for the problems we now face. If we were to think ahead, do some forward planning, and train people for jobs that are

38. 'They are Different', Michael Steer, *The Australian Teacher*, No 13, August 1985.

39. Queensland Department of the Premier, Economic and Trade Development - letter to Committee, 1 May 1991.

40. Submission No. 197, Attachment A (Minister for Education, the Arts and Cultural Affairs, Northern Territory). Early in 1992, the policy of maximum possible integration was stated to be in practice, with students attending mainstream schools where possible, with alternative courses and extra staff being provided. School to work transition programs were available for students, some of whom remained at school until the age of 21. Special School education was also available. See also Northern Territory Department of Education *Annual Report*, 1990, Darwin 1991, p. 33.

ahead we would save ourselves a lot of heartache and the crisis management that we then have to engage in.⁴¹

Today, education tends to be dictated by concern with standard elements of curricula and oriented to feeding the demands of competitive, top-of-the-range performers. For disabled children where the education process is punctuated by other concerns like maintenance and therapy, preparation for adulthood roles is delayed and truncated, especially when they reach 18 (in some states). The fragments of the education received are often unrelated to skills useful for obtaining employment. Considerable delay may therefore occur before entering the workforce while Activity Therapy Centres attempt to recover the situation.

The main message communicated to young disabled persons by the education system is that most of the training they receive is sham and they cannot expect to become employed.⁴²

4.39 A report of the National Board of Employment, Education and Training⁴³ noted the Board's concern that:

Careers education should seek to overcome the disadvantage and discrimination often associated with . . . disability Simply making equal provision for all students may not be sufficient for those students who are least advantaged, and consequently, specific measures will be required.⁴⁴

4.40 The Board also noted that careers education must be provided within a realistic economic and labour market context so that these disadvantaged students 'consider their futures cognisant of the obstacles posed by factors such as labour market trends and quotas on entry to higher education institutions and TAFE'.⁴⁵

4.41 In 1988 almost three quarters of students aged 13 to 20 years attending special classes in mainstream schools and two thirds of students in special schools had, as their primary disabling condition, 'mental' disabilities (predominantly 'mental retardation' as defined by the Australian Bureau of Statistics).⁴⁶

41. *Transcript of Evidence*, p. 3721 (The New South Wales Council for Intellectual Disability).

42. *Transcript of Evidence*, p. 4814 (Disability Advisory Council of Australia).

43. NBEET, *Strengthening Careers Education In Schools*, AGPS, 1991.

44. *ibid.*, pp. 53-4.

45. *ibid.*, p. 54.

46. Data extracted from 1988 ABS Survey of Disability.

4.42 Vocational outcomes from some special schools were seen as having been very poor, meaning that students from these schools have been unable to access further education and had no recognised qualifications.⁴⁷

4.43 The extent of this problem is hard to gauge, partly because of lack of formal quantitative information as to the level of education attained by students with disabilities, both in mainstream and in segregated schools, and partly because of paucity of specific data.⁴⁸ It is difficult to ascertain both the number of students with disabilities graduating from schools and the nature of their disability. As a result it is difficult to determine how many may be missing out on places in sheltered, supported or open employment programs or other training and support programs. In particular the recent moves in a number of States towards the integration of students with disabilities makes it difficult to assess how many students with disabilities graduating from mainstream schools may experience problems in obtaining a job as a result of their disability and are in need of assistance.

4.44 A need still exists, therefore, for information on people with disabilities. If, as other evidence stated, there was a considerable number of people whose 'disability' had never been identified, the information base is currently seriously deficient.⁴⁹ However, as has been suggested in Appendix 7, there is no point in obtaining information *per se*.⁵⁰ It must be utilised to the advantage of the individuals and groups concerned, and to this end it may be necessary for the parties concerned to determine both short and long-term plans for access to additional programs. In order to be successful, however, such strategies would require commitment to a substantial level of expenditure to rectify deficiencies in the education of those who had not previously been identified as having a disability (as well as those who had). In addition, such strategies would also have to provide improved access both to education/training and indirectly to employment services for those who have moved on from secondary education into the wider community but whose opportunities have been substantially limited, often since the time they left formal education.

4.45 Since the problem of poor vocational outcomes has now been identified, the emphasis has necessarily been on establishing effective transition for those who have just left school or are about to do so.

47. *Transcript of Evidence*, p. 5613 (DEAC – Disability Employment Action Centre).

48. The Queensland Government advised the Committee in May 1991 that an average of 250 students with disabilities left mainstream and special schools each year (90 per cent of these had intellectual disabilities). No data were available on students with disabilities exiting TAFE programs.

49. See, for example, *Transcript of Evidence*, p. 3956 (New South Wales Department of Further Education, Training and Employment).

50. See Appendix 7, p. 10, Paragraph 5.1.

4.46 Examples of improvements in special schools can be seen in the development of a number of transition programs which assist students in their transition to adult and working life. Several State governments are currently developing strategies to achieve more effective transition from special schools to work or other activities for students with disabilities.

4.47 There is very little information on programs for other students with disabilities graduating from mainstream schools. The transition pilots in each State vary in target group, orientation, and *raison d'être*. In Victoria and Western Australia evidence given to the Committee suggests that the development of transition programs was a response to concern by parents and teachers about the lack of options for their children when they have finished school. In other States, while parental concerns have no doubt been crucial, some of the impetus has come from organisations and governments, and to some extent, from the students themselves.

4.48 Overall, the impetus to develop these programs reflects three main influences. The first is that there are reduced numbers of places in sheltered workshops which has meant that transition from special school to the sheltered workshop is no longer regarded as being automatic or, indeed, as desirable.

4.49 Secondly, there is concern that students without post-school options will regress, and this concern has been expressed clearly, especially in relation to people with intellectual disabilities. 'The need is urgent, not only to accommodate those leaving school at the end of the 1990 year but to take up the huge backlog of those who have long since left the education system and have nothing to go to. The sad fact is that many of these who have no form of employment or placement have regressed from the achievement levels that our educators worked so hard to attain.'⁵¹ Given the particular problems which people with disabilities have with self-esteem and self-confidence, this is an important matter, particularly, for people with intellectual difficulties who may require continual reinforcement of skills.

4.50 The third major influence on the development of recent post-school options was the perception that students emerging from an integrated education system will expect integrated, mainstream post-school options. Overall, the common elements in these transition programs have been:

- consultation with students and parents to develop individual plans; and
- development of linkages between schools, community service providers and other education providers such as TAFE.

51. *Transcript of Evidence*, p. 5251 (W.A. Special Schools Parent Action Group). See also Submission No. 37, p. 1 (Koomarri Special School) where the principal of Koomarri school in the ACT voiced similar concerns.

Development of Transition and Post-School Programs

4.51 South Australia has a comprehensive transition program for students with disabilities via Education Department support services such as The Daws Road Centre in Adelaide⁵² which provides a transition program for students aged 15 to 17 with intellectual or other disabilities. These students have typically had trouble coping with 'normal' schooling and they attend the centre for two days each week returning to their home school for the remaining three days. The centre has found that while these students have the capacity to work in open employment they will not succeed without support. Since 1977 the centre has assisted over 1000 students of whom 60-70 per cent have been placed in open employment and about 20 per cent in supported employment. The centre works with about 120 students each year.⁵³

4.52 The major activities of the students focus on development of skills and attitudes which are necessary to cope with employment. A significant part of this is the work experience program, which is matched to the needs of each student and the period of attendance depends on their needs – in the past it has ranged from a few weeks to more than two years.

4.53 The Centre works closely with other agencies such as the CES and draws on the support available such as JobStart and SkillShare to assist their students into employment. When students are considered 'work ready' a staff member assists them in locating a suitable job, accompanies the student to interviews and acts as an advocate throughout the application process. Once a student leaves the centre the staff monitor their progress. It is considered that the advocacy and support 'contribute significantly to the success of many Daws Road students in obtaining and retaining employment'.

4.54 The New South Wales Department of School Education was administering the pilot phase of its transition program late in 1990.⁵⁴ This program addresses the lack of co-operation between school based and community based programs and the need for follow-up and post-school support which has previously been identified as being a problem. The program aims to achieve greater co-ordination of existing services and programs for young people with disabilities faced with the transition from school to work.⁵⁵

52. Submission No. 223 (Daws Road Centre). See also *Transcript of Evidence*, p. 5063 (Southern Regional Planning Groups for People with Disabilities).

53. Submission No. 223, p. 1 (Daws Road Centre).

54. New South Wales Government – Department of School Education – further material supplied to the Committee following hearings in Sydney 2-3 October 1990. Other evidence was provided directly to the Committee by two other Departments, FACS (Family and Community Services) and the Department of Further Education, Training and Employment. See *Transcript of Evidence*, pp. 3949-72.

55. See also *Transcript of Evidence*, pp. 3968-9 (New South Wales Department of Family and Community Services).

4.55 In order to achieve smooth transition from school to community adjustment for individuals with disabilities, the pilots have involved the establishment of two structures, school based and community based transition teams.

4.56 The school-based teams consist of the student, the student's parents/advocate, special education teachers, other school staff and representatives of adult service agencies. These teams develop Individual Transition Plans (ITP) for each student and are developing systems for tracking the implementation of these ITP's and their outcomes. The focus of the community based teams is to enhance the capacity of the various service provisions during transition, rather than to provide direct services.

Basically this program is an attempt to secure more positive outcomes for students . . . an attempt to pull together the range of services and support that individual may need – not only those they need to secure and retain meaningful employment, but also the support services that individual will need within the community at large once they leave school . . .

[The pilot] is looking at things like creating a transition plan for a person that says, "This is where that person is at; this is the support they need; this is what they would like to do and these are the skills they need subsequently".⁵⁶

4.57 Following the pilot phase, the Department of School Education intends to establish transition teams on a state wide basis, so that all secondary age students with disabilities can receive effective and efficient services and support.⁵⁷ A similar process operated in Queensland in that all students in segregated educational settings must have an Individualised Transition Program (ITP) which provides the structure for their transition from school into the work area.⁵⁸

4.58 The Northern Territory Department of Labour and Administrative Services was trialling a 'School to Work Transition Program' in four junior high schools at the time of their submission in May 1990.⁵⁹ In early 1992, transition programs were considered to be well established, with programs available for 15-21 year olds and work experience being gained while individuals were still at school. Funding was provided through the Commonwealth and Territory governments and through other sources.

56. *Transcript of Evidence*, p. 3969 (New South Wales Department of Family and Community Services).

57. *ibid.*

58. Additional information provided to the Committee by the Queensland Government, 1 May 1991.

59. Submission No. 197 (Northern Territory Minister for Education).

4.59 Evidence provided to the Committee suggested that although Victoria and Western Australia had had transition plans in place for some time they were finding that tightness in both the sheltered and open labour markets meant that students in these States were not all subsequently obtaining employment or other placements.

4.60 In Western Australia the Special Schools Parent Action Group had estimated that in 1989 there were at least 120 students leaving school each year and an existing pool of 1000 unplaced adults.⁶⁰

4.61 The problems caused by segregation and low educational standards, leading to, and compounded by, a lack of post-school options for students with disabilities has led in Victoria to the retention of many adult 'students' in special schools. In 1988 there were 868 adults with intellectual disabilities attending special schools in Victoria.⁶¹ Most of these had been allowed to continue at school because there were no post school options available.

I think that the whole project and the way the numbers are growing are signs that the adult education, training and employment sectors are not growing at a pace to pick up people who are moving through school.⁶²

In Victoria, the reason why we have got the 18+ problem is that the schools have been reluctant to push students out where there have not been other options available to them.⁶³

4.62 There was concern that the lack of a post-school placement meant that students' skill levels were not maintained and that this would have the long-term effect of an increased level of dependency.

The teachers' view was that the best transition program in the world will not suffice if there are not the organisations and services to carry on the work they have started.⁶⁴

60. *Transcript of Evidence*, p. 5246 (W.A. Special Schools Parent Action Group).

61. Report of the Working Party on Students with an Intellectual Disability Aged over 18, February 1989, (additional material supplied to the Committee) p. 29. See also *Transcript of Evidence*, p. 5438 (Victorian Government). Community Services Victoria indicated in their evidence to the Committee that the number of adults in special schools had now grown to about 1000 and would have grown to about 2000 by the conclusion of the pilots.

62. *Transcript of Evidence*, p. 5439 (Victorian Government).

63. *Transcript of Evidence*, p. 5441 (Victorian Government).

64. *Transcript of Evidence*, p. 5290 (Mr B. Blakeman).

4.63 In Western Australia an inter-departmental working party report (the 'Blakeman' report) had recommended that the Government provide funding for the creation of an additional 200 post-school placements each year for four years.⁶⁵

4.64 However, in evidence to the Committee, disability groups expressed their concern that only 1990 school leavers (and beyond) would be eligible to participate in the new programs and that those people who had left school within the last five years and who did not have a placement were excluded.⁶⁶ However Mr Blakeman (appearing as a private citizen) supported this targeting of the program on the grounds that:

the outcomes will be better. Obviously if you have that continuum of development of skills, one would expect greater independence and therefore less dependence in the future with those people who are well transited from school into another option or series of options.⁶⁷

4.65 The Western Australian Government was concerned that appropriate transition programs became available, and from the middle of 1990 a number of work experience pilot programs have been conducted in order to find the most suitable model.

4.66 In July 1991 a research and development project was undertaken by PE Personnel with funding from the Post Compulsory Program, Curriculum Development Branch of the Ministry of Education. The purpose of the project was to implement three different models of service delivery to facilitate work experience for students with disabilities, compare the outcomes and draw some conclusions for future developments. In total 27 students of school leaving age were targeted for participation in the project.

4.67 The three models were: Train the Teacher; Train the Student; and Mentor, Schools and Students. The third program used mentors, who were volunteers trained by a competitive employment agency (PE Personnel) to deliver on the job support and training during work experience. A Work Experience Officer was employed, part-time, to secure work experience placements and to co-ordinate mentors.

4.68 The Western Australian Ministry of Education believes that:

Of all the models trialled, the two which utilised the expertise and resources of a specialist employment agency generated the most positive results (that is Train the Student and Mentor). The Mentor model was clearly the most successful because of its cost effectiveness

65. *Transcript of Evidence*, p. 5272 (Developmental Disability Council of Western Australia (Inc)).

66. *Transcript of Evidence*, p. 5251 (Western Australian Special Schools Parent Action Group), p. 5270 (Developmental Disability Council of Western Australia (Inc)).

67. *Transcript of Evidence*, p. 5295 (Mr B. Blakeman).

and outcomes in securing paid employment. The Train the Teacher program was the least successful as teachers were unable to fulfil classroom obligations as well as work experience obligations.⁶⁸

4.69 During 1991 several other models were trialled; it was concluded that:

of all the programs trialled during 1991, it became very clear that the most successful were those that employed outside agencies to secure work experience placements and provide on the job support. . . . Programs trialled to date have concentrated on School to Work Transition; other areas of Transition From School (recreation and living skills) are yet to be addressed.⁶⁹

4.70 In Victoria, a Working Party had recommended that all special schools and continuing education centres design transition programs for their 16-18 age group in collaboration with local TAFE providers to facilitate the move from a specialised education environment to mainstream training programs.⁷⁰

4.71 In addition, responsibility for the education and training of students 18 years and over with an intellectual disability should be transferred from Office of Schools Administration to programs provided by other State Government departments, depending on the specific needs of the individual students. The transfer was to be evaluated in 1990/91 in pilot projects in seven special schools. These trialled a range of community and further education options and also investigated the options which will be available in the future for students from integrated settings.

4.72 Transition programs appear to have become a growth area within States and Territories, and are beginning to meet an identified need.

4.73 As yet, it is too early to determine if all these programs will be successful in meeting the specific needs of people with intellectual disabilities who are in the process of finishing secondary education. Clearly, they will require to be fully resourced in order to ensure that participants retain skills and are able to move into the workforce; nonetheless, the poor labour market prospects will also be a factor which needs to be considered in any evaluation of effectiveness.

68. Information provided to the Committee by the Western Australian Ministry of Education, January 1992.

69. *ibid.*

70. Report of the Working Party on Intellectual Disability, on students with an intellectual disability. Victorian Government Ministry of Education, Office of Schools Administration, Special Schools (April 1989).

4.74 More to the point, perhaps, is the role of these programs in the overall education of people with intellectual disabilities. To a degree, they may be seen as a means of providing experience and developing skills which might, more profitably, have been learnt at an earlier age (a criticism which might also apply to the need for life skills courses, many of which are run by TAFEs). Where this is the case, it points to a deficit in the education received in both primary and earlier secondary schools.

4.75 Obviously, the extent to which either special or mainstream schools are able to develop the full potential of their students is crucial to the nature and role of transition programs and post-school needs. Evidence of witnesses and from submissions suggest that in many ways such schools have not always had a positive view of their students' employability and therefore have not been able to encourage students to think of themselves as participating in the workforce. Again, to a degree, this can result from shortage of resources and where this is the case there are good grounds for being able to increase resources to enable the development of a more positive outlook and a proper development of skills, as well as increase physical and other access to services.

4.76 Transition programs which build on existing high levels of skills will obviously have a greater chance of operating as genuine transition services, enabling schools to provide the assistance needed by students to move to a more independent level of operation.

4.77 Those programs which are in effect providing education which might more profitably have been learnt at an earlier age and/or which are attempting to inculcate a more positive approach in the minds of parents, students and others, clearly are meeting a need but are performing a somewhat different function. Similar comments could be made about post-school options which are not able to build on optional learning and work experience of previous years.

Opportunities for work experience

4.78 Students in mainstream education would participate, as a matter of course, in the work experience programs offered by most secondary schools. While work experience is also available to students attending special schools 'there is much less variety in the type of work experience offered' and also 'great variation between special schools in the type and scope of work experience provided'.⁷¹ Some programs may provide a simulated work experience program within the school whereas others may attempt to offer community based experience. The Disability Employment Action Centre (DEAC) in Melbourne claimed that some work experience programs were conducted in a manner which may create false expectations of future participation in employment.

4.79 However Westwork's experience had led them to believe that the pre-vocational training being provided to people with disabilities in special schools

71. *Transcript of Evidence*, p. 5418 (Victorian Government).

Victoria would be of even greater benefit to them if it were expanded to enable people with disabilities to become more aware of the range of job choices available and the skills that they have to offer:

Work experience should be structured to allow for several years of work experience and on-the-job supervision during that work experience.⁷²

4.80 This concept could also have great value if applied to the work experience programs offered in other States.

4.81 Work experience programs in the Northern Territory facilitate the integration of students from special schools into the community, by involving severely disabled senior secondary age students in daily, part-time, work-training programs with on-site support from a teacher or teacher's aide.

4.82 In South Australia special schools have successfully developed several mini-enterprises and specialist work experience programs. Schools in Mount Gambier and Port Lincoln have innovative programs but there is some concern that many appear to be targeted at boys. While this issue has not often been raised specifically, it is one which all programs need to be aware of to ensure that equal opportunities are available for women.

Recommendations

The Committee notes the importance of effective transition programs and the role of carefully chosen work-experience placements.

The Committee RECOMMENDS:

6. That funding priority be given to transition and work-experience programs by States and Territories.
7. That all State and Territory Education Departments, and private school associations, ensure that there is no 'gap' for young people with disabilities between school and work (or other activities such as study at a TAFE). Work experience, and contact with another environment away from the school, must begin while the student is still attending secondary school. This is a high priority recommendation. These young people must not be allowed to 'disappear' from school and never make support services records.
8. That transition programs, similar to that operating at Daws Road Centre in South Australia, be implemented in all States to ensure continuity from school to work (or to other activities as appropriate). All schools operating innovative transition programs should be asked to provide information to all

72. *Transcript of Evidence*, p. 5247 (West Australian Special Schools Parent Action Group), p. 5628 (Westwork Industries (Wesley Central Mission)).

State and Territory Governments, and to relevant private school organisations, on the service they offer.

9. That all young people with disabilities be actively involved in counselling on career opportunities at least 12 months before they reach the minimum school leaving age. That their parents be involved in the consultative process. That those who will benefit from an early move from school be encouraged to accept placement in a school-to-work program, and that this program begin (on a part-time basis) at least six months before the planned move from school is due to occur. That the physical location of such programs be off school grounds to maximise the opportunity for smooth movement into the community.
10. That the Commonwealth government fund a short-term research project on transition programs. The results of this research are to be made available to as wide an audience as possible to demonstrate the achievements of established programs and help identify areas of particular problems.

Participation in post-compulsory secondary education

4.83 The ABS Survey of Disability in 1988 found that only 4,800 (21 per cent) of the 23,200 persons aged 17 to 18 and defined as handicapped were attending school.⁷³ Almost none of the students (fewer than one per cent) with intellectual or psychiatric disabilities were attending mainstream schools.

4.84 While participation in post-compulsory education by those with intellectual disabilities appears to have been minimal in the past, it appears to the Committee that in most States students with an intellectual disability are able to complete their secondary education, if they choose to, in an integrated setting.

4.85 From 1991, students in Western Australia with an intellectual disability were able to continue onto grades 11 and 12 for the first time. This will provide a longer term of transition for these students. Previously students with intellectual disabilities who had been maintained in the school system until they turned 18 had been placed in segregated settings.⁷⁴

4.86 In contrast, students with intellectual disabilities in the ACT, have participated in post-compulsory education for several years and several students from the Woden School (a special school) are currently attending Phillip College.⁷⁵ In 1991 five teaching positions from special education facilities were transferred to

73. Tables extracted by the ABS from 1988 *Survey of Disability and Ageing* for the Committee. Note that 'handicapped' and 'mental disorders' were definitions used by the ABS in the survey. Note also that the definitions used by the ABS are not always useful in helping to determine the extent of need.

74. *Transcript of Evidence*, p. 5293 (Mr B. Blakeman).

75. Phillip College is a mainstream government high school providing Year 11 and 12 programs.

Phillip College to assist these students. Also in 1991 the ACT Ministry of Education agreed to the continuation of the pilot project set up to relocate senior students from the special school to the mainstream.⁷⁶ A Design/Craft program has been developed at Dickson College to provide a transition from special learning classes to a work environment for students who have academic difficulties. As part of this program tapestries were designed and completed for the new Parliament House.⁷⁷ However physical accessibility remains a problem in most colleges in the ACT.

Post-school – TAFE courses for people with intellectual disabilities

4.87 There was general consensus amongst those giving evidence to the Committee that the TAFE system had an important role to play in the provision of training and further education for people with disabilities. These roles were primarily perceived as being part of the ordinary or mainstream education of people with other than intellectual disabilities, where needs in relation to the course related primarily to access (either physical access or support with course material); or as a course targetted to people with an intellectual disability for instance; or as a mix of the two delivery types.

4.88 In its submission the Queensland government acknowledged that:

Most post-school students with disabilities could reasonably be expected to be served by TAFE because:

- most students with intellectual disabilities would be unlikely to be eligible for courses at a higher tertiary level – for example, universities; and
- students with other disabilities have often been educationally disadvantaged and will come to TAFE for their first post-school studies.⁷⁸

4.89 However, it was noted that a number of students with disabilities might not be able to access TAFE for a number of reasons, including: short duration of programs, the fact that programs are segregated, not integrated; TAFE staff were not necessarily skilled in required areas, and the individual efforts of the course co-ordinator would be the most crucial factor. Given that the majority of students with disabilities leaving secondary education were people with intellectual disabilities, it is most likely that people with intellectual disabilities may be those with the least access to TAFE.

76. *Phillip College News* (17 February 1992), p. 2.

77. *The House Magazine*, 20 February 1991, p. 13.

78. *Transcript of Evidence*, p. 4328 (Queensland Government).

4.90 The dilemma for TAFE colleges, whose statutory responsibilities require them to focus on employment objectives, was well summed up in a submission by an employee of NSW TAFE:

For students with physical and sensory disabilities this [emphasis on employment objectives] has meant facilitating access to existing mainstream courses in whatever way possible and necessary, using TAFE's open access provisions. For students with intellectual disabilities the service response has been more complex.

Students who might be described as higher functioning and in need of less support may benefit from the traditional preparatory courses offered by TAFE, although program content and class size may be modified to provide for slower learning rates and more intensive instructional needs. Students whose support needs are greater and who might be described as moderately/severe or profoundly disabled have either been discouraged from enrolment, on the grounds of being less likely to benefit from the resources available or they have been enrolled with less specifically defined employment goals.⁷⁹

4.91 In 1988 a report on the use of TAFE colleges by people with disabilities (the 'Sach Report')⁸⁰ concluded that, while most States had comprehensive policies on the role of TAFE in training people with disabilities, and many TAFE colleges were providing a range of programs, 'disability is an ad-hoc, poorly resourced, low priority issue, in which performance is unable to match the rhetoric of the TAFE policy documents'.⁸¹

The fact is that resources are very thinly spread, programs are overly dependent on the individual efforts of some teachers, most special courses do not have vocational outcomes, linkages between schools at one end of the spectrum and job placement and support at the other end are poorly developed, funding is unreliable, inadequate and poorly focussed, initial teacher training is minimal and in-service staff development generally absent and evaluation of college performance in the disability field generally non-existent (including an absence of data on fundamental factors, such as the number of students with disabilities).⁸²

79. Submission No. 123, p. 4 (Mr M. Clear).

80. *TAFE and People with Disabilities*, AGPS, Canberra, 1988. This report was referred to in a number of submissions. In the study the author sought information on the following disabilities: verbal, hearing (major), visual (major), intellectual, manual dexterity, mobility and 'other' disabilities, p. 93.

81. *ibid.*, p. ix.

82. *ibid.*

4.92 The report estimated that in 1986 there were about 12,000 students with disabilities enrolled in TAFE courses which represented 1.4 per cent of the total TAFE population. Of these just over half were enrolled in special courses while the balance were in mainstream courses.

4.93 The issue of integrated as opposed to segregated courses/classes does not cease with secondary schooling, with a number of people indicating that special and separate classes were essential for persons with intellectual disabilities. Most of the students enrolled in special courses had an intellectual disability and almost one third had multiple disabilities. Most were involved in life skills courses and the report on TAFE's found that even the courses which were described as bridging courses to further education or to vocational courses were, in fact, 'not a bridge to further education but are ends in themselves'.

... for most people with intellectual disabilities, TAFE is providing programs which are separate from the mainstream and tailored to their needs. Some of those programs are delivered from separate facilities on or off campus, whilst others are held in campus classrooms in a more normalised setting.⁸³

4.94 Intellectual disabilities were also the most frequent type of disability amongst students in mainstream courses - 38 per cent had an intellectual disability followed by 22 per cent with sensory disabilities. Over half of these students were enrolled in courses providing preparation for employment or education with a further 37 per cent enrolled in purely vocationally oriented courses.

4.95 The report concluded that TAFE should be supported to develop further an appropriate training role for people with disabilities 'which it has been struggling valiantly to maintain since its inception'. Among the recommendations made were:

That TAFE clearly determine its role in the provision of services to people with disabilities and develop strategies for their implementation. (Rec 1)⁸⁴

That while TAFE is not yet ready to accept a direct role in the training of people with severe or profound intellectual disabilities, such services should be considered in the future. In the interim TAFE should consider providing support to organisations which have the primary responsibility for the development of people with severe or profound intellectual disabilities. (Rec 7)⁸⁵

83. *ibid.*, p. x.

84. *ibid.*, p. xiii.

85. *ibid.*, p. xiv.

That every TAFE college . . . with a potentially significant population of students with disabilities have a Disabled Persons Officer and where colleges are relatively large, a Disabled Students Aide. (Rec 9)⁸⁶

4.96 Evidence presented during Committee hearings suggests that the situation has not changed much and may even have deteriorated with the introduction of the user pays principle and other cost cutting measures putting the provision of these courses in doubt, supporting the Office of Disability submission statement that:

Currently most TAFE courses designed specifically for people with disabilities are reliant on the goodwill of the individual TAFE staff and are subject to annual reviews of funding. The 1986/87 Budget brought major changes . . . There is no guarantee that either of these new arrangements will include specific provisions for people with disabilities. In fact, officers of TAFE in some states have suggested to members of the Office of Disability (and media reports also suggest) that some courses previously provided will no longer occur because of changed funding arrangements. It can not be assumed that changed Commonwealth funding is totally responsible for the decreased provision by the TAFE system. Most courses for people with disabilities have never been guaranteed ongoing funding and may therefore have been cancelled anyway. It is disappointing, nonetheless, if what little provision there was, no longer occurs.⁸⁷

4.97 An example of the problems in TAFE funding was provided by JobMatch, a CETP service, which expressed concern that a Life Skills course which had assisted a number of their clients into employment was to be abolished as a result of cuts in State government funding. The course was similar to those provided by TAFE colleges in other states and was designed to prepare people with intellectual disabilities to 'gain independence, self reliance and vocational preparation'.⁸⁸ JobMatch believed transitional education of this type was often the 'vital catalyst for the successful move between special education and the competitive world of full award wage work'. The Life Skills course was subsequently saved as a result of community pressure and was running in 1991. However JobMatch noted that, despite a successful outcome, it was essential to protect such courses 'against the same possibility occurring next year, the year after and the year after that' to ensure the continuation of courses which provided educational opportunities for people with disabilities.⁸⁹ In most other States it appeared that TAFE courses had concentrated on independent living skills, accessing community resources and recreation options.

86. *ibid.*, p. xv.

87. *Transcript of Evidence*, p. 4534 (Office of Disability).

88. *Transcript of Evidence*, pp. 5349-50 (Jobmatch).

89. *Transcript of Evidence*, p. 5334 (Australian Association of Social Workers Ltd (Tasmanian Branch)).

Current provision for people with disabilities by TAFE

4.98 The Queensland government acknowledged the impossibility of either prescriptive or comprehensive provision by TAFE for people with disabilities:

Students who are exiting special schools, for instance, have a lot of similarities with students exiting secondary schools. In some instances that have not decided what it is they are wanting to do: it is a matter of making a choice as to where they are going to go. It might be that some people tap into the services offered through DCSH – the employment placement services – and then decide at a later stage to come back. That is a frequent occurrence: a lot of people come back, perhaps to develop literacy skills. So there are a lot of options that people can exercise as to whether they will actually come straight from school to TAFE.⁹⁰

4.99 Evidence was given that TAFE colleges in New South Wales had met many of the challenges posed by their commitment to the provision of courses for people with intellectual disabilities.

It is also worth noting that DEET has responsibility for education and training, and an area of very great importance for people with intellectual disability is in this area of skills training and vocational preparation. In this State of New South Wales we have seen some very welcome developments in TAFE in the provision of courses of training at the pre-vocation and vocational level for students with disabilities, including students with intellectual disabilities. When one understands the nature of intellectual disability and the need for further education that these people have, we see an ongoing involvement of TAFE as being very important and, obviously, that falls under the jurisdiction of DEET as well as services such as are provided by the Commonwealth Employment Service.⁹¹

4.100 The New South Wales Council of Intellectual Disability, in making this observation, wholly endorsed the provision of employment and education services for people with disabilities by DEET, which as a generic department had a responsibility to provide these services to the general population, because 'we see no reason why people with disabilities should necessarily be treated separately from other members of the population'. Innovative responses by the NSW TAFE system to the training challenges posed by supported employment are discussed in Chapter 5.

4.101 In some other States, it appeared that TAFE courses had concentrated on independent living skills, accessing community resources and recreation options.

90. *Transcript of Evidence*, p. 4351 (Queensland Government).

91. *Transcript of Evidence*, p. 3709 (The New South Wales Council for Intellectual Disability).

However, COMEPASS, a CETP service in Queensland, had perceived the need for more pro-active TAFE courses in Queensland and advocated the development of training courses which would provide marketable vocational skills:

Courses will need to be practically based, without a large academic or theoretical component. They should also target aspects of the employment market in which people with intellectual disabilities are likely to be employed eg commercial cleaning, gardening/grounds maintenance, kitchen hand, packaging . . . teach good work habits . . . incorporation of periods of work experience in a real work setting.⁹²

4.102 At the end of 1991 Comepass had 124 people with disabilities on its books for whom it was seeking employment. The service was providing support to 68 people who required different levels of support, ranging from 8 hours per week to occasional visits. It was actively seeking jobs for 72 people, including 15 who were at that time in sheltered workshops. It had previously placed 10 people from a Uniting Church workshop. The limits to the service available were imposed by lack of staff – consequently, 36 people were on the ‘inactive’ list – but the organisation hoped to obtain further funding which would enable it to provide additional services.

4.103 In Victoria courses for people with disabilities had generally focussed on life skills or leisure and/or recreation skills rather than on vocational skills development. Such programs are not formally accredited and are usually funded on an annual basis; as a result they often lacked ongoing support. Non-accredited courses are developed within TAFE colleges and thus the development of courses for people with disabilities has depended on the special interests and incentive of teachers and administration of individual colleges.⁹³

4.104 These programs were accessible to only the most ‘high functioning’ of special school students. All evidence from the consultations of the Working Party indicated that at that time generic services were not equipped to deal with the majority of people with intellectual disabilities in the post-school population.

4.105 In evidence to the Committee in November 1990 the Victorian government indicated a number of recent, wide-ranging initiatives which had addressed barriers to mainstream training for people with disabilities:

- Policies to increase the participation of disadvantaged and under-represented groups (including the establishment of a Participation Incentives Branch);

92. Submission No. 158, p. 1 (Uniting Church in Australia Special Caring Services Division). The Queensland Government also advised in mid-1991 that ‘a number of TAFE colleges have taken specific initiatives to mainstream young people with intellectual disability in vocational education’.

93. Report of the Working Party on Students with an Intellectual Disability Aged over 18, February 1989, p. 29.

- Development of a pre-employment program policy to permit broader access to training – including the introduction of a Certificate of Occupational Studies which will be available to people with mild intellectual disabilities and will replace previous ad-hoc, non-accredited preparatory programs;
- Negotiated Target Policy (being phased in 1989-1993) which requires all training providers to reserve a number of places in each course for under represented or disadvantaged groups;
- In 1991 an integration support project was piloted in TAFE colleges, whereby groups of TAFE colleges share integration programs. The number of integration support positions in colleges increased over 1990/1991.⁹⁴

4.106 However, staff from the Disability Employment Action Centre (DEAC) were concerned that while the use of negotiated targets would ensure the participation of all disadvantaged groups in the TAFE system it was not a guarantee of *effective* participation. Access to courses in itself would be meaningless if not accompanied by a real commitment to positive outcomes:

Targetting may result in participation for the sake of meeting a performance agreement rather than as an enactment of a commitment to providing services for people with disabilities.⁹⁵

4.107 Westwork, a CETP agency, supported the idea of integrated as opposed to segregated classes, but believed that these could only work properly if sufficient resources were provided.

4.108 Inadequate literacy and numeracy skills often present a barrier to participation in mainstream TAFE courses for people with disabilities:

There are almost no opportunities for people with “learning” disabilities to gain access to integrated TAFE courses. Where opportunities are available, they are reserved for people with “approved” literacy skills.

TAFE should provide the resources to assist people with an intellectual disability to gain access to appropriate training courses in integrated classes. This could include non-written instruction/study aides[sic], non-written examinations, a support worker, or allowing longer time to complete course requirements.⁹⁶

94. *Transcript of Evidence*, pp. 5420, 5432 (Victorian Government).

95. *Transcript of Evidence*, p. 5592 (DEAC – Disability Employment Action Centre).

96. Supplementary Submission September 1990 and *Transcript of Evidence*, p. 5628 (Westwork Industries (Wesley Central Mission)).

4.109 On the other hand the question must also be raised as to the real benefit to students with intellectual disabilities of working under such conditions, and it may be preferable to develop appropriately accredited courses which students felt they would comfortably cope with. 'Integration' which emphasises the problems of some students may not achieve any positive results in terms of socialisation and development of independence.

4.110 The so-called Sach report had praised the response of the ACT TAFE system to the needs of people with disabilities; however, it appears that the system has since been subject to funding cutbacks across all courses. Individual schools within the ACT TAFE structure are able to set up their own courses to meet the needs of students with intellectual disabilities.

4.111 The Queensland government in its evidence acknowledged that:

Most provision that is made in the TAFE colleges for people with intellectual disabilities tends to be in short specialised programs to meet a need which is specifically articulated to the college at the time.⁹⁷

4.112 TAFE in Queensland develops programs for specific job outcomes (for example, CETP placements) such as a course offered by the College of Tourism and Hospitality in Brisbane where students completed fairly short vocational programs and were placed in areas of the catering industry, for example, as kitchen hands and in fast food areas. However, there are no programs that facilitate transition or access for people with disabilities 'who may come from a segregated setting in a special school or from an institution to make the transition into mainstream programs . . . we have shorter programs which are developed on a local college basis to meet needs there . . . there is considerable community demand for a transitional style program which allows people access into mainstream vocational training'.⁹⁸ The Queensland Department of Employment, Vocational Education, Training and Industrial Relations (DEVETIR) also made limited provision for post-school and vocational options for students with intellectual disabilities; and there was ongoing discussion between DEVETIR and Education Department officers on such matters.

4.113 While the Northern Territory Department of Education believed that TAFE would be an important education resource for people with disabilities, TAFE was not yet meeting all needs.

97. *Transcript of Evidence*, p. 4345 (Queensland Government).

98. *Transcript of Evidence*, p. 4350 (Queensland Government).

Needs of people with physical and other disabilities

4.114 The particular educational needs of people with long-standing physical and sensory disabilities, appear to relate primarily to access issues⁹⁹, including both physical access to buildings and access to services such as interpreters, scribes, taping, etc.

... tertiary institutions provide a varying range of opportunities and barriers to people with disabilities. I have attended both the University of New South Wales and Sydney University. The latter's physical access around the campus is poor, mainly due to its age; however all Universities, CAE's, TAFE's etc. require funding and regulation to ensure access for students with disabilities. This too has bearing on the capacity of undergraduates to succeed and thereby put their qualifications to use in the workforce.¹⁰⁰

4.115 A number of people with physical and sensory disabilities may have received segregated education and this isolation, in conjunction with possibly limited expectations as to higher education, may have affected access in the past. As was pointed out by one witness, the educational achievements for people in their fifties¹⁰¹ were not high relative to the percentage of people now achieving higher formal qualification, and this is supported by other research. In the 1990 Department of Social Security survey of persons with a disability (including acquired rather than life-long disability)¹⁰² those persons over 45 were the most severely disadvantaged educationally, with over 75 per cent of them having left school by age 15, and a further three per cent never having attended school.

4.116 For those in older age groups, social trends of the 1950s and 1960s will have influenced expectations, although specific factors relating to disability will also play a role. Other persons, regardless of age, will experience difficulty in obtaining an education (including post-secondary education) because of their particular disability – for example, some people with learning problems.¹⁰³

These may be people whose specific learning difficulties were diagnosed in childhood. In some cases the programs designed to help the children with their basic skills were given by the parents; in others the parents were fortunate to find a remedial teacher who was able to take the child as a private student and work with the child. These may have

99. See above Paragraphs 4.4-4.6.

100. Submission No. 28, p. 2 (Mr I. Dalwood).

101. *Transcript of Evidence*, p. 4440 (Disabled Peoples' International, Queensland Branch).

102. *Crossing the Barriers*. A survey of the barriers to employment for DSS clients with disabilities, Policy Research Paper No. 58, December 1990, p. 137.

103. Submission No. 46, p. 4 (Specific Learning Difficulties Association of the A.C.T.).

been parents who could afford to pay for the extra tuition needed. The parents of children with specific learning difficulties who could *not* afford that extra demand, may have been able to help the child themselves or they, in their turn, may have also had a specific learning difficulty which would preclude their being able to give appropriate academic help. Their support may have been of the loving kind, accepting the child as he was.

It may also have been negative – “I was not any good at school but I made out. You will have to do the same!”, or “I was stupid and you are just like me”.

The group first referred to are those most likely to have completed Year 10 then gone to a trade or completed year 12 and, in some cases, gone to University, College of Advanced Education or TAFE to do tertiary study, which they generally completed, gaining a degree or diploma.

The second group yield achievers of a different kind. The man who was running his own carrying business but could not read efficiently and who wrote his letters with a dictionary in his hand: his auditory memory was excellent. The very good workmen who refuse promotion – because they would have to write reports.¹⁰⁴

4.117 For those people able to obtain access to higher education the same problems as experienced in earlier education may continue to operate, primarily because there are insufficient resources available to meet quite intensive needs. In particular, submissions and evidence given by witnesses suggested that computers and other technological aids¹⁰⁵, provision of books and other materials in appropriate forms (for example, braille)¹⁰⁶, availability of tapes or transcripts of lectures, etc. and use of interpreters or note takers¹⁰⁷ were required for further education to be effective. Where individual resources and informal assistance cannot meet such needs, and the educational institution cannot provide enough of them to meet student demand, the issue of access remains a major barrier.

4.118 Additional problems can also arise in the area of staff of educational institutions not wishing to accommodate students' needs.

Sometimes deaf people are being refused point blank entrance into [vocational courses at TAFE or SkillShare] because they just cannot communicate with them . . . I have had cases where I have had two

104. *ibid.*

105. Submission No. 209, p. 2 (Mr P. Beatty).

106. Submission No. 73, pp.6-7 (Royal Victorian Institute for the Blind).

107. Submission No. 163 Attachment (Australian Deafness Council).

deaf people wanting to do a panel beating course with SkillShare and they have been told, "No, I am sorry, we have not got enough interpreting", and in one case they just said "I am sorry, our lecturer does not feel comfortable with interpreting", and refused point blank to take people on.¹⁰⁸

4.119 An additional factor relating to the success or otherwise of attempts at higher education for people with physical and sensory disabilities is that of cost. Witnesses and submissions stated that the daily/annual cost of having a disability was extremely high, particularly in terms of being employed, and this factor is considered below in Chapter 7. Relative to the need to examine the factors which may limit individual development, however, the limited access to services such as education caused by low income or by income being fully committed to other expenses is a matter which needs to be addressed.

it is probably cheaper to provide access to education . . . and thus provide equal avenues of access to the workforce than to relegate people with disabilities to unemployment . . .¹⁰⁹

Late onset disabilities (including psychiatric)

4.120 To a degree, people with certain types of late onset disabilities have experienced difficulties similar to those persons with long-term physical or sensory disabilities. However, the needs of many people with more recently acquired disabilities can also vary quite markedly and the education needs of this group will depend on a range of factors, including their age (they may be older having left school some years earlier); their educational and labour force background; and the impact of their disability on their employment capacity and consequent need for re-training.

4.121 Educational levels (including literacy) and the lack of skill levels are perceived by many clients as a potential barrier to their labour force re-entry. Almost 50 per cent of people in one survey thought that their educational or skill levels meant that they would have difficulties obtaining a job while 23 per cent thought that their problems with reading and writing would be also be a barrier.¹¹⁰

4.122 Given the restructuring of disability income support that occurred in 1991, with the increased emphasis on capacity for training¹¹¹, the level of previous educational attainment and/or any literacy problems will be a major factor

108. *Transcript of Evidence*, p. 5084 (Royal South Australian Deaf Society).

109. Submission No. 28, pp. 2-3 (Mr I. Dalwood); see also Submission No. 209, pp 2-3 (Mr P. Beatty).

110. *Crossing the Barriers*: A survey of the barriers to employment for DSS clients with disabilities, DSS Policy Research Paper No. 58, December 1990, p. 54.

111. The changes to income security for people with disabilities are discussed in Chapter 7.

determining the success of training attempts by former invalid pensioners, sickness beneficiaries and other people with disabilities.

4.123 Advocates representing people with a range of acquired (or late onset) disabilities which interrupt employment highlighted the needs of their clients. The range of acquired disabilities canvassed included:

- psychiatric disabilities;
- effects of traumatic head injury;
- degenerative disorders such as arthritis;
- multiple sclerosis; and
- RSI or occupational overuse syndrome.

4.124 The major difficulties which many people in these categories experienced were the unpredictability of their illness or injury, varying rather than steady levels of health/well being and the need to accept that the disability could mean that previous education or skills could no longer be utilised. These factors suggest that both education and training requirements would be difficult to meet within standard programs, although they perhaps could be met if the relevant service providers were prepared to be flexible.¹¹²

4.125 People suffering head injury (from a number of causes) may not have completed their education prior to injury or may have been operating well in employment and other areas. Nonetheless, the injury will probably require a new approach to their capacities, with much of their former education and experience being of limited value.

... lots of our clients have little insight into the nature of their disabilities and the impact these have on their lives. They are actually trying to get jobs that are way beyond their new level of performance ability.¹¹³

4.126 Persons representing those with multiple sclerosis however, did not refer specifically to education, or retraining needs, but primarily to the need for employers to be more accommodating¹¹⁴, and this was the case also for persons with occupational overuse syndrome (RSI) as presented in another submission.¹¹⁵

112. Submission No. 80, p. 2 (The New South Wales Council for Intellectual Disability).

113. *Transcript of Evidence*, p. 4109 (Headway (NSW) Inc.).

114. Submission No. 15, p. 3 (People with Multiple Sclerosis Queensland).

115. Submission No. 84, p. 8 (Ms B. Saxby).

The need, in both cases, was to assist people who could work to remain in the workforce or to return to it gradually, depending on an individual's needs, as an alternative to retraining in new areas or further education.

4.127 Whatever the disability, the major need as expressed by witnesses was for services, including education and training, to accept the relatively slow or unpredictable nature of the individual's participation and outcome, and to accept that this may characterise their participation in other programs, including employment. People with psychiatric disabilities may experience difficulties with acceptance in the classroom by teachers and peers, similar to the reactions by employers to workers with psychiatric disabilities. A submission by a woman in her forties spoke eloquently of these problems:

In the class, I found I was a disruption to the others there not as much verbally, as through sheer inability to relate physically well with my environment or to talk with my fellow students which made me stifflingly alone and inclined to stare instead of just look. This filled those around me with discomfort and particularly the teacher who was put off his/her work program because of me I thought. . . . I continued to do two subjects that term and I passed both. I am doing a third subject this semester. Only three subject when four is the norm but I am sticking at it and that is what counts.¹¹⁶

4.128 The ACT Mental Health Resource also outlined the difficulties faced by those with psychiatric disabilities attempting vocational or tertiary studies:

many of the severely impaired suffer from concentration problems and mainstream courses may prove to be of limited value. . . . there may need to be rehabilitation or social workers available. They could assist the student by providing encouragement and feedback. They could also work with the teachers and employers to outline the special needs of the student and to facilitate entry into work.¹¹⁷

4.129 People who have survived a traumatic head injury (THI) may also experience difficulties in educational settings because of their disability, such as problems with memory, concentration, planning and organisation skills as well as behaviour problems.¹¹⁸ The special needs of people with THI and the impact on their employment potential need to be taken into account when developing and delivering education programs.¹¹⁹

116. Submission No. 2, p. 2 (Miss L. Roberts).

117. *Transcript of Evidence*, p. 1698 (A.C.T. Mental Health Resource).

118. *Transcript of Evidence*, p. 4098 (Headway (NSW) Inc.).

119. *ibid.*

4.130 For a number of people with disabilities affected by additional disadvantaging factors, the need for special attention by education services may be particularly important. In discussing the needs of women with disabilities, the National Women's Consultative Council pointed out that women in general were 'concentrated in "caring/nurturing" roles in the workplace' and believed that women and girls with disabilities 'face considerable difficulties in obtaining information about alternative options and putting such options into practice'.¹²⁰

4.131 The Council identified three areas on which effort could be concentrated in order to improve the educational outlook for (and hence, the employment prospects of) women:

Information about options to girls with disabilities and their families should be provided from an early stage. It is vital to recognise the influence of the family, particularly where the young woman has an intellectual disability. It is equally important to understand the family's reaction to disability – feelings of protection, etc. – and in providing education, there is an educative role to play for the family. However the right for all young women to receive adequate information about their life choices must be given precedence.

Attitude change within the wider community must occur. Women with disabilities must not be seen as dependent and helpless but as individuals who may need support to carry out their life choices.

Workers within the education system must develop skills to give support to young women whose knowledge of options is not enhanced by the education system. So-called low achievers are those most likely to be placed in traditional areas of employment or assimilated into the home never having been aware of their options. In bringing forward this point, NWCC sees a very fine line between defining a learning difficulty and a disability. The former may go unrecognised in the education system and become a disabling feature of one's life.¹²¹

4.132 Little specific information on the educational needs of Aboriginal and Torres Strait Islander people with disabilities was presented to the Committee; however, evidence referred to in the submission of the New South Wales Office of Equal Opportunity in Public Employment¹²² noted established data on the generally poor levels of formal education and training for Aboriginals and also noted that, for Aboriginals with physical disabilities, access to existing education and training opportunities were few. 'Many programs aimed at Aboriginal training and

120. Submission No. 210, p. 4 (National Women's Consultative Council).

121. Submission No. 210, p. 4 (National Women's Consultative Council).

122. *Transcript of Evidence*, pp. 3838-39 (Office of the Director of Equal Opportunity in Public Employment).

employment do not specifically address the needs of those Aboriginals with disabilities'.¹²³

4.133 The difficulties which many Aboriginals and Torres Strait Islanders experience in obtaining access to suitable education is no doubt compounded by distance or isolation, as well as by health, housing and income factors. The issue of location in respect of other people with disabilities is also important in access to education, although this was not often mentioned specifically in submissions or oral evidence. Yet, apart from persons who might benefit from correspondence courses, people with disabilities who live in more isolated or remote areas may experience considerable difficulty in obtaining access to appropriate education services, including post-secondary education.

4.134 In order to optimise beneficial client outcomes in non-urban areas it should be a primary consideration to establish how the clients are to access services available or to be provided. The design of some programs has resulted in the services being established in a location which, because of a lack of transport, precludes many persons from availing themselves of the service. In other cases the degree of difficulty in utilising the transport service also places restriction on service accessibility.¹²⁴

4.135 The Ethnic Child Care Development Unit noted that people with disabilities 'want the same things as everyone else', including education¹²⁵, and that the children of people of non-English speaking background (NESB), who might be at risk of isolation from the broader community 'have their future prospects restricted'.¹²⁶ Limited expectations and restricted education, plus language difficulties and other disadvantaging factors may result in limited opportunities for NESB people with disabilities, and mean that access to appropriate education is difficult. For those persons acquiring a disability later in life, an inadequate education and problems with language may make retraining extremely difficult.¹²⁷ The Federation of Ethnic Communities' Councils' (FECCA) 1988 policy statement (forwarded to the Committee as part of FECCA's submission) made a number of recommendations as to the specific employment, education and training needs of

123. *Transcript of Evidence*, p. 3839 (Office of the Director of Equal Opportunity in Public Employment). The source utilised by the ODEOPE submission is the so-called Miller Report (report of the Committee of Review of Aboriginal Employment and Training Programs, AGPS, 1985). See also *Barriers to Employment* Survey of DSS Aboriginal and Torres Strait Islander Clients with Disabilities, pp. 2, 4-5.

124. Submission No. 114, p. 3 (Vocational Training Service).

125. Submission No. 79, p. 5 (Ethnic Child Care Development Unit).

126. Submission No. 79, p. 6-8 (Ethnic Child Care Development Unit).

127. Submission No. 79, p. 8 (Ethnic Child Care Development Unit).

people of NESB in general¹²⁸ and referred to the need for interpreting and translating services, bilingual and bicultural staff for training programs.¹²⁹

4.136 Overall, the issues of education, including post-secondary and transition education for people with disabilities, are ones which appear to demand both considerable resources and a flexible and adaptive approach to provide satisfactory outcomes. This in itself does not mean that generic or mainstream services may not be the most suitable approach for a number of students of all ages, but such services can only help the individual if they are adequately resourced and well-administered, allowing both the academic and the social/independence results expected to be achieved. The evidence given by witnesses indicates that the problems referred to in Chapter 2 – the importance of identifying individual needs as well as seeking integration – have been apparent in the field of education, and that some of the efforts to address them have resulted in services which have not adequately met needs.

Recommendations

The Committee RECOMMENDS:

11. That adequate resources be provided to TAFE and other tertiary level education institutions to increase access to courses for people with disabilities. Such access should include physical access, interpreters and aides, and courses which meet the specific needs of people with disabilities.
12. That staff at tertiary institutions, including TAFE colleges, receive training in the problems of access experienced by people with disabilities and in the ways in which such problems can be overcome.
13. That all tertiary education institutions provide annual reports on access issues for people with disabilities and on the manner in which these have been addressed by the institution.
14. That the special needs of people with disabilities of Aboriginal and Torres Strait Islander (ATSI) background, and of people with disabilities from non-English speaking background (NESB), are identified to enable increased access to appropriate education.
15. That the Commonwealth fund a short-term research project to develop a strategy for increasing access to tertiary education (including TAFE's) for people with disabilities of Aboriginal and Torres Strait Islander background and for people with disabilities of non-English speaking background.

128. Submission No. 186, pp. 19-22 (Federation of Ethnic Communities' Councils of Australia Inc.).

129. Submission No. 186, pp. 1-2 (Federation of Ethnic Communities' Councils of Australia Inc.).

CHAPTER 5

EMPLOYMENT – PART 1

1. GENERAL ISSUES

5.1 Employment for people with disabilities is often seen as a solution to a number of problems and particularly as a means of visibly demonstrating access to mainstream life. Employment, in the abstract, represents money, independence, choice, greater responsibility, and power to make decisions.¹ It is part of the transition from child to adult, a necessary rite of passage.²

The right to work, to contribute, is basic and if it is to be realised by those who are disabled then access and equity must be made possible by those who control the economic structures.³

5.2 The Queensland Government Department of Family Services noted:

The involvement of people with disabilities in the workforce benefits them in various ways – personally, socially, economically and educationally. Working promotes individual growth, raises self-image and self-esteem, enhances one's social circle and social skills, provides economic independence, permits normalisation and integration, and develops vocational and living skills.⁴

Another witness stated to the Committee:

The significance of employment in our society cannot be overestimated. It is frequently viewed as the primary measure of an individual's personal and social worth. For those who have the opportunity to participate, paid work can be an important source of self-esteem and economic independence. Given these benefits, it is not surprising that

1. For most people, employment provides income, companionship, a sense of self-worth, stability of routine, skill development and challenge. See McConnell and Pretty, *Wage Determination in Sheltered Employment* (1987) p. 2; *Transcript of Evidence*, p. 431 (The Spastic Centre of New South Wales), p. 453 (Messrs Rothwell & Smith, Cumberland College of Health Sciences), p. 4813 (Disability Advisory Council of Australia), p. 5712 (The Brotherhood of St Laurence), p. 5744 (Epilepsy Foundation of Victoria).

2. See Submission No. 84, p. 1 (Ms B. Saxby).

3. *Transcript of Evidence*, p. 5328 (Australian Association of Social Workers Ltd (Tasmanian Branch)).

4. *Transcript of Evidence*, p. 4317 (Department of Family Services, Queensland).

many people with disabilities have expressed the desire, common to most people in our community, for a paid job.⁵

5.3 Employment is not simply work, unrelated to other issues. In any evaluation of current and possible future employment or work options available to people with disabilities, the benefits to be achieved will include benefits to others and the less tangible cost-effectiveness of providing options which meet some of the needs of those who might otherwise be marginalised.⁶

5.4 Many submissions and witnesses noted the importance of work or employment to the self-esteem of people with disabilities and as an indication of their membership of the community.

A strong commitment to the work ethic has been demonstrated again and again by many of our clients and their families and many [attempts] will be made to work despite setbacks.⁷

5.5 Nonetheless, employment means different things to people with disabilities, depending partly on type and level of disability, and partly on whether they are seeking to join the workforce (including at different levels, for example, from sheltered to less supported or to open employment)⁸ or rejoin the workforce after an accident or injury or disease. Employment also has a number of implications for those most involved with people with disabilities, such as families, carers, government departments, service-providing organisations, and actual or potential employers.

5.6 For some, employment is seen as a form of respite care where the benefits for the employed person are at least matched by increased freedom for the carer. In discussing this issue ACROD stated to the Committee:

While it may be ideologically correct to insist that the disabled client is the only service user, again it is unrealistic, and can even be threatening, not to acknowledge that many parents' first appreciation of sheltered employment services is because they provide respite for them and the rest of the family.⁹

5.7 In referring to the benefits of a slow worker's permit, Epic Employment Service stated that at least a permit might mean the person was occupied.

5. *Transcript of Evidence*, p. 5328 (Australian Association of Social Workers Ltd (Tasmanian Branch)).

6. See above, Paragraphs 3.129-3.133.

7. *Transcript of Evidence*, p. 5144 (Health Department of Western Australia).

8. See Glossary.

9. *Transcript of Evidence*, p. 4895 (ACROD Limited).

I think probably it is better to have somebody doing something and providing some form of quality of life to that person rather than their sitting at home and doing nothing and maybe having no real quality to life.¹⁰

5.8 In some instances, the employment undertaken may be a means of filling in time, and the major concern may not be the quality of work available but the opportunity for carers to obtain relief from care. Even time-filling work or employment, however, can have benefits to the employee through the provision of security, peer support and socialisation. Nor is there any necessary correlation between employment providing an opportunity for respite and its being a 'time filling' job, or one which has limited commercial value. All forms of employment, insofar as they provide a place where a person with a disability is occupied and receiving various levels of support from people other than the primary carer, are a type of respite for the carer.

5.9 Employment may also represent an opportunity for independence for the person with a disability as well as greater freedom for carers, and be welcomed on both grounds. Again, these benefits are not necessarily related to the type of employment offered. Other carers/families, however, may be influenced in their attitudes to employment by factors which are closely related to the environment in which the employment is offered. Employment itself, and the move to new types of employment, can be seen as threatening or as requiring changes of a whole family or support network, not just one member.¹¹ As indicated above, there are many fears held by parents especially about non-sheltered employment, or about the readiness of adult children for work in a more open environment.¹² Concerns about a person's dependence or about their capacity to manage when parents have died also affect attitudes towards employment, with reservations about more open employment sometimes giving way when the benefits have become obvious, or becoming less relevant when the person with a disability leaves a family or other situation which is seen as limiting choice.¹³

5.10 These influences are sufficiently important for many organisations to require the support of family/carers when seeking to move a person with a disability into other than sheltered employment.¹⁴ Similarly, organisations providing sheltered

10. *Transcript of Evidence*, p. 4204 (Epic Employment Service, M.O.R.E. Inc.).

11. See above, paragraph 2.46.

12. See paragraphs 2.47, 2.50-2.52. See also *Transcript of Evidence*, p. 5338 (JobMatch), p. 5389 (Summit Industries).

13. See J. Cooper, *A Survey of the New Vocational Services in Australia*, DCSH, 1989.

14. *Transcript of Evidence*, pp. 5207-8 (PE Personnel).

employment also see those persons central to people with disabilities as having to be taken into consideration in determining employment options.¹⁵

5.11 As indicated above, the attitudes of employers/potential employers (including government) to employment for people with disabilities, can vary considerably. To some, the employment of people with disabilities is a duty owed to the unfortunate, a form of charity; to others, regrettably, people with disabilities have been seen as a source of cheap labour. Others have seen them as reliable employees, although this attitude is not universal. Some employers believe people with disabilities should be provided with a job as an expression of social responsibility. Others appear to believe that they are too expensive to employ in terms of insurance, are limited in what they can do, will take too much sick leave, and will not be able to work as effectively as others.¹⁶

5.12 Employment therefore represents a number of options to people with disabilities and to those with whom they live or work, and not all of these options are seen in positive terms. For some employers in particular, the acceptance of people with disabilities as effective and productive employees is difficult. The existence of new employment options, then, is by itself not a solution to the employment needs of people with disabilities. Attitudes continue to influence the effectiveness of these options.

Different meanings of employment

5.13 The word 'employment' also holds different meanings and this range of meanings has to be understood in order for an evaluation of current employment options to be carried out.

5.14 Employment is generally considered to be a paid full-time occupation (unless otherwise qualified in terms of time), whereby labour is expended to produce a (usually) tangible outcome. Levels of productivity, skills, qualifications and experience are measured and rewarded in terms of money and other benefits. It is the financial return, and the independence this allows, which makes employment meaningful for many people.

5.15 However, employment in itself is also considered important by some groups separate from the financial return it provides – which in some cases may be quite limited. Social interaction, a sense of belonging, a role as worker or provider, may all be valued elements. These benefits have to be taken into account, and are often the reason why people with disabilities want to be in the workforce. Insofar as a number of people employed in sheltered workshops obtain company and peer support in the workplace, these benefits may mean more to them now and in the future than the higher wages available in other types of employment. Consequently, the type of employment (that is, sheltered as opposed to supported or open) is not

15. *Transcript of Evidence*, p. 4259 (Endeavour Foundation).

16. See Paragraphs 3.50, 3.53-3.54, 3.67.

always an indicator of its value to the individual. The choice must remain as much as possible with the person with a disability.¹⁷

5.16 For most persons, employed or otherwise, paid work is the only meaningful form of employment and the issues which have been of most concern have been levels of remuneration and access to work or to different types of work. The first point, levels of remuneration, while often referred to in this chapter, will be discussed more fully in Chapter 7. As far as the second point is concerned the relevant issues are both access to employment itself and the availability of (or access to) types of work or work arrangements which can meet different needs.

Access

5.17 In Chapter 2 and also in Chapter 4, several factors which may adversely influence the capacities of people with disabilities to obtain access to services and successful employment were outlined, such as location and cultural background, and it was noted that services which could not be flexible enough to meet these needs could continue to limit access. The same types of factors are also important in determining outcomes of training programs and employment options, and in many instances may not be easily accommodated in general or 'generic' programs.

5.18 These 'generic' programs are directed to numbers of different groups where long-term unemployment or limited work experience may be the only factor which members have in common, although the completion rate of programs such as SkillShare indicates that generic programs can offer services which meet a range of highly individual needs.¹⁸ In common with others in the wider community, the failure of participants (including people with disabilities) to obtain or retain a job may result from the general economic climate rather than be attributed to the individual or the program itself. The retention rate of people with disabilities who have obtained employment through CETPs, or in supported employment, discussed below, suggests that specialised employment and support services can have good outcomes in terms of retention, although market forces will affect these jobs also. However, the number of persons obtaining employment through such services is still quite low overall and the extent of access thereby limited. This issue is discussed in further detail below.¹⁹

5.19 Much of the research on the access needs of people with disabilities has focussed on the support services which directly impact on work itself (as opposed to getting to work, etc.²⁰). For people with an intellectual disability, this has often meant having assistance in learning a job or in learning new parts of a job; for those with physical disabilities, physical assistance (for example, attendant care) or aids

17. *Transcript of Evidence*, p. 1350 (Disabled Peoples' International (Australia)).

18. See above, Paragraph 2.63-2.66. See also below, Paragraphs 5.95-5.138.

19. See Paragraphs 5.174-5.177, 5.193 and Recommendations following Paragraph 5.193.

20. Issues such as transport are discussed in Chapter 7.

(for example, computers, etc.) may be the most effective assistance enabling employment to be possible. The ability to meet such needs is essential, and it is clear that the variety of support services, and the acceptance of a gradual learning curve and/or the need for increasing support at particular periods is a feature of a number of employment initiatives operated both by new and established services.²¹

5.20 However, if 'employment' is to become a viable option for a number of other people with disabilities, there is a need for departments and organisations to accept alternatives to traditional employment models. Access must therefore also be measured in terms of availability of variable periods of employment. A number of submissions have suggested that there should be different types of employment levels, equivalent in some ways to 'amounts of employment time' to accommodate the widely varying needs of people with disabilities, including those who are seeking to return to work.

5.21 There is also the need to consider different types of employment patterns which more directly meet the needs of people with particular types of disability. The prevailing concept of employment as centre-based, regular, full-time and increasing in productivity, skill level and remuneration (or at the least, not decreasing in these areas) can be seen as discriminatory in that it is a means of attempting to impose restrictive models on those who cannot benefit from them. In a society which is attempting to restructure the work place, and which has successfully introduced many flexible employment arrangements in the public and private sector, it is surprising that the needs of some of the most disadvantaged appear difficult to accept and meet. Some radical rethinking is needed as to what is regarded as work and the ways in which it may be done.²²

Variable needs

5.22 Features of the work patterns of a number of people with disabilities include:

- an inability to work full-time;
- an inability to work in a regular pattern due to fatigue (for example, Multiple Sclerosis) or unpredictable behaviour (for example, head injury or psychiatric disabilities)²³;

21. See below, especially Paragraphs 5.166-5.168, 6.3.

22. Submission No. 84, p. 81 (Ms B. Saxby). See below, Paragraphs 6.333-6.348.

23. Problems for people with psychiatric disabilities are listed at *Transcript of Evidence*, pp. 4381-2, 4391 (Queensland Association for Mental Health), pp. 4416-17, 4429-30 (Queensland Association for Mental Health).

- the need for regular support because of behaviour and judgement problems including difficulty in assessing and evaluating one's current capacities (for example, people with traumatic head injury)²⁴; and
- a deteriorating or decreasing capacity for work²⁵, including an inability to maintain an increased amount of time worked or the level of skills acquired (to be seen in some degenerative diseases, for example).²⁶

5.23 Working full-time is often difficult for people with physical and with intellectual disabilities, and those who for a period of time at least have emotional or other²⁷ problems which affect their stamina. The actual physical and emotional effort required for an ordinary day's work can be excessive for people with physical disabilities; for people with intellectual disabilities, the stress of concentration, the need to continually 'adapt', the learning of new tasks, can be overwhelming and upsetting²⁸, and result in the individual being unable to cope. For many people with disabilities previous life experience or the actual work environment²⁹ has made it difficult for them to develop self-confidence.

One of the employees with severe physical disabilities who started with us was very reluctant initially to start work because she was scared that she was going to fail. We did not discover this until afterwards. It took her about three months to tell me that she really did not want to start work with us because she was scared that she would do a task wrong and that we would tell her that she was no good and that she could not work with us. She had had so many unpleasant experiences of that nature in her life that she just emotionally could not cope with another one.³⁰

5.24 Similarly, physical tiredness, resulting from physical disability or stress, may also affect the individual's capacity to work on a regular basis (that is, for a certain practicable number of hours per day or days per week). People with specific types of disability also are affected by fatigue – for example, people with multiple sclerosis

24. THI symptoms are listed at *Transcript of Evidence*, p. 4087 (Headway (NSW) Inc.); see also *Transcript of Evidence*, pp. 5139-40 (Health Department of Western Australia).

25. *Transcript of Evidence*, p. 5129 (Health Department of Western Australia).

26. Submission No. 95, p. 2 (Arthritis Foundation of Australia). See *Transcript of Evidence*, p. 5578 (National Multiple Sclerosis Society of Australia) where the main difficulties of people with MS are listed.

27. *Transcript of Evidence*, p. 4108 (Headway (NSW) Inc.), p. 5139 (Health Department of Western Australia).

28. See below, Paragraph 6.29.

29. *Transcript of Evidence*, p. 4424 (Queensland Association for Mental Health).

30. *Transcript of Evidence*, p. 4424 (Queensland Association for Mental Health).

— and this will have some effect on the capacity to work. While to a degree this symptom can be managed by a series of strategies³¹, the major need is for job flexibility that can cope with fluctuating ability.

5.25 People with head injuries, and people with certain psychiatric disabilities, also require work which can accommodate special needs, including the need to avoid stress. There is a need for 'flexible work hours to be allowed for people who suffer a mental illness'.³² 'Often the stressful situation of a nine to five job, five days a week, is just too much for a person who suffers mental illness, whereas a job with shorter hours, perhaps three days a week, might be quite suitable for that person'.³³ That work is important to people with some psychiatric disabilities for rehabilitative (including social) purposes, appears to be accepted³⁴, but the number of options available have also been limited.³⁵ Some of the most distinctive features of the more severe psychiatric disabilities often limit the individual's capacity to obtain and maintain employment where motivation, punctuality and regular attendance are major 'success' factors.³⁶

If the rehabilitees have psychiatric disability, there is a likelihood that some of them will have a relapse of the acute condition sometime during that 12-month period. This severely disadvantages them, not only from their personal point of view but from the employer's point of view too. I think the episodic nature of the illness has to be acknowledged in service provision.³⁷

5.26 A conflicting factor can also be that available work for some people with psychiatric disabilities is not sufficiently challenging³⁸, although more appropriate work might also create problems, including additional stress. Particular features of some psychiatric disabilities may mean that the nature of the employment itself is not so much the problem; the area where support is required is more on a social or interaction level.

... our people need less on-the-job skills training. They will pick up the job very quickly. What they really require is help with some of the

31. See for example, the management strategies of some people with MS — *Transcript of Evidence*, p. 5567 (National Multiple Sclerosis Society of Australia).

32. *Transcript of Evidence*, p. 569 (Mental Health Co-ordinating Council).

33. *Transcript of Evidence*, p. 570 (Mental Health Co-ordinating Council).

34. *Transcript of Evidence*, p. 4411 (Queensland Association for Mental Health).

35. *Transcript of Evidence*, p. 4412 (Queensland Association for Mental Health).

36. *Transcript of Evidence*, p. 4379 (Queensland Association for Mental Health).

37. *Transcript of Evidence*, p. 4417 (Queensland Association for Mental Health).

38. *Transcript of Evidence*, p. 4419 (Queensland Association for Mental Health).

associated difficulties of working in employment, for example how to cope with good-natured ribbing from their work mates and not take it too badly.³⁹

5.27 Hence, aside from particular types of work, and work patterns, people with psychiatric disabilities may also need the assistance of support to help them adjust to the workplace⁴⁰; such support would need to be sufficiently flexible to meet the episodic demands of clients, hence it could be different in nature from other types of support services.⁴¹

5.28 Departmental officers demonstrated an awareness of the particular needs of people with certain psychiatric disabilities.

The peaks and troughs with people who have psychiatric disabilities is the recurrence of a psychiatric episode and that certainly provides, in the employment context, many difficulties for both employers and for services engaged in supporting people with psychiatric disabilities. In the Budget announcements, the Commonwealth Rehabilitation Service will be establishing a number of special rehabilitation units for people with psychiatric disabilities.⁴²

5.29 The Department of Health, Housing and Community Services believed that the 1990-91 Budget announcement that the Commonwealth Rehabilitation Service would be establishing special rehabilitation units for people with psychiatric disabilities would 'give us the opportunity to test the kinds of resources, different options and models that we might pursue in the effectiveness of rehabilitation for people with psychiatric disabilities'.⁴³

5.30 People with head injury could display quite different needs to those of people with certain psychiatric disabilities, but might also need support and a flexible work environment.

5.31 People with traumatic head injury (THI)⁴⁴ and their representatives also feel (along with a number of other groups)⁴⁵ that their specific needs have not been appropriately addressed by departments which provide general programs that

39. *Transcript of Evidence*, p. 4421 (Queensland Association for Mental Health).

40. *Transcript of Evidence*, pp. 4428-9 (Queensland Association for Mental Health).

41. *Transcript of Evidence*, pp. 4430-1 (Queensland Association for Mental Health).

42. *Transcript of Evidence*, pp. 4765-6 (DHH&CS).

43. *Transcript of Evidence*, p. 4766 (DHH&CS).

44. As opposed to those with acquired brain injury – although there are some similar effects.

45. Including those with neurological disorders, and people with psychiatric disabilities.

exclude certain types of disability.⁴⁶ The specific employment related needs of people with THI are related to the fact that, with a low average age of people with this disability (23 years)⁴⁷, there is a limited work experience and an interruption to training/education, with often a need to readjust expectations.

People with head injuries differ from other people with physical disabilities in that their major problems are in cognition and behaviour. These deficits affect the individual's ability to make informed decisions, to manipulate their personal environment, to form new relationships, and to learn new skills. They are 'different', as they frequently do not think and behave 'normally', and therefore are not accepted by people with physical disability.⁴⁸

5.32 It has been suggested that these problems affect the capacity of people with THI to work effectively in sheltered workshops.⁴⁹ Behavioural problems, inability to relate to others, and capacity to do the same task for a period of time may all affect employability, at least in the traditional, if not necessarily in a 'transitional' sheltered workshop. Similar problems would make employment in less 'protected' environments less likely.

Often they want to get a job and they sound like they are motivated. However, when they actually do get the job, they have problems turning up on time, they have problems organising themselves and getting themselves to the workplace. In the job itself, they have problems concentrating, learning the task, sticking with the task, maintaining their performance over a period of time and getting on with their work mates. So all those things combined often mean that even if they do get the job, they lose it very quickly. With regard to the type of job, lots of our clients have little insight into the nature of their disabilities and the impact these have on their lives. They are actually trying to get jobs that are way beyond their new level of performance ability. Somebody who used to work in a business now wants a job in a business, but his levels of ability are really at the level of a clerk or for a very basic, repetitive task.⁵⁰

46. See *Transcript of Evidence*, pp. 4084, 4103 (Headway (NSW) Inc.).

47. *ibid.*

48. *Transcript of Evidence*, p. 4090 (Headway (NSW) Inc.). Obviously, there is also a larger income support period (up to 50 or more years) if the individual has no access to paid employment. *Transcript of Evidence*, p. 4097 (Headway (NSW) Inc.).

49. *Transcript of Evidence*, p. 4093 (Headway (NSW) Inc.), p. 5133 (2.1.2) (Health Department of Western Australia).

50. *Transcript of Evidence*, p. 4109 (Headway (NSW) Inc.).

5.33 Memory loss, reduced ability to learn new skills, difficulties in beginning a task without reminders, slow processing of information and responses, being easily distracted, suffering frustration and irritability, and sometimes aggression⁵¹, are all characteristic of people with head injuries (though not necessarily all at once) and would clearly affect employability. The situation is complicated further by the fact that people with such injuries believe they can work at high level jobs, but in reality are not capable of doing so.⁵² Hence, as stated above, they do not fit into sheltered workshops or supported employment but cannot easily be accommodated by competitive employment programs.⁵³

5.34 The decrease of work capacity may be accepted in theory, but is usually considered applicable to older people; the deterioration in skills of younger people is a process which needs to be recognised, just as much as does the difference between the apparent and real abilities of persons with THI.

5.35 In respect of people with MS, access to services has been considered limited⁵⁴ because of the way programs have been structured. However, given the usual age of onset of MS, it is also likely that most people with this disability will be established in jobs and have had a reasonable, if not considerable, work experience prior to the symptoms of illness. Consequently, for people with MS and some other degenerative conditions:

The three major problems are firstly, job retention for those in employment at risk of losing their positions due to loss of function; secondly, job redesign and the renegotiation of jobs after the effect of MS on ability; and, thirdly, issues surrounding the relinquishment of full time employment, and later, perhaps, part time employment. It is our view that these issues are swept under the carpet and are not the subject of major attention, but certainly are major issues for people with degenerative conditions, including multiple sclerosis.⁵⁵

5.36 To a degree, the issues are of being able to manage known work; to gradually accept a different level of work; and, if required to relinquish employment. This all requires both an acceptance of the disability and skilled negotiation with employers⁵⁶; it also can require the availability of part-time work.⁵⁷

51. *Transcript of Evidence*, pp. 5140, 5152 (Health Department of Western Australia). Aggression especially can limit employability because of the risk to other workers.

52. *Transcript of Evidence*, p. 5151 (Health Department of Western Australia).

53. *Transcript of Evidence*, p. 5141 (Health Department of Western Australia).

54. *Transcript of Evidence*, pp. 5571-2 (National Multiple Sclerosis Society of Australia).

55. *Transcript of Evidence*, pp. 5571-2 (National Multiple Sclerosis Society of Australia).

56. *Transcript of Evidence*, pp. 5574-5 (National Multiple Sclerosis Society of Australia).

57. *Transcript of Evidence*, p. 5576 (National Multiple Sclerosis Society of Australia).

5.37 The issue of inflexible working hours (and the basis of pay) was one raised by the Spastic Society of New South Wales, which was both aware of the amount of time its employees took to produce goods, and concerned with the quality of work available.

In Australian society, the accepted “norm” is to work a full week of five days and thirty eight hours. Despite unemployment levels throughout the 80's, it is believed that attitudes of society in general have not changed to accept the need for more part time work and shared jobs. This appears to carry over into the field of disabled employees who are pressured to work a full week instead of working the amount of time that quality work is available.⁵⁸

5.38 The Society went on to recommend that a ‘general community education program is needed on what is a realistic concept of working hours for people with disabilities’ and that ‘training and education programs be made available for people with disabilities to help them take advantage of reduced working hours with quality of life improvements’.⁵⁹

5.39 The variations in employment ‘time’ were noted by the Frankston College of TAFE submission, which stated that while many people with mild intellectual disabilities were potentially capable of full-time open employment, others were capable of a variety of employment levels, such as:

- full-time open employment with occasional on-the-job support;
- full-time open employment but with significantly reduced productivity/output;
- permanent part-time employment (varying degrees of productivity);
- sheltered/supported employment; and
- irregular/occasional employment – often due to associated disabilities/illnesses.

If we are going to provide effective programs that lead towards “full” and “quality” outcomes then it is necessary for both the Federal and State government, employers and unions to re-structure the current Social Security, union, wages/conditions arrangements otherwise we will be making great gains in the short term with no long term realistic benefits.⁶⁰

58. *Transcript of Evidence*, p. 383 (The Spastic Centre of New South Wales).

59. *Transcript of Evidence*, p. 384 (The Spastic Centre of New South Wales). This point is also developed by DACA – see below Paragraph 5.41.

60. Submission No. 94, p. 2 (Frankston College of Technical and Further Education).

5.40 A further submission also noted that 'shorter working hours' (plus additional benefits) were part of the provisions available in some other countries.⁶¹ The workforce in general has often been able to accommodate such needs and the restructured workforce in particular, which offers a range of part-time employment, and which is developing further options in home-based employment, has the capacity to meet the special needs of some people with disabilities.

5.41 In noting the limited options available to people with disabilities the Disability Advisory Council of Australia (DACA) developed the argument further by commenting not only on the limited number of employment options, but on the emphasis on employment as opposed to 'further education, leisure or retirement activities'.⁶²

Very few avenues exist for people with disabilities who wish to access further education. Still fewer opportunities exist for individuals who wish to access a combination of options (for example, part time work and part time study, part time work interspersed with leisure).⁶³

5.42 This reflects the awareness of some groups that the issue of employment is one which is broader than just paid work.⁶⁴ This argument is one which has been considered both in Australia and overseas, particularly in terms of technology change and the effects this can have on general employment rates.⁶⁵

5.43 In the current economic climate and the employment structure of Australian society, the opportunities for employment for a number of individuals and groups are extremely limited. As has been the case in other societies, consideration has been given to the ways in which long-term disadvantage can be overcome through extending the concept of employment to cover unpaid work or occupation, or bringing aspects of hitherto unpaid or 'voluntary' work into a recognised scheme of 'employment'.⁶⁶

61. *Transcript of Evidence*, p. 455 (Messrs Rothwell and Smith, Cumberland College of Health Sciences).

62. *Transcript of Evidence*, p. 4867 (Disability Advisory Council of Australia).

63. *Transcript of Evidence*, p. 4868 (Disability Advisory Council of Australia).

64. *Transcript of Evidence*, pp. 46, 48-9 (South Australian Government).

65. Louise Crossley, *Children and the Future of Work*, Brotherhood of St Laurence Child Poverty Policy Review 3, 1990, especially p. 21. See the discussion on problems with 'voluntary' work as it is currently structured, especially the failure of labour market programs to address real issues, in Veronica Sheen *Community Work for Unemployed Young People*, Brotherhood of St. Laurence Social Policy and Research Department, I, 1987.

66. James Robertson, *Future Work*, New York, 1985. See also R.W. Rumberger and H.M. Levin *Forecasting the Impact of New Technologies on the Future Job Market* Technological Forecasting and Social Change 27 (1985) 399. See also ACOSS Paper No. 18 (1988) *Return to Full Employment: A Discussion of Employment and Training Strategies*, especially pp. 3-4.

"*Employment*", in a paid capacity, would not be the only recognised form of work. Instead, *work* would encompass many kinds of self-organised activity or own work, which would become an increasingly central focus of interest and of individual and community production.⁶⁷

5.44 With a decrease in the number of jobs in major industrial sectors, and with office automation and multi-skilling creating substantial reductions in a number of administrative/clerical positions, it is possible that 'full employment' in the traditional sense will not be part of future economic and employment strategies. For both long-term disadvantaged and for numbers of recently educated/trained but inexperienced 'workers' in particular, there may need to be different types of 'employment' or 'occupation'. People with disabilities, or some groups within this broad category, may well be employed only in terms of this wider concept of employment.⁶⁸

5.45 Much of the discussion on alternatives to employment or work options were based on the belief that, as individuals were so badly paid for their work (in sheltered workshops) and could not earn a higher wage without losing benefits⁶⁹, it could be useful to develop a more extensive program which could occupy them more meaningfully.

5.46 Some of this evidence was taken prior to the introduction of proposed changes to income support measures, and in general there is a lack of understanding of the income test and income taper rules.⁷⁰ However, the most important aspect – being free to enjoy other activities in life – must remain an important part of any discussion on work and employment options for people with disabilities.

5.47 For people with virtually no access to formal services – including people with severe disabilities – there is no doubt a need to ensure some access to activities which are enjoyed, although this is also true for those who are involved in open or other forms of employment.

5.48 In some parts of the evidence presented, the grounds on which there should be an encouragement to participate in society, including through employment, was unclear. One witness suggested that people with disabilities with limited access to

67. Crossley, *op. cit.*, p. 26.

68. See also *Transcript of Evidence*, p. 5712 – the Brotherhood of St Laurence referred to the importance of 'social, recreational and leisure' pursuits, though as an addition to employment, rather than part of it. Later, representatives of the organisation did suggest that 'other life pursuits' (other than work) were 'valid and viable as well' – *Transcript of Evidence*, p. 5719 (The Brotherhood of St. Laurence).

69. *Transcript of Evidence*, p. 106 (S.A. Group Enterprises Incorporated).

70. See Chapter 7, Paragraphs 7.25-7.27, 7.31-7.38.

more formal services, could nonetheless occupy themselves, although this may be in ways which did not increase their employment prospects.

Mr Sarre: I think some of them may stay at home. Some of them may participate in some leisure programs. Some of them may watch television. Some of them may do some WEA.⁷¹

Miss Slattery: Most find things themselves to do.⁷²

The point which another witness made was the need for people with disabilities to have the freedom to accept or reject the work ethic – especially when work was so poorly compensated.⁷³

5.49 In some cases, the work ethic was considered to be inappropriately applied to all people.

We are looking at a work ethic and we have to question whether that ethic is applicable to all people with a disability.⁷⁴

5.50 The representatives of a CETP service pointed out that a number of assumptions about employment needed to be examined in the context of Australian society. If social security or income support would continue to be paid, there was no point in trying to get some people with disabilities into the workforce.

There are clearly some people for whom employment is not an option and providing resources to get them to that level, in 15 years' time, may not be doing that individual a service. We have to look at other alternatives to the employment options. That may be outside the scope of this Committee, but it seems to me that we should not only look towards putting all people with disabilities towards an employment related future.⁷⁵

5.51 Overall, there was a general belief that the need to feel worthwhile and productive was shared by people with disabilities. In some instances, this awareness was further developed to consider the importance of having a variety of options, given not only the level of disability but also of age.

71. *Transcript of Evidence*, p. 114 (S.A. Group Enterprises Incorporated). Note: WEA – Workers' Education Association classes.

72. *ibid.*

73. *Transcript of Evidence*, pp. 48-9 (South Australian Government).

74. *Transcript of Evidence*, p. 702 (Centacare).

75. *Transcript of Evidence*, p. 701 (Centacare).

There is a need for more graduated and varied options to be developed to cater for ageing and severely disabled people with intellectual disability. A mix and blend of services which can be accessed on the basis of whatever time is most appropriate and desirable for the individual concerned are essential.⁷⁶

5.52 Some witnesses indicated that this variety could be extended across the spectrum of people with disabilities, although there was some suggestion that people with more severe disabilities might particularly benefit from a more flexible approach to the mixture of services. The suggestions that have been made reveal both an awareness that some disabilities require a long confidence recovery phase; and a belief that the effects of some disabilities are such that only a mixture of services could be an appropriate 'service'.

5.53 The first aspect was especially referred to in the context of psychiatric disability, although it is already catered for to some extent by the high levels of support available to people in some supported employment services assisting people with a range of disabilities.

... the increasing emphasis on employment programs in Skillshare means that there is less drop-in centre activity going on. We know that a number of people with psychiatric illnesses have been displaced from the CYSS-type of centres that they used to go to and get company and feel comfortable. Maybe, after a few years of sitting around having cups of coffee, they felt safe enough to try something, to try doing a bit of a training course or something else.⁷⁷

5.54 The same organisation also pointed out the need to recognise that work was not the only outcome, and that this was not a matter of choice for individuals.

... as well as looking for people who are going to make it through to jobs ... there also should be recognition that some people are not going to. There is a role for social rehabilitation, for living skills centres, with more basic sorts of outcome measures than actual employment measures.⁷⁸

5.55 The concept of a wider system of employment was perhaps most clearly expressed by Headway NSW which put forward an argument for what it considered an 'avocational' service.

Headway NSW takes the view that employment includes all activities utilising time, skills, and personal potential, irrespective of income

76. *Transcript of Evidence*, pp. 5272-3 (Developmental Disability Council of Western Australia (Inc.)).

77. *Transcript of Evidence*, pp. 572-3 (Mental Health Co-ordinating Council Inc.).

78. *Transcript of Evidence*, p. 573 (Mental Health Co-ordinating Council Inc.).

derived from that employment: there are many gains to be made from employment other than financial benefit.

To enable the psychological, social, and personal benefits of employment to be achieved by the large number of THI persons who are unable to enter the competitive employment market, it is essential that programs of avocational employment are available.⁷⁹

5.56 The organisation believed that the separation of program funding arrangements inhibited the development of a service of this nature, which could be seen as pre-vocational in nature. Components included recreation and voluntary work, and the support of the family was an important element, as it is for a number of successful employment programs.

from clinical experience, it is usually people who have the support of family networks who organise for them to be doing a range of activities. That is usually how the majority get into volunteer work. The reason they do it is that they can do volunteer work for a short period of time. Part of a lot of people's problems is that they cannot work a nine to five day. So you can do voluntary work which you can choose to do on the basis of your previous experience.⁸⁰

5.57 To see the development of this wider concept of employment as an undesirable situation would be to ignore some current social problems such as unemployment rates and the particular access problems of some people with disabilities. Because of its terms of reference the Committee is not able to investigate in detail at this time the development of alternative employment or work structures of this type. However, the development of a concept of employment as work which provides a meaningful occupation to substantial numbers of people with disabilities, does offer the opportunity of expanding current employment and training programs, linking these with other types of related and non-related work experience. For people with severe physical disabilities in particular such options may be of special benefit, as many people in this category have limited access to the benefits traditionally associated with paid employment.

5.58 Full-time work (though not necessarily standard productivity) may be both appropriate for and available to some people with disabilities.⁸¹ For persons not able to obtain full-time employment, or unable to undertake it, a range of other types of occupation or employment with specific training and experience outcomes could be developed beyond those currently offered. In this way, the labour market

79. *Transcript of Evidence*, p. 4096 (Headway (NSW) Inc.).

80. *Transcript of Evidence*, pp. 4108-9 (Headway (NSW) Inc.).

81. *Transcript of Evidence*, pp. 534 & 535 (JobSupport Inc.). JobSupport noted that Slow Worker Permits were sometimes useful in that they allowed a person to work at their own rate and perhaps build on skills, over time. Workers, including those in full-time employment, often needed time to reach full productivity.

is able to utilise broader resources in order to meet the needs of substantial numbers of people of working age.

Recommendations

The Committee acknowledges that most people with profound disabilities will never be able to participate in paid employment, or in programs which combine work and other activities such as study or recreation.

The Committee believes that people with profound disabilities require services which meet their particular needs.

The Committee RECOMMENDS:

1. That funding be provided to ensure that care services and stimulating programs are provided to meet the needs of people with profound disabilities. Such programs could include physiotherapy, music, colour and light programs.

The Committee acknowledges that full-time employment is not appropriate for, or may not be achievable by, all people with disabilities.

The Committee RECOMMENDS:

2. That programs be established that combine work, study, recreation and other meaningful activities – depending on the needs of each individual. These programs are to be readily accessible by people with disabilities and these ‘full life’ programs must ensure that people receive an acceptable income at least equivalent to the pension.
3. That part-time employment options be developed for people with disabilities unable to work full-time.

2. TRAINING

Labour Market Training Programs and Other Assistance

5.59 Appropriate training and support is a key factor in achieving the employment opportunities for people with disabilities foreshadowed in the *DSA*. While DHH&CS funds specialised support and training through the CETP and Supported Employment programs, there is also scope for mainstream training programs to facilitate employment opportunities for people with disabilities as is indicated in the evidence from these services discussed below. Subsidies and other types of assistance provided by generic labour market programs are used by many *DSA* service providers to complement their specialist training strategies.

Employment opportunities can be expanded by training, both on and off the job. This is a key factor in opening up employment opportunities and can have a substantial effect on improving the

capacities of people with disabilities to perform the duties of the job in an efficient manner. This is particularly relevant for people with moderate to severe disabilities.

On the job training is essential for people with intellectual disabilities to obtain and maintain a job, while off the job training has limited value for that group. Both types of training can provide opportunities for people with physical disabilities.⁸²

5.60 The Ronalds Report noted in 1990 that mainstream training programs, to date, had 'not provided many opportunities for people with disabilities'.⁸³ The Disability Employment Action Centre (DEAC) also expressed concern about the current limitations of some mainstream programs:

Some programs are literally not accessible. There has been a recent review of SkillShare which has identified that there is a need to make SkillShare programs physically accessible. We have attempted to refer people to SkillShare programs and they have not been able to get in the front door. ... currently there are inadequate training opportunities throughout the system, throughout State and Commonwealth funded programs, for people with more severe disabilities. It needs to be recognised - as it has been.⁸⁴

5.61 The limited opportunities for people with disabilities in mainstream programs, were highlighted by representatives of the South Australian Government, who appeared at the first hearing of this inquiry in 1989. They believed that the emphasis by CES offices on courses to meet local, short-term labour market needs was not seen as the most effective medium for the provision of training for people with disabilities. Short-term, job specific training courses provided in isolation were not able to take into account factors which 'have proven to be critical to job retention and promotion in the longer term' for people with disabilities, such as appropriate socialisation, work attitude, job satisfaction, ongoing support and training:

Programs whose major focus is on the short term goal of reducing the numbers of recipients on the Unemployment Benefit do not necessarily meet the real training needs of people with disabilities. Such programs clearly give higher priority to short-term local labour market needs and to CES statistics than they give to the longer term vocational needs of persons with disabilities.⁸⁵

82. *Ronalds Report*, p.11, (1.5.7).

83. *ibid.*

84. *Transcript of Evidence*, p. 5604 (DEAC (Disability Employment Action Centre)).

85. *Transcript of Evidence*, p. 15 (South Australian Government).

5.62 Another perspective on the suitability of generic programs was advanced by the ACT Inter-Agency Task Force on Employment and Disability which perceived the Government's emphasis on training rather than job creation schemes as discriminating against people with disabilities:

As most training programs focus on the more job ready individuals within the community, people with disabilities are less likely to be included or able to compete equally.⁸⁶

5.63 The Commonwealth and State governments already have in place a wide range of pre-vocational and vocational programs and provide funding for the development and ongoing support of other training programs. Such programs generally focus on the development of specific employment skills or employment readiness. In addition training programs are provided by some private groups, such as charitable organisations or community groups, such as NADOW⁸⁷ or the Sydney City Mission. However, private organisations may also receive funding from the Commonwealth (via SkillShare) or State government funding. Most programs are targeted at the unemployed and, within this group, sub-groups which are regarded as particularly disadvantaged such as the long-term unemployed, sole parents or people with disabilities. Some organisations may receive funding to meet the training needs of people with specific disabilities. The involvement of both Commonwealth and State governments in the training field has contributed to diversity in the responses to training needs. However, the Committee believes that the current array of programs lacks an overall strategy and rationale and this may have the effect of limiting access to training programs for people with disabilities.

Commonwealth involvement – Department of Employment, Education & Training (DEET)

5.64 DEET provides and oversees a range of training and related labour market activities of relevance to people with disabilities, including:

- CES services for job-seekers;
- the Skills Formation program, which includes funding and support for TAFE, apprenticeship and traineeship programs;⁸⁸ and
- the Special Employment Education and Income Support Program⁸⁹, which includes employment and training assistance for disadvantaged clients (such as

86. *Transcript of Evidence*, p. 1645 (The Inter-Agency Task Force on Employment and Disability (A.C.T.)).

87. NADOW – National Association for Training the Disabled in Office Work.

88. See DEET Annual Report 1990-91, pp. 59-68. TAFE provision for people with disabilities was discussed above in chapter 4.

89. DEET Annual Report 1990-91, pp. 69-95.

wage subsidies), community based strategies (such as SkillShare) and the provision of income support for people in education and training, such as Austudy and the Formal Training Allowance.

5.65 The Commonwealth Government also plays a key role in the training sphere through the National Board for Employment, Education and Training (NBEET) which provides advice to the Minister, and through the enactment of the Training Guarantee and the establishment of the National Training Board.

5.66 In addition DEET was a key participant in the Active Employment Strategy (reform of unemployment entitlements) and the reforms of disability services which came into effect on 12 November 1991, and which can greatly expand opportunities for people with disabilities:

To provide services to people with disabilities and in the context of the Active Employment Strategy, DEET, in conjunction with the Departments of Social Security and of Community Services and Health⁹⁰, has been developing strategies to improve both the co-ordination and the range of services.⁹¹

5.67 The Office of Disability within DHH&CS provides policy advice to the Government on the needs of people with disabilities and analyses the effectiveness of government programs in the delivery of services. It is clear that liaison between DEET and DHH&CS concerning the employment, education and training needs of people with disabilities has improved as a result of the work of the interdepartmental Disability Task Force. However, there is still scope for DEET to continue to monitor and analyse trends in participation in its programs by people with disabilities and liaise with other areas in policy development with regard to the special needs of people with disabilities. This will be facilitated through the program of evaluation developed as part of the Disability Reform Package.⁹²

5.68 Specialist units exist within the DEET structure which focus attention on women's and youth affairs at a national level with an emphasis on employment, education and training issues⁹³, and the Disability Access Support Units (DASUs) have been devised to help Skillshare projects provide appropriate services to people with disabilities.⁹⁴ DEET introduced Post Placement Support (July 1991) for clients who were formerly unemployed for 12 months or more. As part of the implementation of the Disability Reform package, Post Placement Support will be

90. Now Department of Health, Housing and Community Services.

91. DEET Annual Report 1989-90, pp. 100-102.

92. See Appendix 7, pp. 9-10.

93. DEET Annual Report 1989-90, p. 130. DEET Annual Report 1990-91, pp. 131-2.

94. DEET Annual Report 1990-91, p. 76, and see also Paragraphs 5.137-5.138. However, see also Paragraphs 5.112, 5.135.

extended to people with disabilities during 1991-92, and some 4,300 people are expected to receive assistance, at a cost of \$4.3 million.⁹⁵

5.69 Paid Work Experience for People with Disabilities is part of the active employment strategy for people with disabilities. It will provide fully subsidised work experience placements in the private sector for people with 'a high level of disability'. Placements will run for a maximum of 12 weeks full-time or equivalent part-time and will pay the award wage or equivalent up to a maximum of \$3,600. \$500,000 has been set aside for lease of essential special equipment and hire of specialist services.⁹⁶

5.70 The establishment of Disability Panels, in conjunction with DHH&CS and DSS, will allow DEET to assist people with disabilities further.⁹⁷ The CES will provide a case management approach to assisting clients with the help of Disability Jobseeker Advisers (DJAs), who will be members of the Disability Panel.⁹⁸

5.71 DEET's submission of March 1989 to this inquiry included data on the numbers of people assisted by DEET client services and labour market programs during 1987-88⁹⁹, and these tables are reproduced in Appendix 15:1. Updated figures for 1990-91 were provided in February 1992. These are reproduced at Appendix 15:2 and key points noted at Paragraph 5.77. In both cases, the figures are based on self-identification by people with disabilities and can therefore represent an under-estimate of the numbers of job seekers with disabilities. In addition, as several categories of disadvantaged job seekers are recognised by DEET, people with disabilities may be counted under one of the other 'disadvantaged' categories, depending on their personal characteristics and whether their disability is regarded as a primary or secondary characteristic. For example, people with disabilities may experience other labour market disadvantages as a result of their being long-term unemployed, of ATSI origin or a sole parent, and could be included in one of these categories rather than in the 'disability' category.

5.72 With the development and implementation of the Disability Reform Package, DEET drafted guidelines which include definitions adopted from the WHO International Classifications.¹⁰⁰ The terminology previously used by DEET was not sufficiently precise to identify levels of disability and thereby to indicate the extent to which various labour market programs could meet the needs of people with

95. DEET Program Performance Statement 1991-92, p. 117.

96. *ibid.* See below, Paragraph 5.113.

97. Disability Panels are discussed further at Paragraph 5.82.

98. DEET Program Performance Statement 1991-92, p. 151. See also below, Paragraph 5.82.

99. Submission No. 205 (Minister for Higher Education and Employment Services). DEET provided a supplementary submission to the Committee on 29 May 1991, and provided further information to the Committee in January and February 1992.

100. See Appendix 6.

different levels of disability; given that the new program Paid Work Experience is directed to people 'with a high level of disability', it is likely that people with disabilities in JobTrain, JobStart and Job Search have mild to moderate disabilities. As is explained in Appendix 7¹⁰¹ it will be possible for DEET in the future to 'monitor outcomes by individual disability type' even though it is not proposed to do this regularly.

5.73 More stringent program monitoring has also been introduced. Previously, DEET's monitoring process assessed outcomes through determining whether people who had completed programs were in employment or other programs three months later. A different assessment process was introduced from the September 1991 quarter when Post Program Monitoring (PPM) reports 'moved to a final client outcome basis'. The effect of this is not to include persons utilising other DEET program assistance as being at the 'final outcome stage'; the intention is to see 'labour market self-reliance' as the end result of involvement in DEET labour market programs. Consequently:

- "employment" outcomes no longer include subsidised employment;
- "education/training" outcomes no longer include DEET program formal training assistance; and
- "positive" outcomes only include full or part-time employment, education or training which is not provided by DEET labour market programs.¹⁰²

5.74 This may well have the effect of substantially reduced outcome figures for some time, but is a more realistic manner of assessing the effect of programs, even during times of high unemployment.

5.75 The new coding system used by the three Departments (DEET, DSS and DHH&CS) most involved in the Disability Reform program will also assist in providing information on level of disability. This system is used to identify clients who have disabilities in order to widen their chances of securing employment.¹⁰³ While this system may help to identify numbers of unemployed people with disabilities and will also be important in determining approximate numbers and areas of need for specific types of assistance, it will be subject to some inconsistencies. For example:

If the CES and/or the client feels that the disability has no impact on gaining employment then the client would not be registered as a

101. Appendix 7, Paragraphs 4.20, 4.22.

102. DEET letter to Committee, February 1992, p. 1.

103. All persons with a disability who register with the CES can thereby be identified as requiring particular types of assistance. See Appendix 7, Attachment.

person with a disability and would be given the same opportunities and assistance as other clients of the CES.¹⁰⁴

The Department has also noted that:

some staff would automatically record a disability code for a person regardless of whether the impairment or medical condition affects the person's chances of gaining employment.¹⁰⁵

5.76 While the development of more sophisticated definitions of disability and assessment of service need is welcome, it should also be possible for the Department to ensure a greater consistency by staff in collecting data; it should not be dependent on the beliefs or choice of staff as to who is, or is not, in need of assistance.

5.77 The 1989 DEET submission to this Committee acknowledged that the CES registration rate for people with disabilities was 'not high and any improvement in services and programs would be likely to lead to a higher registration rate'.¹⁰⁶ At the end of June 1988, some 86,400 people with disabilities were unemployed and awaiting placement (8.7 per cent of all those unemployed and awaiting placement); 39 per cent of these had been registered with the CES for over 12 months. This reflects the difficulties people with disabilities face in obtaining jobs. In early 1992 DEET provided the Committee with updated figures relating to CES registration and placements for people with disabilities in 1990-91. These Tables indicated that:

- at 30 June 1991 144,121 people with disabilities were unemployed and awaiting placement (Table 1);
- 39,600 of these had been registered with the CES for over 12 months, and over three-quarters of this group were males. Some 27,000 of the males were in the age groups 25-44 and 45 plus. While women comprised only approximately one-quarter of the '12 months and over' group, the same concentration in the 25-44, and 45 plus age groups is also evident - 3,945 and 2,768 people respectively (Table 1);
- during 1990-91, 110,065 people with disabilities were referred to positions and 24,264 placements were made (Table 2).
- total registrations, including both unemployed persons awaiting employment and people seeking alternative or part-time employment, were 184,759 (Table 2);
- 28,150 people with disabilities commenced in DEET's labour market programs, including programs for Aborigines (Table 5). This should be looked at in the

104. DEET, letter to Committee, 21 January 1992.

105. *ibid.*

106. Submission No. 205, p.15 (Minister for Higher Education and Employment Services.

context of a total of 234,296 people commencing in those labour market programs (Table 6);

- JobStart (19.1 per cent of all commencements) was the program most utilised by people with disabilities; the take-up rate by people with disabilities of the Special Intervention element (introduced on 1 January 1991) was 31.6 per cent of all commencements.¹⁰⁷

The situation in 1990-91, of 144,121 people with disabilities being unemployed and waiting for placement may indicate an improved registration rate, but also reflected the fact that people with disabilities were obtaining considerably fewer placements than their representation on the CES register would entitle them to, with their equity ratio being 0.43.¹⁰⁸

Commonwealth Employment Service (CES) – Assistance to people with disabilities

5.78 Some CETP services work in close co-operation with their local CES offices to identify suitable job vacancies for their clients. Other CETP services prefer to use a cold canvassing approach¹⁰⁹ or to rely on local networks or repeat business.¹¹⁰ While some CETPs were appreciative of the assistance they had received from the CES, others had encountered red tape particularly in the administration of the registers of job seekers. The then Manager of EPIC Employment in Brisbane acknowledged late in 1990 the assistance of the CES:

It has to be said that a great deal of the success we have had in the last year has come from very close cooperation with the Commonwealth Employment Service, with a great deal of support from the Department of Community Services and Health.¹¹¹

5.79 However it is also clear from the comments of EPIC, and of JobMatch in Tasmania (November 1990), that the new emphasis on an active employment strategy for people with disabilities will challenge many of the community's traditional assumptions about the employment potential of people with disabilities, including those of government service providers such as the CES. In particular EPIC's submission of 18 months earlier (that is, 1989) had indicated that there were some problems in liaison with the CES and other Commonwealth service providers:

107. Special Intervention – see DEET Program Performance Statement 1991-92, p. 113. However, overall take-up was low with 600 commencements (\$0.8 million) rather than an anticipated 2,300 commencements (\$6.985 million) from January to June 1991.

108. Equity ratio – see Glossary. See also DEET Program Performance Statement 1991-92, p. 149.

109. Cold canvassing – see Glossary.

110. *Transcript of Evidence*, pp. 530-31 (Jobsupport Inc.).

111. *Transcript of Evidence*, p. 4192 (Epic Employment Service, M.O.R.E. Inc.).

As CETAP agencies are funded by the Federal Government, there needs to be greater liaison between direct and indirect government service providers. Many Commonwealth Employment Service and Social Security staff are still not aware of CETAP services though great effort has been put into public relations work, the sending out of literature and personal contact with all agencies. . . . It is very discouraging for us when a client returns to us with such comments as:

"Commonwealth Employment Service said I could not register as I am on an Invalid pension."

"Commonwealth Employment Service said they would register me but that I would never get a job".¹¹²

5.80 While it was clear that liaison had improved significantly during the intervening period, the level of staff turnover in Commonwealth agencies and the impact of this on corporate knowledge remained a significant factor 18 months later:

We go to all of these offices regularly but in a space of three months you can go back to the same office and find that there has been a 80 per cent staff turnover there . . . We will not, obviously, tolerate a situation where one of our consumers is denied the right to register with the CES because he or she might be the recipient of an invalid pension; it is just not on. We will remind them of the fact that they have to accept that registration. As we said earlier, by and large our liaison with the other departments has always been very good.¹¹³

Recommendations

The Committee RECOMMENDS:

4. That CES officers be adequately trained so that they are completely conversant with all policy requirements and, in particular, that they are fully up-to-date with all changes to policy.
5. That Australian Public Service staff who are responsible for assisting people with disabilities be strongly encouraged to commit themselves to remaining in their position for at least 12 months.

5.81 JobMatch had been liaising with local CES managers regarding the failure of some job seekers with intellectual disabilities to respond to the regular CES recall system which monitored their continuing interest in finding work. As a consequence of not responding to such recalls clients were being removed from the active registers at their CES offices. JobMatch and the CES had resolved the problem by

112. *Transcript of Evidence*, p. 4188 (Epic Employment Service, M.O.R.E. Inc.).

113. *Transcript of Evidence*, p. 4211 (Epic Employment Service, M.O.R.E. Inc.).

agreeing to substitute JobMatch's address for the job seeker's on the registration details thus enabling follow-up in person by JobMatch to monitor the job seeker's motivation.¹¹⁴ Clearly the changes announced by the Government in the Disability Reform package which began on 12 November 1991 will enhance this type of liaison and should, over time, lead to a greater understanding of the special needs of people with disabilities.

5.82 From November 1991, the capacity of the CES to respond to the needs of people with disabilities has been enhanced by the recruitment of specialist staff – Disability Jobseeker Advisers (DJAs) – who will participate in the panel assessments of applicants for Disability Support Pension (DSP).¹¹⁵ The Disability Panel will be responsible for obtaining the necessary detail from a client on his or her disability. The panel will contain representatives from the Departments of Social Security (DSS); Health, Housing and Community Services (DHH&CS); and DEET. The panel will have a range of information to access on the client's behalf such as a treating doctor's report, work capacity assessment, Commonwealth Medical Officer's report, etc.¹¹⁶

5.83 Advisers will also provide administrative case management when DSP recipients participate in DEET programs, and act as a resource for other CES staff who need advice on disability issues as well as providing skilled advice, assessment and assistance to job seekers with a disability.¹¹⁷ Half a million dollars will be provided in 1991-92 to enable the CES to obtain specialist assessments of each client's training and employment potential. It will also enable referrals for assessments of impairment by the Australian Government Health Service (AGHS) to be made when CES officers encounter clients who may require assessment in order to receive the DSP.

There may be some doubt or some cause for concern about whether referral to a particular job might aggravate the condition. Another example could be that of a person who is known to have a disability; there might be a concern about whether the employment of that person could aggravate the disability. In the past the client has had to pay for those specialist assessments. This provision will allow the CES to obtain the specialist advice it needs to give the client good service, and also to pay for it.¹¹⁸

114. *Transcript of Evidence*, p. 5348 (JobMatch).

115. The Disability Support Pension is discussed in detail in Chapter 7. See *Transcript of Evidence*, p. 4792 (DEET); DEET letter to Committee, 21 January 1992, pp. 5-6.

116. DEET, letter to Committee, 21 January 1992, p. 6.

117. Supplementary Submission No 205 Paragraphs 4-5 (Minister for Higher Education and Employment Services). See also DEET Program Performance Statement 1991-92, p. 151.

118. *Transcript of Evidence*, p. 4786 (DEET).

5.84 Special Service Centres (SSCs) within the CES Network will be responsible for obtaining enough detailed information from clients who come through the CES only, to ensure that they offer appropriate assistance to a client. Specialist officers in SSCs have been trained to ensure that a client with a disability receives this quality of service.¹¹⁹

Training and Labour Market Programs

Skills Formation

5.85 The role of TAFE colleges has already been identified in Chapter 4 in providing training for employment and further education. Many TAFE colleges have adopted policies on the provision of training services to people with disabilities and have staff experienced in the development and delivery of programs. There is the potential, with appropriate funding, for further expansion of TAFE services to fill real gaps in the provision of training to people with disabilities. A national TAFE policy on access and opportunities for people with disabilities similar to the policy on access for women at TAFE¹²⁰ would enhance service provision to people with disabilities.

5.86 DEET's Australian Traineeship System (ATS) enhances the career prospects of young people (particularly those aged 16-19) through the provision of broadly-based, structured entry-level training in non-trades employment. Traineeships normally run for 12 months and combine on-the-job training with a minimum of 13 weeks formal vocational off-the-job training, generally at TAFE colleges. Trainees are paid a negotiated wage based on the relevant award. By 30 June 1990 44,500 young people had begun a traineeship since its commencement in 1985.¹²¹ However, participation rates for people with disabilities had dropped from 2 per cent in 1987-88 to 1 per cent in 1989-90. DEET in its Annual Report for 1989-90 notes that several surveys of ATS participants had shown that trainees in the disadvantaged groups (which includes people with disabilities) had a high employment rate (79 per cent) 3 months after completion of their traineeship. This is only slightly below the overall retention rate of 87 per cent in employment three months after completion of training.

5.87 There was a significant reduction of ATS expenditure and intake in 1990-91. Estimated expenditure was \$44.9 million, actual expenditure was \$39.775 million. The number of new trainees was 9,400 against an anticipated intake of 16,000.

119. *ibid.*, and DEET Annual Report 1990-91, p. 105.

120. Entitled NOW (New Opportunities for Women) in the ACT, the policy is known under different titles in other States.

121. DEET Annual Report 1989-90, p.60.

5.88 DEET considers that three factors were responsible for the limited intake:

- the general economic downturn;
- reluctance of key industries involved in award restructuring to undertake new responsibilities before restructuring agreements were achieved; and
- increased retention rates for young people in school.¹²²

5.89 These factors may also have caused the decrease in 1989-90 intake of 'disadvantaged' persons. In 1990-91 the 'disadvantaged' participation rate was 11.3 per cent (1,025 people). In 1991-92, it is expected that the 'disadvantaged' category will comprise about 15 per cent of the intake of 10,000 people.

5.90 Additional assistance is available for trainees who have been assessed as disadvantaged, including people with disabilities. Employers who take on a trainee who has been assessed as disadvantaged in the labour market receive an additional grant; and profoundly deaf trainees receive funding for tutorial assistance during the off-the-job component of their training. ACROD argued in their submission that other young people with disabilities would also benefit from specific assistance to maximise the effectiveness of off-the-job training and that the need for tutorial assistance should be determined on a case-by-case basis.¹²³

Recommendation

The Committee RECOMMENDS:

6. That additional funding should be allocated to increase the provision of tutorial assistance for people with disabilities in labour market training programs.

5.91 Special assistance is available to employers who indenture apprentices with disabilities¹²⁴ under the Disabled Apprentice Wage Subsidy (DAWS). DAWS provides assistance to people with disabilities who are job-ready and who wish to gain an apprenticeship and subsequently undertake a basic trade course as part of their training. Under DAWS employers receive a wage rebate for the duration of the apprenticeship to encourage them to take on people with disabilities referred to them by the CES, and this rebate, in some circumstances, can be offered in relation to sheltered workshop clients. Employers can also receive reimbursement for appropriate workplace modifications. Apprentices undertaking the basic trade component of their training are eligible for tutorial assistance and profoundly deaf apprentices receive note-taking/interpreter assistance and access to appropriate

122. DEET, Program Performance Statement 1991-92, p. 86.

123. *Transcript of Evidence*, p. 4898 (ACROD Limited).

124. This refers to physical or 'mental' (that is, intellectual) disabilities.

technology. As part of the Disability Reform package introduced in November 1991, tutorial assistance under DAWS will be extended to people with disabilities undertaking pre-apprenticeship training. Approvals for DAWS (135) were lower than expected in 1989-90.¹²⁵

5.92 In 1990-91 DAWS helped 127 people with disabilities begin an apprenticeship – a decrease over the preceding year. A survey undertaken early in 1990 indicated that 70 per cent of apprentices were still employed by their original employer.¹²⁶ At 30 June 1991 there were 393 apprentices with disabilities, at an average unit cost of \$5,403.¹²⁷ Presumably the same factors which have affected the intake of people under the ATS¹²⁸ have resulted in the regular fall in numbers for the DAWS program. Employers who take on apprentices with disabilities who were not initially referred by the CES may qualify for other assistance. Under the Apprentice Training Incentive (ATI) which is part of the Commonwealth Rebate for Apprentice Full-Time Training (CRAFT)¹²⁹ scheme employers 'may receive an additional grant for taking on a disadvantaged person (including people with disabilities) as an apprentice', even though that person may not have been referred initially by the CES. However, the individual must be assessed subsequently by the CES as disadvantaged.¹³⁰ DEET indicated that most employers choose DAWS-eligible apprentices.

Recommendation

The Committee RECOMMENDS:

7. That funding be increased to ensure additional access to apprenticeships under DAWS for people with disabilities. Such funding should include a component for tutorial and other required assistance.

125. DEET Annual Report 1989-90, p. 59.

126. DEET Annual Report 1990-91, p. 65.

127. DEET Program Performance Statement 1991-92, p. 88.

128. ATS – Australian Traineeship System. See above, Paragraphs 5.86-5.88 and DEET Annual Report 1990-91, p. 64.

129. DEET Supplementary Submission No. 205, Attachment B.

130. Supplementary Submission No. 205, Attachment B (Minister for Higher Education and Employment Services). A review of employers and apprentices assisted under DAWS (DEET, Program Performance Statement 1991-92, p. 88) may identify the need for different strategies to increase access.

Special Employment, Education and Income Support Programs – Employment and Training Assistance¹³¹

5.93 Two major areas in this program which are of particular relevance, given the terms of reference of this inquiry, are the Employment Access and Community Based Strategies sub-programs.

Employment access

5.94 The objective of the Employment Access (EAP) sub-program is:

To assist jobseekers who are disadvantaged in the labour market to gain access to and secure long term employment through the provision of measures such as diagnostic assessments and remedial training, wage subsidies to employers, training in job search techniques, vocational training and mobility assistance.¹³²

Such assistance is delivered via four integrated components:

- JobTrain – training assistance;
- JobStart – employment assistance;
- Job Search Assistance (JSA) – job-seeking skills; and
- Special Intervention – access assistance.¹³³

5.95 These components are coordinated and/or administered by local CES offices. Assistance under these sub-programs is targeted to priority groups within the disadvantaged jobseeker population including those unemployed for more than 12 months and sole supporting parents (in line with the objectives of the Newstart and Jobs, Education and Training (JET) programs). As part of the ongoing reform of income support for unemployed people several changes and enhancements will be made to the program between 1990-1992 to improve access to, and retention in, employment. In addition, initiatives announced by the Prime Minister in the Economic Statements March 1991, and in February 1992 included improved opportunities for skill acquisition and will lead to an expansion in the number of

131. Material from Submission No. 205 (Minister for Higher Education and Employment Services) has been updated with reference to the 1989-0 and 1990-1 Annual Reports of the Department, the Explanatory Notes for 1990-91, the Program Performance Statement 1991-92, and the supplementary submission, and the additional material provided by the Department in January and February 1992.

132. DEET Program Performance Statement 1991-92, p. 107.

133. Special Intervention – see above, Paragraph 5.77. This program is of particular assistance to people of NESB; see DEET Annual Report 1990-91, p. 105, and below, Paragraph 5.111.

available places. As is noted below, JobStart expenditure was well under allocation in 1990-91 and JobTrain expenditure well above.¹³⁴

Costs and placements¹³⁵

	JobStart	
	1990-91	1991-92
Allocation	\$72m	\$62m
Expenditure	\$40.784m	-
Placements	30,588*	29,100 (est.)
Average Unit Cost	\$1,650	-

* 49 per cent of the total intake were in the 'especially disadvantaged' category (15,110).

	JobTrain	
	1990-91	1991-92
Allocation	\$120.927m	\$163m
Expenditure	\$142.76m	-
Placements	71,463	59,000 (est.)

JobTrain

5.96 People with disabilities have immediate access to assistance under JobTrain, which provides the long-term unemployed and other disadvantaged job seekers with opportunities to receive formal vocational training. Under JobTrain, short-term vocational courses are developed at the local level to meet the needs of individual participants. JobTrain also has an emphasis on assisting jobseekers to find positions.

5.97 Participants' needs, their suitability for training and the skill requirements of the local labour market, are taken into account in the development of such courses. Courses are provided locally through TAFE or other training providers on behalf of the CES. Courses can be up to 12 months in duration although the average

134. See Paragraph 5.105.

135. Source: DEET Program Performance Statement 1991-92, pp. 114-115, 117-118. There are some differences between statistics provided in the DEET Program Performance Statement and the Annual Report 1990-91, and those in the Tables at Appendix 15:2 (February 1992). The later figures (that is, those in Appendix 15:2) are considered more reliable.

duration was 7.3 weeks in 1989-90. From March 1991 the average unit cost of courses was increased to \$3,500 (from \$2,500). Course length increased from 6½ to 9½ weeks to accommodate the need. JobTrain may be extended for people with disabilities who are unable to complete a particular course successfully within the normal time limits.

5.98 Participants in the JobTrain component may receive the Formal Training Allowance (FTA)¹³⁶ plus ancillary allowances. Participants over 21 years of age also receive a training component of \$30 per week, as do sole parents aged under 21. However, 16-20 year olds are not eligible for a training component. Persons living at home whether under 18 or aged 18-20 receive a lower rate of allowance. Limits to other earnings are the same for those living at home or not, with the maximum amount able to be earned without losing any allowance being \$60 per fortnight.

5.99 Fares assistance is payable to job seekers with disabilities who require special transport to and from the training institution because their disability precludes use of public transport. From late 1991 a special supplement (a maximum of \$5000 per individual) has been available for training providers funded under JobTrain for lease of special equipment and hire of specialist services to assist participants with disabilities.¹³⁷

5.100 In 1989-90 10 per cent (4,631) of JobTrain commencements were identified as disabled, and this represented 19 per cent of all those JobTrain commencements designated as especially disadvantaged.¹³⁸ There were 10,720 people with disabilities in 'Jobtrain Preparation' and 'Jobtrain Other' categories for 1990-91 commencements. 17.2 per cent of the total 'Jobtrain Preparation' commencements of 13,504 persons were people with disabilities; 15.9 per cent of 'Jobtrain Other' commencements (totalling 52,714 persons) were people with disabilities.¹³⁹

5.101 Given that JobTrain provides formal courses it appears that the program would be of the greatest benefit to those people who have physical disabilities only, or those with intellectual or psychiatric disabilities who meet the required standards of literacy and numeracy, and would be able to start work within a short period of time.

136. General income support is considered in Chapter 7. Payments such as Formal Training Allowance (FTA) are discussed as appropriate throughout this chapter. The FTA is equivalent to the Jobsearch Allowance unemployment benefits. FTA eligibility is assessed by DEET, but the allowance itself is paid through DSS.

137. *New Opportunities for People with Disabilities*, p. 9.

138. Unless otherwise indicated, the participation rates used in this discussion exclude any people with disabilities who participated on basis of their unemployment duration.

139. DEET 1990-91 figures, Appendix 15:2, Tables 5, 6 and 7.

JobStart

5.102 JobStart is a general wage subsidy scheme that emphasises equal access to employment for long-term unemployed people and other disadvantaged groups. Wage subsidies are available to employers in the private sector who employ and improve the employment prospects of job seekers. To qualify, employers must be prepared to pay at least the award or appropriate wage for the job and fulfil other award conditions. A subsidy is paid for up to 26 weeks, with the rates dependent on the age and relative disadvantage of the job seeker.¹⁴⁰

For people with disabilities, it is worth noting that we will pay a wage subsidy in respect of part-time work where physical or personal circumstances prevent the job seeker from working full time. That component is used almost universally by people with disabilities. . . . In the case of a person with disabilities, it [the subsidy] would be \$75 per week for a maximum of 20 weeks. If the person is working part time, that would be paid pro-rata.¹⁴¹

5.103 Subsidies are available for part-time work by people with disabilities in excess of 20 hours per week. Employers could be reimbursed, up to a maximum of \$2000, for the purchase, lease or hire of essential equipment or workplace modifications for people with disabilities whom they have engaged under JobStart. From 1 November 1991 the maximum amount increased to \$5,000.

5.104 In 1989-90 18.2 per cent (6,300) of JobStart participants were identified as people with disabilities, which represented 35 per cent of 'especially disadvantaged' JobStart commencements. In 1990-91 there was a total of 27,796 commencements¹⁴², with an expenditure of \$40.79 million. There were 5,332 people with disabilities (19.1 per cent), a percentage increase over the previous year. Some 13.9 per cent of the especially disadvantaged placements were people with disabilities.¹⁴³

5.105 In 1989-90, 1.5 per cent of JobStart placements were on a part-time basis (almost all were people with disabilities who were unable to work on a full-time basis); however the proportion in this group had dropped from 3 per cent in 1988-89. In 1990-91, 2.5 per cent of placements were part-time workers, mainly people with disabilities, an increase over the previous year. While there is a noticeable drop in commencement numbers in JobStart of people with disabilities,

140. For example, a jobseeker aged 15-17 years and unemployed for 12 of the preceding 15 months, or especially disadvantaged, attracted a subsidy of \$105 p.w., while those over 18 years attracted a subsidy of \$200 p.w., *DEET Economic Statement*, 12 March 1991, p. 10.

141. *Transcript of Evidence*, p. 4794 (DEET). Note that data refer to 1990 figures.

142. See Paragraph 5.95 'Costs and Placements'. Jobstart placements for 1990-91 are given as totalling 30,588 in the Annual Report.

143. See Appendix 15:2 Tables 5, 6 and 7.

it should be remembered that this program's intake was substantially reduced overall. It is also worth noting that 61.7 per cent of people with disabilities who began the course were in employment or in further education or training three months after the course ended.¹⁴⁴

5.106 JobStart assumes clients are ready to start work and also that employers need an incentive to take on disadvantaged people. As noted earlier CETP and SE services have utilised the subsidy in placing many of their clients.¹⁴⁵ JobMatch had found the subsidy to be of benefit as an incentive to secure a placement:

We tend not to use JobStart as a main selling point when we target employers. It is a really good scheme to use if the employer is taken with the concept and eager to give it a try . . . some are really not quite sure what they are in for.¹⁴⁶

5.107 While acknowledging the potential for abuse of the subsidy by some employers, JobMatch believed that, even in such cases, the end result was of positive benefit for the person concerned.

. . . at the very least the person has gained six months employment and has obtained six months wages. If that person understands that he was put off not because of anything he did, but because it was a financial consideration, then he can come out a lot better off and it is easier for him to get into the next job.¹⁴⁷

Job Search Assistance

5.108 Job Search Assistance aims to address the needs of disadvantaged jobseekers by providing them with intensive instruction in job search techniques. There are two components to the program: Job Search Training Courses which provides 22 hours of formal instruction over 5 days in job search techniques and skills; and Job Clubs which provide three weeks of intensive supervised training and resources for job-hunting. Job Search Training Courses 'cater for clients who have less need for intensive help' (relative to those using the Job Clubs).¹⁴⁸ In 1990-91 an additional 15 Job Clubs were established (from 1 January 1991) to assist people in low employment opportunity areas and especially disadvantaged people. Continuous Entry Job Search Training Courses were also set up (from 1 January 1991) in

144. DEET Annual Report 1990-91, pp. 74-5. For changes in DEET's monitoring process, see above Paragraph 5.73.

145. *Transcript of Evidence*, p. 530 where JobSupport noted that they made frequent use of the subsidy in placing clients.

146. *Transcript of Evidence*, p. 5381 (Jobmatch).

147. *Transcript of Evidence*, p. 5382 (Jobmatch Inc.).

148. DEET Annual Report 1990-91, p. 72.

selected locations. These provide 30 hours training with job hunting being carried out during the course.¹⁴⁹ While Job Search is targeted to people who are ready to start work it can be used to assist the disadvantaged in tandem with JobTrain or JobStart. While people with disabilities are eligible to participate, no special provisions are made for them under this component.

5.109 In 1990-91, the participation of people with disabilities in Job Search Assistance was 13.8 per cent (1,183 persons) of Job Search commencements, and 11.9 per cent (1,854 persons) of Job Club commencements. Actual expenditure on the whole program in 1990-91 was \$10.262 million, with estimated expenditure having been \$8.908 million. Estimated expenditure for 1991-92 is \$13.2 million.

5.110 Although Job Search Training and Job Clubs could form a useful support structure for unemployed people with a disability seeking employment, the time periods may be too limited to take into account the needs of some people with disabilities. CETP and SE services may be more appropriately placed to provide this type of assistance to people with disabilities, particularly those with intellectual disabilities. While additional funding has been proposed for Job Clubs to be established under the Disability Reform package (\$1.236 million)¹⁵⁰, consideration should be given to providing a funding component for this purpose to CETP and SE organisations once evaluation of their overall service has been completed.

Recommendation

The Committee RECOMMENDS:

8. That funding be provided by DEET/DHH&CS to fully evaluate the effectiveness and appropriateness of Job Search Assistance programs for people with disabilities, especially for people with intellectual disabilities. Particular attention is to be given to the time periods that support is available for in these programs, and to ascertain whether a specialised service is needed for people with disabilities.

5.111 The Special Intervention component of the Employment Access program was introduced at the beginning of 1991 as part of the new package to assist the unemployed. This intervention assists transition to work or vocational training by providing diagnosis of, and remedial training to overcome, specific, individual employment barriers faced by job seekers (for example, assistance with literacy, numeracy or ESL problems). However, no special provisions are made for people with disabilities although they may well participate in the program because of other disadvantaging factors. Special Intervention enables the CES to buy in expertise not routinely available. Special Intervention had a relatively slow uptake from January 1991, with about 26 per cent of the total allocation for January to June 1991 being

149. DEET Program Performance Statement 1991-92, pp. 113-14; DEET Annual Report 1990-91, p. 72.

150. DEET Program Performance Statement 1991-92, pp. 116-117.

utilised. It is expected that \$21 million will be spent in 1991-92, to assist 8,500 people.¹⁵¹

New initiatives

5.112 From November 1991 DEET has had in place two initiatives which recognise the specific needs of people with disabilities and therefore complement the range of mainstream training provision.¹⁵² The first measure expands the Post Placement Support (PPS) component of the EAP by 1000 places to provide people with high levels of disability with individual support and assistance, while in training or initial employment, with workplace familiarisation, supervision on new equipment, travel to work/training arrangements, meals and work break arrangements and regular contacts for advice and encouragement. This scheme commenced with \$0.4 million funding for 1991-92 rising to \$0.7 million in the following two years, against a total of \$4.3 million for 4,300 people. Support will be provided by contracted external agencies.

5.113 The second initiative is the establishment of a program of subsidised work experience in the private sector to assist in preparing job seekers with a disability for the real work environment, reinforcing their skills training and building up their speed and accuracy.¹⁵³ These places will be fully subsidised (to a maximum of \$3,600 per person) and will be made available to those persons with a high level of disability whose disability makes them uncompetitive for placement in a wage subsidy program. Three hundred such places will be provided for a maximum period of 12 weeks, or equivalent part-time.

Community Based Strategies – SkillShare

5.114 SkillShare commenced operation on 1 January 1989 combining three pre-existing community based programs – the Community Youth Support Scheme (CYSS), Community Training Program (CTP) and Community Volunteer Program (CVP).¹⁵⁴ The Community Training Program enjoyed a relatively high level of participation by people with disabilities as a result of the dedication of 14 projects

151. DEET Program Performance Statement 1991-92, p. 115.

152. DEET Annual Report 1990-91, p. 81.

153. See above, Paragraph 5.69.

154. CTP had been established in 1986 as an amalgamation of the Work Preparation Program, a specific programs established in 1981-82 to assist people with disabilities and a youth specific program. A number of submissions were received from organisations and individuals associated with the Work Preparation Programs which highlighted their high success rate and advocated their re-establishment, or retention as separate programs.

The 1988-89 data in Tables 5-11 of Appendix 15:1 reflect the level of participation in training programs by people with disabilities in the period immediately before the introduction of SkillShare.

specifically to the needs of people with disabilities.¹⁵⁵ The then DCSH noted in their submission of March 1989 that consultations with the existing service providers prior to the introduction of SkillShare had 'highlighted a desire on the part of people with disabilities to participate in mainstream program activities leading to employment in the open labour market'.¹⁵⁶ While recognising that some participants would continue to require special assistance, the then DCSH and DEET appear to have been concerned to minimise the extent of overlap between SkillShare projects and DSA services in the delivery of services to people with disabilities. One result of this was that it was agreed by the two Departments that no new specialist projects would be approved under SkillShare and that existing specialist projects would be encouraged to provide integration opportunities, or if they wished to continue as specialist projects to consider transfer to DSA.¹⁵⁷ As will be discussed below, there have been some criticisms of this approach.¹⁵⁸

5.115 SkillShare is a community based labour market program, targeted at the most disadvantaged in the labour market. It operates as an Australia-wide network of almost 400 projects including Information Technology Centres (ITECs) and Disability Access Support Units (DASUs)¹⁵⁹ managed by non-profit community organisations or local government authorities (usually called sponsors) with the skills and experience to assist unemployed people gain work or proceed to further education or training. The sponsors are funded to provide a range of practical services responsive to the needs of the target group and opportunities in the local labour market. Such services can include the provision of skills training, employment related assistance (including personal support and referral) and enterprise activities.¹⁶⁰

5.116 The target group for SkillShare is long-term unemployed people and 'other most disadvantaged unemployed people' (including, among other groups, people with disabilities) who are likely to benefit from a community based approach to labour market assistance, and do not have ready access to other employment, further education and training opportunities. As Skillshare is intended to assist the most disadvantaged and act as a link for them to other employment and training opportunities, participants in SkillShare retain eligibility for subsequent assistance in the Commonwealth labour market programs discussed above. Participants in full-time approved courses receive the FTA; other participants retain their benefit or pension eligibility.

155. Submission No. 205, p. 5 (Minister for Higher Education and Employment Services).

156. *Transcript of Evidence*, p. 1501 (DHH&CS).

157. *ibid.*, pp.1501-2.

158. See Paragraphs 5.121-5.126, 5.132-5.136.

159. See DEET Program Performance Statement 1991-92, p. 120. See also Paragraphs 5.137-5.138.

160. Supplementary Submission No. 205, p.15 (Minister for Higher Education and Employment Services). See also DEET Program Performance Statement 1991-92, p. 119.

5.117 The objective of the SkillShare program is to enable long-term unemployed or disadvantaged unemployed people to obtain and retain employment or to proceed to further education. The structured skills training projects offer off-the-job training in employment related skills. The Open Access projects offer a range of services including job search and support activities.¹⁶¹ Enterprise projects offer training and development support for self employment. Outreach services began in 1991 to encourage a number of groups, including people with disabilities to use the service.

5.118 In 1989 SkillShare assisted 7,492 people with disabilities¹⁶², 9.8 per cent of a total of 76,681 participants. In 1990 a 22 per cent increase in the number of participants in SkillShare (92,105) meant that although the proportion of people with disabilities assisted fell slightly to 8.9 per cent (9063) an additional 1500 people with disabilities were assisted under the program.¹⁶³ In 1991 Skillshare sponsors contracted to provide services to almost 90,000 people.¹⁶⁴ In 1990, 43.7 per cent of people with disabilities were in further education or training or in full-time employment 3 months after the course. The overall retention rate (3 months after completion of the course) was 48 per cent. The 11 specific 'disability projects' had 1266 people with disabilities commencing, an increase of 5.41 per cent on 1989. By 1991 the percentage of people with disabilities attending SkillShare projects as a proportion of total SkillShare participants had risen to 8.4 per cent, a year ahead of the target set in the draft Disability Strategy. The target is 13 per cent by the end of 1994, which will mean that people with disabilities will be participating at the same level as their representation among the population of unemployed people.¹⁶⁵

5.119 In 1991 there were seven levels of core funding ranging from \$95,000 to \$310,000, depending on level of need. In 1992 the seven levels of funding will range from \$100,000 to \$265,000. In 1990-91 the total allocation for Skillshare (including FTA for participants) was \$97.2 million; in 1991-92 the allocation is \$120.9 million.¹⁶⁶

161. DEET Annual Report 1990-91, p. 76.

162. A person with a disability was defined in the SkillShare database as a person who because of a physical and/or mental impairment resulting in a loss or reduction of functioning capacity is likely to encounter difficulties in obtaining or maintaining work. However, see Appendix 6, and Appendix 7, Paragraph 4.20. Skillshare will also be using a scale of disability measurement.

163. Supplementary Submission No. 205, p.15 (Minister for Higher Education and Employment Services).

164. See Appendix 15:2, Tables 5, 6 and 7. For 1990-91 the number of people with disabilities who commenced in Skillshare is given as 8,249, the total commencements as 94,284, the percentage as 8.7 per cent. See above, Footnote 135.

165. DEET Program Performance Statement 1991-92, pp. 119-122; DEET letter to Committee, 21 January 1992, pp. 2-3.

166. DEET Program Performance Statement, p. 131.

5.120 SkillShare provides services to people with disabilities who have low to moderate levels of need. Those people with disabilities who have high levels of need and who cannot be accommodated by a particular project without substantial modification of equipment or activities were generally referred to other agencies for assistance.¹⁶⁷ However, the development of a Disability Strategy for the program and the introduction of DASUs may provide greater assistance for people with more severe disabilities during 1992. The (draft) SkillShare Strategy for people with disabilities, developed in 1991, recommends encouraging 'generic' SkillShare projects to adapt their services to meet the needs of people with disabilities; this is an approach which continues the emphasis on generic rather than specialist services.¹⁶⁸

5.121 Evidence to the Committee during 1989 and 1990 from a range of disability groups expressed serious concerns about the capacity of SkillShare to respond to the needs of people with disabilities. A review of SkillShare commissioned by DEET identified some shortcomings in the delivery of services to people with disabilities¹⁶⁹ and these were addressed by initiatives announced in the 1990-91 Budget as part of the Disability Reform package. However, this is not to deny that SkillShare has successfully assisted a significant number of people with disabilities. For instance, Employment 2000, a SkillShare program sponsored by the Salvation Army in Melbourne, reported in February 1991 that people with disabilities represented 20 per cent of their current intake of trainees. Employment 2000, in conjunction with Direction 2000 (also run by the Salvation Army and targeted to people of NESB), trains close to 400 people a year in a range of skills including welding, food preparation, word-processing, stores/stock control, office skills and book-keeping.¹⁷⁰

5.122 Concerns expressed by witnesses to this inquiry (which also were discussed in the review of Skillshare) focussed on the needs of people with intellectual or severe disabilities, the fate of specialist disability training services under SkillShare and its ability to meet the specific needs of people with disabilities in terms of access and specialist resources. It should be noted that witnesses to the Committee were divided on the respective merits and appropriateness of integrated and segregated training programs.

5.123 In addition to problems with physical access to SkillShare projects, the Disability Employment Action Centre (DEAC) in Melbourne had found that people with disabilities were passively discriminated against in mainstream projects as a

167. Supplementary Submission No. 205, p. 19 (Minister for Higher Education and Employment Services).

168. See below, Paragraph 5.126.

169. A report by the Pathfinders Consultancy *An Investigation of Issues Associated with the Participation of People with Disabilities in SkillShare* formed part of the review process.

170. ACOSS *Impact* February 1991, p.16.

result of the assessment processes and performance standards which led to a 'creaming' process:

attempts by our organisation and our employment counsellors to place people within SkillShare programs have been unsuccessful on a number of occasions, and the reasons given have been that an assessment is made that the person whom we have referred has a lesser chance of getting employment at the end of the training than another person who might apply. The SkillShare program may well acknowledge, and has acknowledged, that training would be extremely useful for that person. Without that training such a person's employment prospects are nil, but what they are saying is, 'We can't take that person on because our performance is assessed by how many placements into employment people make after graduating from our SkillShare program'.¹⁷¹

5.124 The Committee accepts that such practices were not Departmental policy but that they can occur when an organisation chooses participants who are easier to train or who will have more positive outcomes in a shorter time period. The Committee acknowledges the changes which have been introduced into Skillshare and which may enhance access for people with disabilities.

Recommendation

The Committee RECOMMENDS:

9. That further study on Skillshare access problems, and strategies to overcome these, be carried out as a part of the Disability Reform package. The study should clearly define type and level of disability (in accordance with Recommendations in Chapter 1 of this report) and consider a range of access issues, including physical, support services required (e.g. interpreters, technology requirements), and content and length of courses.

5.125 It is clear from DEAC's evidence that the organisation perceives integrated SkillShare programs as preferable to the continuation of the specialist, segregated training programs for people with disabilities under SkillShare.¹⁷² In contrast, ACROD believed that there was real concern amongst those organisations which had started off as Work Preparation Programs¹⁷³ in the early 1980's (and were

171. *Transcript of Evidence*, pp. 5603-5 (DEAC (Disability Employment Action Centre). See also *Transcript of Evidence*, p. 173 (Vocational Resource Agency Incorporated) where the Vocational Resource Agency in SA, a CETP service, expressed similar concerns about the focus on outcomes excluding people with disabilities from participation in SkillShare programs.

172. *DEAC News* October 1990, p.5. Additional material supplied to the Committee by DEAC following hearing 21/11/90.

173. See Footnote 154 above.

subsequently subsumed into the CTP in the mid-1980's) that the absorption of these programs into SkillShare would not allow them to provide:

... viable programs for people with disabilities as the emphasis moves to providing generic, centre based training for unemployed people. These Work Preparation Programs have had a record of high success rates in long-term placement of clients in employment.¹⁷⁴

5.126 ACROD was concerned that these specialised services would be dismantled before SkillShare had the capacity to provide the same sort of training for people with disabilities.¹⁷⁵ The NADOW Training Program in NSW¹⁷⁶ which provides clerical and computing training for people with physical disabilities was also concerned about the impact on their program of its transfer to SkillShare funding. Traditionally their program had involved up to 26 weeks of on-the-job training, but SkillShare guidelines limited the on-the-job training component to a maximum of two weeks. While NADOW had been granted a partial exemption from this condition during their transition to SkillShare funding, they were concerned that the on-the-job component in their clerical training program would ultimately be reduced to a maximum of two weeks.

We think that this is a very important area for us because we have found that most of the people getting jobs have got them through the fact that they were able to go out and prove that they could do the job. Our view is that private employers especially are very reluctant to take on somebody just out of school or just out of a training course who have fairly severe disabilities and put them on unless they feel fairly sure they are able to do the job.¹⁷⁷

5.127 It should be noted that some concern was expressed by members of the Committee that trainees placed with private employers for the on-the-job component of NADOW training were not paid, especially for such a long period.

5.128 However, there is sufficient flexibility in the SkillShare Program Guidelines to allow a longer period of work experience 'should this be required by a person with a disability'.¹⁷⁸ While this may preclude NADOW systematically claiming such long work experience periods for all clients, it would enable application to be made for consideration of particular cases.

174. *Transcript of Evidence*, p. 1377 (ACROD Limited).

175. *Transcript of Evidence*, pp. 1461-62 (ACROD Limited).

176. NADOW - National Association for Training the Disabled in Office Work.

177. *Transcript of Evidence*, pp. 4062-3 (NADOW Training Program).

178. DEET letter to Committee, 21 January 1992, p. 3.

5.129 The Committee notes that Skillshare may allow for periods of longer than 10 working days for work experience.

Recommendation

The Committee RECOMMENDS:

10. That, where essential, work experience periods of up to two months be allowed under SkillShare, and that any work experience over this period be suitably recompensed.

5.130 NADOW (Qld) had much the same concerns as their New South Wales branch about their funding under SkillShare:

Equal opportunity has to be created by others for those who are disabled. Competing for trainer time, and for special training equipment and assistance, and for assistance in job placement, is not equal opportunity . . . it perpetuates UNEQUAL opportunity.¹⁷⁹

NADOW (Qld) however, believed that unpaid job experience in real-life office situations was of value to participants because of the opportunity to 'establish and enhance employability'.¹⁸⁰

5.131 CETP services such as PE Personnel in Perth and VRA in Adelaide were also concerned that SkillShare and the overall DEET orientation of 'one program for all disadvantaged job seekers' did not appear to recognise the specific needs of people with disabilities, particularly those with intellectual disabilities, and that those programs which had previously offered specialist assistance were being encouraged to include other disadvantaged job seekers in their programs.¹⁸¹

The preference of DEET is for preparation courses, even though there is overwhelming evidence that a place, train and follow-up approach is the most effective way to assist many people with disabilities enter employment.¹⁸²

179. Supplementary Submission No. 208, July 1990, p. 2 (NADOW (Qld)). However, note that NADOW (Qld) appear to assist all people with disabilities with an aptitude for open employment in an office environment and not just those with physical disabilities.

180. *ibid.*, p. 1.

181. *Transcript of Evidence*, p. 5159 (Project Employment Inc.).

182. *Transcript of Evidence*, p. 5160 (Project Employment Inc.). Note that PE Personnel were subsequently transferred to DSA funding as opposed to funding from DEET.

Generic services have consistently demonstrated a lack of understanding of the needs of people with disabilities and generally lack the resources to address such needs.¹⁸³

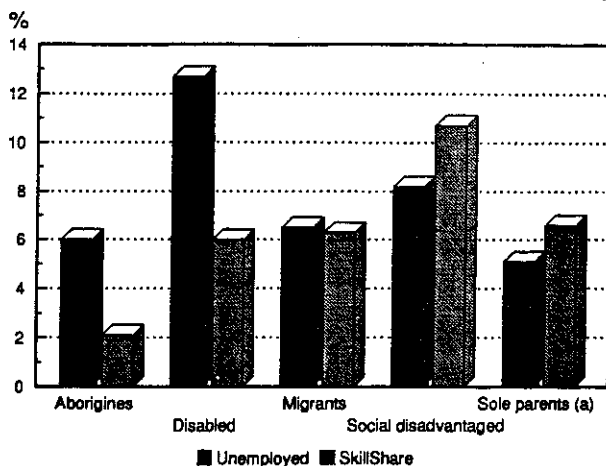
5.132 While most agencies advocating the retention of such services were aware of the benefits to be gained from integrated programs, much weight was placed on the level of expertise developed by staff who continually deal with people with disabilities – this was perceived as one of the major benefits of the specialist programs. Another criticism of the SkillShare model was that these programs were generally time-limited and thus of limited value to those people with disabilities who needed more time than other disadvantaged job-seekers to develop particular skills.

5.133 The review of the first year of the SkillShare program found that:

Although the introduction of SkillShare has resulted in significant improvements in the delivery of employment-related services for many disadvantage job seekers, there is considerable scope to improve targeting of services to people with disabilities, Aborigines and migrants from non-English speaking backgrounds.¹⁸⁴

5.134 The Review concluded that while SkillShare had greatly increased the potential level of labour market assistance available to people with disabilities, their representation in the program was still significantly less than their representation amongst the unemployed. (Figure 1).

Figure 1: Unemployed and SkillShare Participants 1989 Target Group



Source: Reproduced by DEET, in *SkillShare: It's working*, 1990 (Figure 9).

183. *Transcript of Evidence*, p. 173 (Vocational Resource Agency Incorporated).

184. *SkillShare: It's Working. A Summary of Findings From the First Year Review of SkillShare*, AGPS Canberra 1990, p. 6.

5.135 The Review recommended that there should be a clear definition of disability, based on the needs of the individual rather than the characteristics of disability, which is consistent across all DEET programs. This recommendation has been addressed by DEET to a considerable degree, and coding across DEET, DSS and DHH&CS will also provide more uniform data.¹⁸⁵ Skillshare's use of a scale, to determine level of need, will also help the program provide different levels of service.¹⁸⁶ The Review also recommended that SkillShare should provide a more comprehensive and coordinated response to those people with disabilities who have low to moderate levels of need. The Review proposed that those people with disabilities who have high levels of need and who require a more intensive or different response to that provided by SkillShare, should be catered for by other programs, although these were not specified. The Review concluded that it was essential that SkillShare develop more effective mechanisms for client assessment.¹⁸⁷

5.136 In response to the Review findings the number of places in SkillShare for people with disabilities were to be expanded under new initiatives; originally, one group-focussed project was to be established in each of the Department's twenty-seven administrative regions, and these projects would focus on people with disabilities having low to moderate levels of need. The Department advised the Committee early in 1992 that:

Experience has shown the group-focused projects were not geographically accessible to many people with disabilities, and that the concept of locating one of these projects in each . . . DEET Area did not always assist people with disabilities to access their services. Many of these projects concentrated on servicing people with a particular type of disability, thus limiting the ability of many people with disabilities to gain access to the project located in the relevant DEET Area.¹⁸⁸

In 1992 ten group-focussed projects will receive funding.

5.137 A second initiative was to be the establishment of Disability Access Support Units (DASUs).¹⁸⁹ In 1991 ten DASUs were funded at a cost of \$2.5 million, and these will continue to receiving funding in 1992.

185. See above Paragraphs 5.72-5.76. See also Appendix 6 and Appendix 7, Paragraph 4.20 and Attachment.

186. See Appendix 7, Paragraph 4.20.

187. *SkillShare: It's Working*, op.cit., p. 9.

188. DEET letter to Committee, 21 January 1992, p. 2.

189. *Transcript of Evidence*, p. 4791 (DEET).

These are located as follows¹⁹⁰:

New South Wales	3
Victoria	2
Queensland	2
South Australia (including the Northern Territory)	1
Western Australia	1
Tasmania	1

5.138 While DASUs can provide assistance to group-focused projects as well as mainstream ones, the expertise of staff in group-focused projects may mean there is less demand for some DASU services from this group of projects.

Other Commonwealth involvement in training

5.139 The National Board of Employment, Education and Training (NBEET) is a statutory body established in 1988 which provides policy advice and information to the Minister on employment, education, training, youth affairs and research. The Minister has delegated his power to approve grants for innovative projects to the Chair of NBEET, subject to consultation between NBEET and DEET. Innovative grants have been approved to support the work of the Board and the Councils. One of the Board's priorities for the year 1990-91 was in the area of assistance to people with disabilities, and a project in 1991 involved the development of video training material for deaf people to remove barriers to communication and access to training which confront hearing impaired members of the deaf community.

5.140 This project was one of 11 funded through the Board's Employment and Skills Formation Council. Kensington Park (SA) TAFE undertook to provide material on video-conferencing as a learning tool, utilising a U.S. prototype, and eventually co-operated in the project with New South Wales TAFE. It is expected that the project will be complete by mid-1992.

5.141 Two further initiatives which enhance the training opportunities for those already in the work force have been put in place by the Commonwealth Government during the course of this inquiry. The Training Guarantee came into force on 1 July 1990. The aim of the Training Guarantee Act is 'to increase, and improve the quality of, the employment related skills of the Australian workforce so that it works more productively, flexibly and safely, thereby increasing the efficiency and the international competitiveness of Australian industry'. This is to be achieved by guaranteeing a minimum level of expenditure by employers on employment related training. Within the broad definition of eligible training, employers can choose the

190. DEET letter to Committee, 21 January 1992, pp. 1-2.

type of training which will have the maximum effect on productivity and competitiveness.

5.142 The Act is a targeted measure aimed at improving the efforts of firms which either did not invest in training or invested very little. Employers, including the Commonwealth and State governments, are subject to the Training Guarantee if their annual national payroll was at least \$200,000 in the 1990-91 financial year, indexed to \$214,000 in 1991-92.¹⁹¹ Employers must spend a minimum of 1% of their payroll on net eligible training expenditure in 1990-91 and 1991-92, rising to 1.5 per cent from 1 July 1992. Employers who fail to meet minimum levels of training expenditure are required to pay the shortfall to the Taxation Office. These payments are then paid into a Training Guarantee Fund that is redistributed through the States and Territories for training.

5.143 The exemption of some employers from the Training Guarantee, including benevolent societies, religious institutions and small businesses, may mean that sheltered workshops are not covered by the Training Guarantee.¹⁹² Section 27(4) of the Act states that an eligible training program that consists of or includes on-the-job training must include periods of instruction; and may include related periods of closely supervised practice; but cannot include any generally supervised practice or work experience.¹⁹³ Structured off-the-job programs may include programs which are currently offered at TAFE colleges. Such training may include literacy, numeracy, occupational health and safety, industrial relations, customer relations and hygiene; the responsibility for deciding whether a particular training program (such as TAFE courses of this nature) is eligible, rests with each employer.¹⁹⁴

5.144 The National Training Board Ltd (NTB) began operation in April 1990 as a joint initiative of the Commonwealth, State and Territory Governments. Operating as a public company, the NTB will work closely with employers, unions, training institutions and Governments, to establish nationally consistent skills standards. The role of the NTB is, in consultation and co-operation with industry, to 'develop and endorse national competency standards for occupations and classifications in industrial or enterprise awards or agreements'. These will include entry level, operative, trade, post trade, technician and para-professional qualifications. In 1990-91 six industry bodies were approved by the NTB as Competency Standards

191. The threshold will be indexed annually to Average Weekly Earnings.

192. This depends on a decision by the Australian Taxation Office (ATO); it is possible for sheltered workshops which are considered as viable business concerns to be subject to the Training Guarantee provisions if the ATO rules that they are operating as a business.

193. *Training Guarantee (Administration) Act 1990*, p. 15.

194. DEET Annual Report 1990-91, p. 66. See also DEET letter to Committee, 21 January 1992, pp. 6-7.

Bodies.¹⁹⁵ In 1990-91 the Commonwealth contributed \$590,000 to the NTB's operating costs.

State Government involvement in training

5.145 Responsibility for training is distributed between a range of State authorities including Training Boards, Departments of Labour and/or Industry and Community Services. The access by people with disabilities to training provided in the TAFE sector was discussed above in Chapter 4. Most State governments indicated that their training and labour market programs were directed to the unemployed or long term unemployed and therefore, to people with disabilities within this group. Generally such programs appear to share the Commonwealth government's emphasis on employment placement rather than job creation. State government involvement in training of particular relevance to people with disabilities includes special apprenticeship training, as well as specialist and mainstream programs and funding provided to community based and/or DHH&CS funded projects.

5.146 Many DSA services received State government funding, such as a CETP service at Burdekin TAFE, in Queensland, jointly funded by the Department of Employment, Vocational Education, Training and Industrial Relations (DEVETIR) and DHH&CS, for potential workers with a mild or moderate intellectual disability.¹⁹⁶ Waverley Helpmates in Melbourne receive financial support from the Victorian Government. Examples of other types of community based projects funded by State governments are DEAC in Victoria and the Food for Thought coffee shop in South Australia. DEAC receives funding under the Victorian JobLink program to provide an employment assistance and placement service for long-term unemployed people. The Food for Thought coffee shop is an incorporated business operated on a commercial basis which was developed by the Vocational Resource Agency (VRA) with assistance from the South Australian Government's Office of Employment and Training. State Government assistance included an initial grant for market research and a feasibility study and the provision of a capital guarantee for a commercial loan of \$70,000 from the Commonwealth Bank to establish the business.¹⁹⁷

States – Apprenticeship training

5.147 The Disabled Apprenticeship Scheme run by the NSW Department of Industrial Relations, Employment, Training and Further Education recognises the special tuition and instruction needs of people with disabilities. Under the scheme up to 10 people each year (with a maximum of 40 people in the program at any one time) are recruited and maintained in State Government departments while they complete their apprenticeships. The Department pays the difference between the usual wage and the DAWS funding, and apprentices are able to take 1 day a week

195. DEET Annual Report 1990-91, p. 66-67.

196. *Transcript of Evidence*, p. 4336 (Queensland Government).

197. *Transcript of Evidence*, p. 18 (South Australian Government) and p. 171 (Vocational Resource Agency Inc.). See below for further discussion at Paragraph 6.15.

to attend courses at TAFE. The Scheme is not restricted to young people and is advertised throughout the State.

5.148 The Targeted Apprenticeship Access Program (TAAP) in Victoria provides access for women and other disadvantaged groups, including people with disabilities, to apprenticeships. Disability is defined as 'any physical or mental impairment which seriously hinders access to employment generally, but where the person is potentially capable of completing an apprenticeship successfully, even if extra help is required'.¹⁹⁸ This definition of disability is still used in 1992. It is important to note that a number of people with disabilities may not be identified as being in this program because they are listed under other headings, for example, 'women', and figures may be an under-representation of participation. In 1987-88, 4 of the 61 TAAP places offered went to people with disabilities, including people with hearing impairments and learning disabilities. The TAAP intake was 158 in 1988-89, including 6 people with disabilities. In 1989/90 the intake was 83, including 3 people with disabilities, and in 1990/91 8 people with disabilities were included in an intake of 151 people. A number of people are also referred by the Training Board to the Commonwealth Disabled Apprenticeship Wage Subsidy Scheme.¹⁹⁹

5.149 In Queensland, an early identification process administered by the then Department of Employment, Vocational Education and Training targeted those apprentices and trainees with disabilities who needed assistance. Appropriate assistance is provided to the apprentices and trainees so identified in the course of their studies.²⁰⁰

States – Specialist programs

5.150 Evidence to the Committee from several State governments indicated that there was a range of training and labour market programs specifically designed to assist people with disabilities. While not exhaustive the following discussion provides an insight into the types of services currently being provided to people with disabilities presumably in response to identified needs.

5.151 The Workplace for Disabled Youth program funded 19 projects in NSW. In 1989-90 340 people with disabilities were placed in stable employment or vocational training opportunities at a cost of \$1.279 million. Another element of Workplace was Jobcoach, which was run in conjunction with the NSW Department of School Education, and targeted people with disabilities who are early school leavers to provide assistance to enable them to obtain skills necessary to seek and maintain employment. Students are targeted for this type of assistance mid-way through their Year 10.²⁰¹

198. *Transcript of Evidence*, p. 5420 (Victorian Government).

199. See Paragraphs 5.91-5.92.

200. *Transcript of Evidence*, p. 4311 (Department of Family Services, Queensland).

201. *Transcript of Evidence*, p. 3952.

Recommendation

The Committee has made related recommendations at Chapter 4, Recommendations 7, 8 and 9.

The Committee RECOMMENDS:

11. That all people with disabilities who may require assistance to move into the workforce should be identified as requiring this assistance at least six months before leaving school and arrangements made for them to be registered and entered in training and transition programs.

5.152 Specialist programs in Victoria included two pilot programs. An Open Employment Training program, piloted by the Office of Intellectual Disability Services has provided support and training to people with an intellectual disability who wish to undertake paid jobs in open competitive employment. The program has been operating successfully with up to five regional office programs and 11 non-government sector programs. The program will be transferred to the Commonwealth under the Disability Agreement and could be operated by the Commonwealth Victorian State office of DHH&CS from July 1992. The Work Entry Scheme, a pilot project operated by the Victorian Department of Labour, had as its objective the securing of long-term award wage employment in both the private and public sector for young adults with intellectual disabilities.²⁰² At the end of the 1990/91 financial year it was decided to wind the pilot program down. By early 1992 one worker was assisting the remaining clients, with a number of clients having been referred to other services. The pilot project had placed 54 young people into paid employment, mostly in the private sector.

5.153 The South Australian Government indicated in early 1989 that it had several programs operating over a number of years which offered training and employment options to people with disabilities, including special consideration in examinations and a range of work experience within Departments. However, participation had been 'incidental, rather than targeted, and [people with disabilities] have formed only a small percentage of participants overall'.²⁰³ More recently the South Australian Government announced a special public service employment and training program for people with disabilities. Ten people with physical disabilities and five people with intellectual disabilities were to be employed by government departments during 1990-91, mainly in clerical areas. Under the scheme, estimated to cost \$186,000, trainees would receive a six month structured training program (incorporating on and off-the-job components) and a guarantee of ongoing employment. Importantly the program also provided educational sessions with co-workers. The scheme replaces the former vocational training program and has the added advantage of providing permanent positions at the conclusion of training and

202. *Transcript of Evidence*, pp. 5422-23 (Victorian Government).

203. *Transcript of Evidence*, p. 12 (South Australian Government).

also the establishment of support networks across the State public service.²⁰⁴ The project was considered to have worked successfully and is continuing in 1992 under the management of the Staffing Programs Unit in the Department of Labour. The emphasis remains on Departments giving a commitment to accepting the individual placement as a permanent employee which avoids the problem of individuals receiving training but no permanent position. Assistance is also provided with the cost of transport to work, and this has proved very successful.

5.154 DEVETIR in Queensland noted that, while the Department made limited provision for post-school and vocational options for students with intellectual disabilities, 'programs are dependent upon the circumstances of particular geographical areas'.²⁰⁵ The Northern Territory government had previously operated a program which had placed a number of people in the Territory public service. Although the project was considered to have had some beneficial outcomes, the plan for the future is to concentrate on individual placements, with nominations possibly being made by an external organisation and training and assistance being provided by different sources.²⁰⁶

5.155 Limited resources affected the extent to which the Tasmanian government was able to offer transition programs or a range of training or related services for people with disabilities, particularly those who were leaving school. However, a very successful CETP service (JobMatch) has been operating in Hobart²⁰⁷ and TAFE provision of a living skills course has been of assistance in meeting some skill development needs. In Western Australia, the Authority for Intellectually Handicapped Persons worked with a CETP service (PE Personnel) to obtain jobs for people with disabilities in the Authority.²⁰⁸

Rehabilitation – The Commonwealth Rehabilitation Service (CRS)

5.156 The Commonwealth Rehabilitation Service (CRS), which is administered by DHH&CS, provides social and vocational rehabilitation programs to clients with disabilities. CRS services provide third stage social and vocational rehabilitation, as distinct from primary and secondary medical rehabilitation which is provided by the State health services. Third stage rehabilitation provides integration back into the community and assistance with the social and vocational skills a person requires whereas acute rehabilitation services are provided at the primary stage and

204. *Link Disability Journal* June/July 1990 p. 3.

205. Additional information supplied to the Committee by the Queensland Government following the hearing on 4 October 1990.

206. See also below, Paragraph 5.255.

207. See below, Paragraphs 5.239, 5.242.

208. See below, Paragraph 5.260.

restoration of function is the focus of the secondary stage.²⁰⁹ A range of services is provided to people with disabilities of working age who are assessed as having the potential to make considerable rehabilitation gains, such as substantially improving their ability to work or to live independently. Programs may include all or any of the following goals – a place in the workforce, new levels of personal independence, and participation in family and social life. The objective of the rehabilitation sub-program is to ‘reduce the personal, social and financial cost of disability to the individual and the community’.²¹⁰ The CRS assists compensation recipients (along with private rehabilitation providers), although priority in the provision of its services is given to people eligible for pensions and benefits.

The Commonwealth Rehabilitation Service has historically had very close links with the Department of Social Security. Up to 60 per cent of its clients are pensioners and beneficiaries and these continue to be the single [most] significant target group for the Service.²¹¹

5.157 The CRS participated in the Disability TaskForce, and in a number of pilot projects in conjunction with DSS and DEET. These projects explored ways to improve the coordination of Commonwealth programs by improving the referral mechanisms between DSS and the CRS and to ensure that people with disabilities ‘have access to the services most beneficial to their social and economic independence’.²¹² ‘Rehabilitation programs are provided free of charge to Pensioners and Beneficiaries not covered by compensation arrangements, and to others who cannot meet the cost of their rehabilitation programs. The CRS recovers the cost of programs provided to clients covered by compensation arrangements ...’²¹³

5.158 During 1990-91 the CRS assisted 24,746 people, which was in excess of the target of 21,000 and 4,257 people achieved ‘employment outcomes’. Thirty-six per cent of clients were compensable. The total number of CRS units around Australia is now 140, compared with 120 in 1989-90. An additional 11 specialist units were commenced, six of which are co-located with existing units.

5.159 As part of the Disability Reform package the role of the CRS will be expanded. The CRS will provide an extra 4,500 places a year by 1993-94 to cope with the extra demand expected to result from the introduction of the more active employment strategy for people with disabilities as part of the Disability Reform. In addition, the CRS will establish six special rehabilitation units specifically designed to provide rehabilitation services to people with psychiatric and related drug and

209. *Transcript of Evidence*, pp. 1513 and 1528 (DHH&CS).

210. CRS Annual Report 1990-91, p. 1.

211. *Transcript of Evidence*, p. 1514 (DHH&CS).

212. *Transcript of Evidence*, p. 97 (S.A. Group Enterprises Incorporated).

213. CRS Annual Report 1990-91, p. 1.

alcohol disabilities.²¹⁴ To be established on a trial basis initially, these units will provide an additional 1200 places per annum and significantly increase the capacity of the CRS to assist people with psychiatric disabilities.

5.160 In 1991-92 the CRS will be involved in the Assessment Panels which will assess the workforce potential of persons applying for Disability Support Pension.²¹⁵ 1500 places will be provided by CRS over 1991-92 for DSS clients who have not previously used CRS services. Overall the Service's target for 1991-92 is to provide services for 26,000 people and increase the vocational outcome rate to 50 per cent of those who complete programs.²¹⁶ The Committee has noted the particular difficulties of access to service provision for people with disabilities in rural and remote areas²¹⁷ and believes that the CRS is an essential element in the equitable distribution of services for people with disabilities.

3. EMPLOYMENT OPTIONS

5.161 Epic Employment Service, a CETP service in Brisbane, was one of the most forthright witnesses giving evidence to the Committee. The organisation, while clearly successful in placing clients, was also aware of factors which inhibited the development of employment options for others.

We cannot presume to know the answers to the problems disabled people must face or the difficulties that specialised resources must overcome when looking at employment prospects.

All we can do is use whatever means possible to highlight deficiencies in the present system and suggest "seemingly" appropriate mechanisms to assist changes and overcome . . . obstacles.²¹⁸

5.162 Because employment is not 'work' in a vacuum, the effectiveness of a number of government employment and training programs/services cannot be judged purely in terms of productivity levels and cost-effectiveness, but must take into consideration the other benefits which they offer to people with disabilities. A number of programs operate successfully in some ways, but are not cost-effective; others which appear to balance the books may have very little benefit in other terms and many are difficult to measure in terms of qualitative outcomes.

5.163 As suggested above, training courses especially designed to meet the needs of disadvantaged groups may not operate successfully if they are so general they cannot

214. *ibid*, p. 2.

215. See above, Paragraph 5.82.

216. DHH&CS Program Performance Statement 1991-92, pp. 150-2.

217. See Paragraphs 2.37-2.42.

218. *Transcript of Evidence*, p. 4182 (Epic Employment Service, M.O.R.E. Inc.).

meet key specific needs that make the difference between success and failure. Training courses, operating as an integral part of sheltered employment, may produce more meaningful skills²¹⁹ than courses which reinforce differences through students repeating them continually without noticeable progression, or 'job' programs that students cannot even get to because of physical barriers.

5.164 In the remainder of this chapter and in Chapter 6 the current employment options available to people with disabilities are examined and the benefits and disadvantages of these are outlined. This is done in a manner which seeks to relate broad needs to available services/programs and which leads, therefore, to suggestions about future employment options and how those might meet the needs both of the individual and of different groups of people with disabilities.

NEW EMPLOYMENT SERVICES

5.165 The *New Directions* report noted that the importance of paid employment had been a theme which was constantly reiterated by people with disabilities during the Handicapped Programs Review and reflected the high value society placed on vocational activity in determining an individual's status.²²⁰ The *Disability Services Act 1986* was formulated in the light of this review as well as of the broad changes that had occurred in the community's perceptions and expectations of people with disabilities. One of the goals of the Act is to increase the opportunities for people with disabilities to undertake worthwhile work in return for a fair wage and the Act provides for assistance to eligible organisations to provide employment services 'which will offer wage generating work with appropriate conditions such as job security and career advancement'.²²¹ The Competitive Employment Training (and) Placement (CETP) and the Supported Employment (SE) programs are designed to provide complementary services, taking 'account of the differing circumstances, aspirations, needs and disabilities of potential employees'²²², with the primary focus of both service types being the provision of **real, paid work**. Thirty-four new services were developed in 1990-91, providing places for 543 people, 21 CETP services (311 people) and 13 Supported Employment services (232 people). As part of the Disability Reform package 4000 places will be created over 3 years, including 1334 places for 1991-92 at a cost of \$7.7 million. Those will be targeted to young school leavers.²²³

219. *Transcript of Evidence*, p. 442. The Spastic Society of New South Wales stated that it had no trouble placing people in open employment if they could produce at an award rate – their training, therefore, would appear comprehensive on a number of levels, at least for some of their clients.

220. *New Directions*, *op.cit.*, p. 34.

221. DCSH, *Disability Services Program – Service Type Descriptions – Competitive Employment Training and Placement Services*, p. 1. (Attachment to Submission No. 178 (Department of Community Services and Health) 1989).

222. *ibid.*

223. DHH&CS Program Performance Statement 1991-92, p. 137.

5.166 In 1989 evidence to the Committee, the Director of the Employment Section in the then DCSH, noted that the focus on the availability of 'real choices' for people with disabilities by those groups who had some reservations about the objectives of the DSA overlooked the fact that, before the DSA, people with disabilities had not had any effective choices.

Under the *Handicapped Persons Assistance Act*, the range of employment options was limited specifically to sheltered workshops, and there were very cut and dried distinctions as to what was and what was not [available]. The *Disability Services Act* opens up a wide range of flexible options that are available to people, that will enable them to exercise their choice as to where they want to go.²²⁴

5.167 Centacare, the sponsor of one of the earliest CETP services, Direct Employment, highlighted the benefits arising from the specialisation of services; it allowed for small programs which were seen as enhancing integration opportunities and creating consumer choice.

When several specialised choices are available the service consumer has the opportunity to make the same choice that others make when evaluating employment options, making the same trade-offs among security, work, life quality and income.²²⁵

5.168 In their submission the Department denied criticisms that the DSA was forcing people into the open labour market without adequate support.

The DSA clearly recognises the individual vocational needs of people with disabilities and the varying levels of support they require to engage in paid work.

Supported employment services are designed for participants who would not be able to perform paid work at . . . award wage rates unless . . . support was provided on an ongoing basis. The aim of supported employment services is to obtain or provide employment together with training and support which is ongoing and may be intensive.

Competitive employment training and placement services, on the other hand, are designed to provide employment in the open market for participants who will be able to work on their own, or with infrequent support, after an initial intensive period of training and support. In this service type, training and support would generally be substantial

224. *Transcript of Evidence*, p. 1537 (DHH&CS).

225. *Transcript of Evidence*, p. 654 (Centacare).

initially, then diminish as the person becomes more proficient in the job.²²⁶

5.169 In December 1990 Dr Harmer (then First Assistant Secretary of the Disability Services program) described the Department's interpretation of matching these services to an individual's level of intellectual disability:

Quite a lot of the people in sheltered workshops have mild intellectual disabilities and the Department believes with the appropriate services and training [they] would be able to access jobs in open employment. For those who are more severely intellectually disabled, the appropriate service may well be a supported employment service where that person, with ongoing support, accesses a job in open employment. But that person has ongoing support, either through working in a work crew or an enclave or perhaps individual support.²²⁷

5.170 Services funded under the DSA frequently offer more than one mode of the 'new' services; for example independent living training and supported employment services are run in tandem by Sharing Places and Working Places in the ACT; Westwork have recently established a supported employment program to meet the employment needs of people with disabilities who require more intensive support and to complement their CETP service.

5.171 In their evidence to the Committee, as in their literature, the Department has emphasised the flexibility of the services offered under the DSA. In a series of papers explaining the service types to be funded under the DSA, the Department was at pains to stress that:

[these papers are] intended to be descriptive, not prescriptive, of the features and aspects that need to be considered in the development of service delivery models under each service type . . . These key features are derived from the Principles and Objectives of the Act and encourage diversity and flexibility of service provision within the legislative boundaries laid down for each service type.²²⁸

5.172 In a similar vein the Department perceived the financing strategies for employment services as a 'basis for negotiation',²²⁹ with existing services, but as realistic for the new services. However 'one thing we are not wanting to do is to

226. *Transcript of Evidence*, p. 1499 (DHH&CS).

227. *Transcript of Evidence*, p. 5934 (DHH&CS).

228. DCSH – DSP – Service Type Descriptions – CETP, p. 1 (Attachment to Submission No. 178, (DHH&CS).

229. *Transcript of Evidence*, p. 1563 (DHH&CS).

enshrine the financing strategy in legislation'.²³⁰ While flexibility in service provision is the Department's clearly stated objective, it is difficult to assess whether it is succeeding in maintaining such flexibility on the ground. The perception of a certain degree of inflexibility in Departmental officers has been one of the most consistent criticisms raised during this inquiry.²³¹ The brevity of the financing strategy document, while presumably considered by the Department as an indication of flexibility, may also suggest limited consideration or awareness of additional funding needs (such as staff training, development of business and administration skills, variation of costs depending on location) essential to the proper operation of services.²³² Similar 'flexibility' was seen as desirable by the Department in other areas:

... in view of the variety of models under each service type that will be provided, to get involved in establishing standards and looking at accreditation at this point would be to lose sight of the main objective, which is to pursue the implementation of the Disability Services Act. Certainly, further downstream it might make sense for that to be revised and to be pursued but at the moment there are so many other demands and because of the variety of models and the variety of services under those service types it would be a very, very significant task.²³³

5.173 To some extent, this flexibility was supported by established service providers.²³⁴

Even under the current funding formula we are quite supportive of the Department's attitude that, rather than putting them into regulation at this point, we use the next year or two to ensure that these costs that are the notional amounts allow the programs to be run, because we would shudder at the thought of having them in regulation and then finding out that the programs could not be run at that cost. Once again, it is a catch 22 situation. You want directions, you want guidelines and you want regulations. On the other hand, when these are put up then obviously it opens up the debate about the appropriateness or otherwise of these guidelines.²³⁵

230. *ibid.*

231. See for example, *Transcript of Evidence*, pp. 696-7 (Centacare).

232. See below, Paragraphs 5.202-5.218.

233. *Transcript of Evidence*, p. 1558 (DHH&CS).

234. *Transcript of Evidence*, pp. 1459-60 (ACROD Limited).

235. *Transcript of Evidence*, p. 1460 (ACROD Limited).

5.174 There has been some concern expressed about the adequacy of funding²³⁶ and about the need for other forms of monitoring and assessment of services. Many submissions to the inquiry raised general concerns with the impact of the DSA vocational types and employment models. It should be noted that these concerns were expressed by two distinct groups, those providers committed to the traditional sheltered employment model, and those providers actually involved at the coalface in delivering the 'new' employment services.

5.175 Given the extent of the waiting lists for services run by their affiliates, ACROD advocated 'wide-ranging and affordable'²³⁷ employment options for people with disabilities.

There is not enough money to go around now . . . A concentration on more expensive smaller models because of strongly held ideological convictions about what constitutes the best form of service for people with disabilities can in effect be detrimental to the best interests of that same group.²³⁸

5.176 The perception of an elite service for a minority has gained wide currency among many of those who are concerned about aspects of the DSA. A former member of the Committee raised this issue with the Department in 1989.

Also if we are going to go along this Rolls-Royce route that you want to put us on, and have a few people riding in Rolls-Royces instead of all of them going in Holdens, are you going to be able to fund it? That was one of the things ACROD was concerned about and I am concerned about it too.²³⁹

5.177 The Department has acknowledged that the level of funding is not adequate to meet the growing need for services but has countered these criticisms by arguing that disability services is not an 'entitlement program'.²⁴⁰

it is basically a program which funds to the capacity of the Government to fund, and we do with those funds as much as we can to meet the growing need. Clearly, there would be some people,

236. *Transcript of Evidence*, pp. 430-3 (The Spastic Society of New South Wales).

237. *Transcript of Evidence*, p. 1374 (ACROD Limited).

238. *ibid.*

239. *Transcript of Evidence*, p. 1539 (DHH&CS).

240. *Transcript of Evidence*, pp. 4268 (Endeavour Foundation), 4748-9 (DHH&CS). See above, Paragraph 1.21.

perhaps many, coming out of special schools that will not have opportunities in the program.²⁴¹

What we have to remember is that in the longer term those people [who go into an open employment setting], if they do settle in their jobs, will not require ongoing support; so that those people will no longer have a continuing demand on the service.²⁴²

5.178 Other concerns which were canvassed included the perception of a lack of flexibility by DHH&CS in implementing these models; the impact of the current and proposed financing strategies on service provision; the ability of people with intellectual and other disabilities to compete in the open labour market; and the nature of the work performed.

5.179 Some organisations believed that open employment was not a viable option for some people with disabilities:

While Minda has always recognised that the most appropriate workplace for disabled people is in a normal community/commercial open employment setting, the reality is that job opportunities are extremely limited, particularly for the intellectually disabled and much more difficult for those people with severe disabilities coupled with behaviour problems.²⁴³

5.180 Others, like Summit Industries in North West Tasmania, regarded open employment as a natural progression but were concerned about the constraints on the number of people CETP programs were able to assist.

The [newly established] program in Burnie will probably attend to about 18 people per year. Out of probably 50 who have disabilities we could refer 18 highly employable people today. It seems that there will be a lot of people in long-term supported employment because there is not a service with the scope to take up their open employment needs . . . We are concerned that while the program in Burnie will meet a need, it will touch only a very small number of people.²⁴⁴

5.181 The problems of adjustment to the new vocational models and concern about the emotional impact on clients were also raised. Several submissions highlighted the impact of stress on people with disabilities.

241. *Transcript of Evidence*, pp. 4748-9 (DHH&CS).

242. *Transcript of Evidence*, p. 1562 (DHH&CS).

243. Submission No. 156, covering letter, p. 1 (Minda Incorporated).

244. *Transcript of Evidence*, p. 5389 (Summit Industries).

[there is] concern . . . that the current focus on productive employment, wages and normal working conditions is detrimental to the welfare [of people with disabilities] . . . they are now susceptible to many of the pressures that exist in the wider workplace without having the necessary skills to cope with these pressures.²⁴⁵

Another witness made a similar point in talking about the psychological pressure faced by some workers:

It is acknowledged that in mainstream employment . . . pressure is a fact of life. However, our concern is that many intellectually disabled workers in sheltered workshops are not equipped to deal with such pressure and this . . . results in a reduction in their quality of life.²⁴⁶

5.182 Many services acknowledged the importance of support from family members or other key persons in the job seeker's life as essential to their clients' success in the new employment models. While support is important to all workers, it is recognised as being a critical determinant for a successful career for people with disabilities, so much so that its existence (in conjunction with motivation on the part of the clients) is often the main condition of registration with a service. This is true for CETP services such as PE Personnel and JobMatch.²⁴⁷

It is something that we have found that really does not work if the family or the significant others are not supportive of somebody going into open employment.²⁴⁸

The people who succeed most often in training and employment, are people who have an extremely supportive home environment, and without this support, it is almost guaranteed that the young person will not succeed.²⁴⁹

5.183 However, the majority of services appear to be aware of these problems and some services indicated to the Committee that they provided unlimited support and follow-up to their clients after they have been placed in a job and were aware of the emotional impact of major changes in their clients' working lives and the need for support:

245. Submission No. 109 (ACTIV Foundation). See also Submission No. 146, p. 1 (Emmanuel Centre for Disabled People) on the effects of stress in open employment.

246. *Transcript of Evidence*, p. 5266 (AAMR-WA). See also *Transcript of Evidence*, pp. 1167-8 (Professor T.R. Parmenter).

247. *Transcript of Evidence*, p. 480 (Jobsupport Inc.), p. 5207 (PE Personnel) and p. 5338 (JobMatch).

248. *Transcript of Evidence*, p. 5172 (Project Employment Inc.).

249. Submission No. 98, p. 4 (Ngeringa). See also *Transcript of Evidence*, p. 5389 (Summit Industries).

Whatever it takes; unlimited. They have our cards which allow them to ring us at night-time at our homes because that is when the darkness is there and they are tired, things look a bit bleak. So we are on tap all the time . . . they do need that initially. I had a young lady today who had a little cry . . . She missed her friends; she was up a notch and she got left out of the conversation. They are things on which we have to go into the factories and try to get a co-worker²⁵⁰ to help.²⁵¹

5.184 In particular there was concern about the impact on many of the older people now in sheltered workshops who may not be able to participate in the new service streams. There may be a problem in 'selling' the new employment services to some older people with disabilities. Jobsupport Inc, another of the early CETPs pointed out in their evidence that:

The older clients get, the fewer referrals we get. I do not believe that we would have had more than one or two referrals over 50 in the entire three years that we have been running. There would be fewer in their forties, fewer in their thirties. Most of them come straight from school or they come to us in their early twenties. Some of the early reports I heard from the work the Department did were that that was a fairly typical pattern.²⁵²

5.185 The Social Security Review noted that over the last decade there has been a decline in the proportion of older people (in the age group 55 to age pension age) who are in the labour force.²⁵³ Those who remain in the labour force and who are unemployed face additional barriers to employment, such as discrimination by prospective employers on the basis of their age and linked to this a greater likelihood of long duration on benefit extending for some until they qualify for age pension.²⁵⁴ Clearly the existence of such impediments to labour force participation by older people is not confined to those 55 and over and will have some impact on the employment prospects and expectations of other workers of mature age.

5.186 A survey by the Office of Disability in 1989 (discussed below) of workers gaining employment under the new service types showed that only 6 per cent of respondents were aged over 40. There may be a need to target this age group for

250. Several services have identified the importance of co-workers and some overseas schemes have utilised co-workers in formal structures: see Paragraphs 5.246-5.248

251. *Transcript of Evidence*, p. 4481 (Australian Red Cross Society, Queensland Division).

252. *Transcript of Evidence*, p. 529 (JobSupport Inc.). Data received from JobSupport in 1991 showed that the trend had been maintained.

253. Social Security Review Issues Paper No 4: *Income Support for the Unemployed in Australia: Towards A More Active System*, AGPS, 1988, p. 213.

254. Social Security Review Issues Paper No 2, *Too Old For A Job Too Young For A Pension?*, Canberra, 1986, p. 15.

promotional purposes to make them aware of the benefits they could gain from the new service types. There may also be a need for the Department to encourage service providers to ensure older workers have access to these new services.

5.187 While there have been numerous reviews and evaluations of specific agencies, no attempt had been made to undertake a full-scale evaluation of the implementation of the new service types under the DSA until 1991-92. The Committee notes that the DHH&CS undertook a study of CETP and Supported Employment services in 1991, which was expected to report by March 1992 and a study on the employment environment for people with disabilities.²⁵⁵ The Office of Disability recognised the paucity of information on the operation of the new employment initiatives in Australia and undertook a survey to provide this information to the Committee.²⁵⁶ The survey provides an interesting discussion of the advantages of CETPs (and a counterpoint to the criticisms and concerns of other interested parties) as perceived by a group of successful clients and interpreted by the Departmental officers involved in the analysis of the data.

5.188 Responses to any survey should always be interpreted in the light of the way in which the questions on the survey instrument were phrased. The Office of Disability acknowledged that the results obtained 'were fairly limited in their scope and representativeness' but were confident that they provided some broad indications of success of the CETP services.²⁵⁷ The survey covered 11 CETP and 3 SE services and covered a total of 84 workers, 73 of whom were CETP clients. The data on SE services is not regarded as reliable due to the small numbers.

5.189 It should be noted that of the persons surveyed, 81 per cent had an intellectual disability, 8 per cent had a physical disability and the remaining 11 per cent had sensory, psychiatric or multiple disabilities.²⁵⁸ The level of disability was not clearly determined, particularly in respect of the eight people with physical or multiple disabilities; of these, 'four were confined to wheelchairs, and three of these also had limited use of their hands and arms'.²⁵⁹ Of eighteen intellectually disabled people the level of disability ranged from borderline to moderate. The author of the survey considered that the majority 'were probably mildly disabled, with the rest probably falling in the borderline range'.²⁶⁰

255. DHH&CS Annual Report 1990-91, p. 406. DHH&CS Program Performance Statement 1991-92, p. 137. See also Appendix 7, Paragraphs 7.3-7.6.

256. *A Survey of the New Vocational Services in Australia: Can They Achieve Their Goals?* Office Of Disability September 1989, hereafter cited *OOD Survey*. See also *Transcript of Evidence*, p. 4745 (DHH&CS).

257. *Transcript of Evidence*, p. 4745 (DHH&CS Office of Disability).

258. *ibid.*

259. *OOD Survey*, p. 4.

260. *ibid.*

However, these descriptions are not precise enough to draw any conclusions about level and type of disability and the appropriateness of different types of employment.

5.190 The survey was limited to those who had been unemployed or had previously been in sheltered employment for at least 3 months – on the basis that people coming straight from school would not be able to make valid comparisons with existing services. At the time the survey was planned no prescribed services had been transferred to Section 10 of the DSA so the most appropriate services²⁶¹ were selected for the survey. The aim of the survey was to examine the impact on people with disabilities and their families on gaining employment through services funded under s.10 of the DSA. Survey data of interest to the Committee in its deliberations included a number of areas which were also raised by numerous witnesses throughout the inquiry – the level of wages, the variety and type of work, relationships with co-workers, stress on families, and income and job security.

Key findings of the survey included:

- Half the respondents were in unskilled or semi-skilled production jobs, one quarter were in service industries (cleaners, laundry workers, kitchen hands, etc) while a further 11 per cent were engaged in garden maintenance.
- Most workers (89 per cent) liked their jobs, citing their work or the work environment, conditions of employment, contact with people and the pay as reasons.
- Respondents reported that their family and friends were generally pleased that they had obtained work. Negative reactions tended to be either short-lived and subsided once the worker's position became established or were confined to one member of the family.
- Almost all had made friends with people at their work. Two thirds had learnt new things as a result of their job (for example, work, living or social skills).
- Overall, workers were receiving a mean after-tax income of \$476 per fortnight (\$492 for CETP workers²⁶²) and had increased their incomes by an average of \$195 per fortnight. One quarter were receiving full or part pension payments.²⁶³

261. That is, services which were thought to have the highest probability of being eligible for section 10, or had been approved as new services under that section of the DSA, *OOD Survey*, p. 2.

262. These estimates of income appear high compared with those provided to the Committee by PE Personnel (Perth) – in 1989/90 people employed with their assistance had an average wage of \$226 per week. *Transcript of Evidence*, p. 5195 (PE Personnel).

263. Wages could not be compared easily with rates of AWE because of the fact that some people were working part-time.

As is noted, the jobs were in semi-skilled or unskilled areas, and many people were not yet able to obtain the higher paying jobs.²⁶⁴

5.191 The survey also asked parents and other family members about changes in the worker's outlook or behaviour since starting in their new job. Some of the comments made included:

He's a lot more independent . . . He had no confidence – he wasn't doing anything practically, for himself – now he's quite confident – he gets himself up.

Do you think you made the right decision? Yes. He hated it there (at the Sheltered Workshop), he really hated it. It was the best thing that could have happened. I didn't think he'd get outside employment – he got the job after he went there a couple of times. He gets up and goes off himself every day.²⁶⁵

5.192 In the 1991-92 Program Performance Statement DHH&CS stated that the objectives of the 1991-92 evaluation of new models of employment services were to:

- assess the appropriateness and effectiveness of the new models of employment service against the objectives of the *Disability Services Act*;
- make recommendations about those models which are most and least successful in consumer placement and in the retention of consumers at award rates in open labour market settings, taking into account level of disability;
- assess the range and quality of outcomes for consumers, i.e. appropriate wages and work conditions, employment opportunities, increased independence, raising of self esteem;
- consider the processes and costs associated with each employment model against quality of outcomes for clients;
- establish a data base for items such as characteristics of service providers and characteristics of service recipients; and
- recommend areas for further research.²⁶⁶

5.193 The Committee has referred above to a number of factors which may have an impact on access to, and use of, services. It also discusses additional factors which service providers and others consider important in the provision of effective services.

264. Paragraphs 5.253-5.254.

265. *OOD Survey*, pp. 11-12.

266. DHH&CS Program Performance Statement 1991-92, pp. 137-8. See also Appendix 7, Paragraphs 7.3-7.4.

Consequently, the Committee believes that continual evaluation of services is essential and that evaluation must define the client's needs and the ways in which the service does or does not meet these. While it may be true that one service type can be reproduced to some extent, it is also likely – as has been stated by some witnesses – that the copying of a ‘successful’ model is not in the best interests of all concerned.

Recommendations

The Committee RECOMMENDS:

12. That future evaluation of CETP and SE service types be carried out on a regular basis, and that evaluations provide information on clients, as follows:

- socio-economic background;
- level of disability;
- education;
- use of other services;
- level of support needs;
- extent of family support;
- the length of job retention (for each job if more than one);
- possibilities for promotion;
- permanency of employment;
- extent and appropriateness of part-time work;
- relationship (if any) between part-time work and type of disability;
- previous work experience;
- outcome for clients;
- areas where clients believe services are not producing useful outcomes or where clients could suggest improvements.

The Committee RECOMMENDS:

13. That evaluation of CETP and SE services and service staff be carried out regularly. Such evaluations should include an assessment of:

- number, qualifications and experience of staff;
- amount and type of training of staff, whether this level of training is appropriate and whether more resources are needed for staff training;
- availability of assistance to the service from specialist services (for example, from the NTAU²⁶⁷ or an equivalent service).

5.194 The importance of moving into valued employment has been noted by other people with disabilities. A witness to the Committee told of her experiences in seeking open employment before being placed in a job with the help of PE Personnel:

I saw the Blind Institute advertising for some people in their office. I applied and got an interview. I got the job for two weeks and did not get paid. I waited for them to get back to me and when they did not I rang them up, only to be told it was work experience . . . So the next year I applied at Para-Quad . . . I worked there for about two years and a job came up in the department I was in. I applied for it and was told that I was a sheltered employee. After believing I was a trainee clerk for two years, they turned around and told me I was a sheltered employee. I told them what they could do with the job and quit. I believed that I was exploited in both of those areas. [following PE Personnel's intervention] I was able to be placed in a part-time casual job at the Titles Office . . . I had been there for seven months. The Director came down and asked me what I wanted to do. I said computer work. They then asked me to go up to data entry as they were short staffed. **Now I am up there as permanent part-time. Everyone treats me as one of the team and feels that I make a valuable and worthwhile effort.** [emphasis added]²⁶⁸

5.195 The Committee, in the course of its hearings and inspection program, heard similar comments from many workers in the new employment services, their families and their advocates.

Competitive employment training and placement (CETP)

5.196 Competitive employment training and placement services enable people with disabilities to obtain and retain paid employment in the general workforce by identifying placement opportunities and providing appropriate training and support to enable workers to competently perform and retain a specific job. By August 1990 there were 83 CETP services receiving funding, including 50 new services,

267. See below, Paragraphs 6.68, 6.175-6.177.

268. *Transcript of Evidence*, p. 5203 (PE Personnel).

14 demonstration projects and 19 transition projects.²⁶⁹ By May 1991 70 of the CETP services assisting some 550 clients were funded under s.10 of the DSA.²⁷⁰ A total of 21 new CETPs were funded in 1990-1991, assisting 311 people.

5.197 The *Disability Services Act* defines competitive employment training and placement services as 'services to assist persons with disabilities to obtain and retain, paid employment in the workforce, and include:

- (a) 'services to increase the independence, productivity or integration of persons with disabilities in work settings;
- (b) employment preparation, and employment and vocational training services; and
- (c) services to assist the transition of persons with disabilities from special education, or employment in supported work settings, to paid employment in the workforce'.²⁷¹

5.198 Competitive employment training and placement services are further defined in the Principles and Objectives of the Act. DHH&CS describe the specific target group for competitive employment training and placement services as being those people with disabilities of working age who have the capacity to retain employment in the regular labour market but who need assistance with training and placement and time-limited support to obtain and retain such employment. PE Personnel in Perth was one of the first CETP²⁷² services established in Australia, commencing operation in August 1984. PE Personnel has established a national reputation as a leader in the CETP field and an initiator of the Rapid Entry Training model, and has assisted other CETP service providers throughout Australia in their foundation.²⁷³ Their article *Job Ready . . . Who Isn't?*²⁷⁴ illustrates how CETP services work in practice and reflects the emphasis placed by most of these services on facilitating access to jobs in the first instance rather than job-readiness (such as pre-vocational training). Only a few train-then-place CETP services have been funded under DSA.

5.199 The specific aim of competitive employment training and placement service is to assist people with disabilities into award wage work, usually on a full-time

269. *Ronalds Report*, p. 5.

270. Data supplied to the Committee by the then DCSH, 27 May 1991.

271. *DSA*, Section 7.

272. Competitive employment and training placement services are also identified by the acronym CETAP by some service providers.

273. *Transcript of Evidence*, p. 5158 (Project Employment Inc.), p. 5378 (Jobmatch). See also Submission No. 59 (Personnel Employment).

274. Reproduced in *Transcript of Evidence*, pp. 5162-5179 (Project Employment Inc.).

basis. It is directed towards individual jobs which have existed or are created in regular businesses and which primarily employ non-disabled people. An underlying principle therefore of the CETP program is that 'options and settings for training and placement can be as varied as the jobs that exist in the community.'²⁷⁵ ACROD was 'very supportive'²⁷⁶ of the CETP program, believing that it would facilitate a higher percentage of people going into open employment. In their view, sheltered workshops had been unable to sustain a high placement rate because of inadequate resources.

5.200 Support and training may be intensive initially, then diminish as the employee becomes proficient in the job. When the person can perform the job without on-going assistance, agency involvement is reduced to ongoing contact with the employee. Should the nature of the job change or new tasks be introduced, training and support can be re-introduced. The Vocational Resource Agency in Adelaide provided a flow-chart²⁷⁷ which summarises their approach to assessing and negotiating an open employment placement (Figure 2).

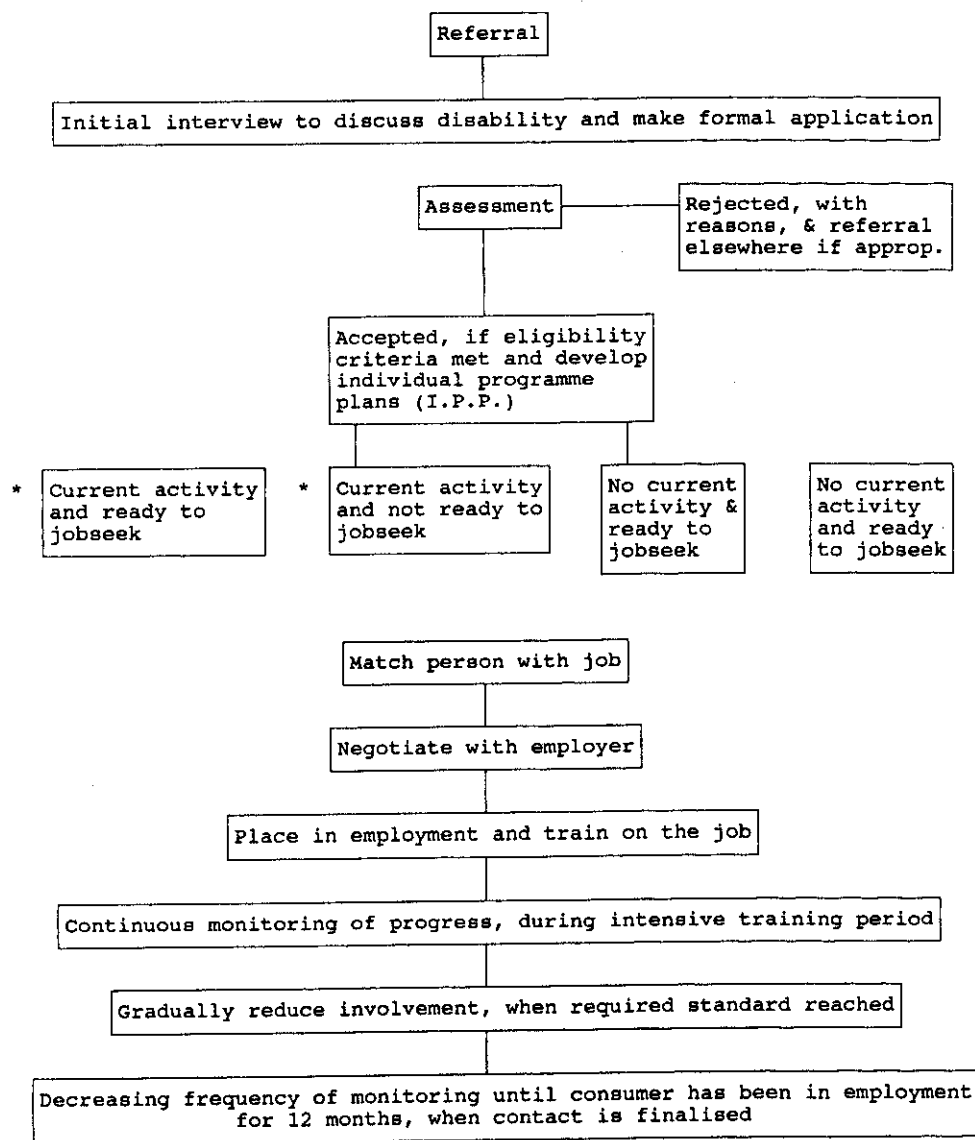
275. *Transcript of Evidence*, p. 4575 (DHH&CS).

276. *Transcript of Evidence*, p. 1452 (ACROD Limited).

277. *Transcript of Evidence*, p. 235 (Vocational Resource Agency Incorporated).

Figure 2: Open Employment Placement Programme – Flowchart

Open Employment Placement Programme – Flowchart



* Responsibility for these I.P.P.'s rests with Agencies involved, i.e. Sheltered Workshops, Activity Therapy Centre, Schools, etc.

Source: *Transcript of Evidence*, p. 235 (Vocational Resource Agency Incorporated).

5.201 The key features of the competitive employment training and placement services include:

Employment – Full time, award wage positions in integrated work settings with the same benefits and conditions as non-disabled workers.

Targeted training – The preferred approach is that training will occur on the job. Specific job skills and job related skills are taught either on-the-job ('place then train' model) or prior to placement in a job which has already been targeted ('train then place' model). Training is systematic and intensive initially (usually on a full-time basis) and is gradually reduced as the employee's proficiency increases.

Support – to assist the worker to adjust to the demands of 'being an employee' for example, work disciplines and skills for meaningful social interaction with fellow employees as well as job tasks.

Funding

5.202 The Department's policy on the funding strategy for DSA services was outlined in the Financing Strategy Disability Services²⁷⁸ released in March 1989 which remains current. Many submissions received expressed concern with the approach taken by the Department and criticised the principles on which the strategy was based.²⁷⁹ Other criticism referred to the Department's apparent lack of awareness of commercial operation principles.²⁸⁰

5.203 Commonwealth assistance to the new services is on a per capita basis in recognition of the fact that reported numbers of people with disabilities differ little from the overall population distribution and to ensure equitable distribution of Commonwealth assistance between the states.

5.204 The per client approach is seen by the Department as enabling the objectives of the DSA to be fulfilled by 'focussing on the needs of the individual client in a way which facilitates greater accountability and comparability across and within service types'²⁸¹ and promoting increased access to services for all eligible persons. This is considered to enable the generation of data that will reflect the true costs of a service for the individual.

278. Attachment 11 of Submission No. 178 (DHH&CS). See *Transcript of Evidence*, p. 1563 (DHH&CS).

279. However, others accepted the value of flexibility in funding, although few people appeared to accept the end result.

280. *Transcript of Evidence*, p. 679 (Centacare). See below, Paragraph 5.212.

281. *Financing Strategy*, p. 2.

The per client approach will enable the Department to ensure that people with severe or profound disabilities receive adequate priority in the funding process. While the legislation rightly places emphasis on positive client outcomes, there will be clients whose support needs are resource intensive, and where obvious lifestyle improvements will be more difficult to identify.²⁸²

5.205 The Committee notes the Department's concern to provide adequate funding for people with severe disabilities, and supports employment outcomes for some people with such disabilities. However, it also wishes to emphasise that while the potential of all people with disabilities should be maximised, not all individuals are able to obtain benefit from paid, open or supported employment.²⁸³

5.206 A notional cost per client was set to provide consistency in funding. However, the Department recognised that, in practice, working with some clients would be more resource intensive for service providers. Notional costs provided the benchmark against which proposals for funding new services would be assessed. Higher cost structures based on specific clients needs 'may be accepted' by the Department, 'but only if supported by adequate information'.²⁸⁴ Many service providers believed that additional funding of this type was difficult to obtain. Several submissions suggested that the funding formula should also recognise that trainers are needed beyond the initial on-the-job training – for example in the case of people losing their jobs, changes in demands of particular jobs and in the event of promotion.²⁸⁵ Other factors were also seen as needing to be costed so that a realistic model could be established.²⁸⁶

5.207 For CETP services, the notional costs were set, in the first year at \$18 per hour, for up to 384 support hours per year. For subsequent years, the rate was set at \$18 per hour for up to 96 support hours per year (if required). The rate is indexed and in April 1991 was \$19.10 per hour. A higher notional cost is recognised in the first year to acknowledge the higher cost of training and assistance provided to a client in this year. For a client who requires retraining for a new job the notional cost is set at 75 per cent of the average contact hours of a new client; that is, up to 288 hours in the first year of retraining. It is assumed in the financing guidelines that the cost of retraining is lower because the client is already known to the service

282. *ibid.*

283. See above, Recommendation 1 (following Paragraph 5.58).

284. *Financing Strategy*, p. 3.

285. See for example, Submission No. 158, p. 2 (Uniting Church in Australia Special Caring Services Division).

286. See below, Paragraphs 5.208-5.218.

and as a result there is no need to establish the client's capability and previous training and experience.²⁸⁷

5.208 The funding formula, based on the results of some of the demonstration projects, was perceived by a number of agencies as being unrealistic. The results of some of the demonstration projects were seen as unreliable because it was believed that the definitions of levels of disability had not always been consistently interpreted and applied in some of the early projects.

... disability is very variable. There are people who have a reasonably low level of need and there are people who have an extremely high level of need. I do not believe that the funding formulas that are being produced today take that into account ... it is very difficult to ascertain exactly where the Department is getting its information from ... I believe that some of the results [of] those [demonstration] projects ... may be misleading or misrepresenting what the situation really is.²⁸⁸

This point was made very strongly by the Spastic Centre of New South Wales in 1989:

What the Department completely ignores there is the need that our people have for attendant care which involves toileting and feeding and, as such, is an additional cost to other types of disability and one that, as a very high cost component, just cannot be ignored or lumped into a general cost heading.²⁸⁹

5.209 In addition, some organisations believed that variations in local labour markets²⁹⁰ and regional conditions were not adequately accounted for in the formula.

5.210 The Competitive Employment Interagency of NSW which represented the majority of CETP services (about 30) in that state criticised the funding formula for CETP services.

The Department's per capita hourly rates also have to cover all administrative and ongoing costs associated with each particular CETP program. Funding bodies make no provision, in the form of additional allowances for employment programs which are established in country areas. These programs have to carry the additional costs associated

287. *Financing Strategy*, op.cit. p. 11.

288. *Transcript of Evidence*, p. 694 (Centacare).

289. *Transcript of Evidence*, p. 430 (The Spastic Centre of New South Wales).

290. See for example Submission No. 114 (Vocational Training Services), and Submission No. 120 (Competitive Employment Interagency of NSW).

with being located outside the metropolitan area eg; telephones, cost of petrol etc.²⁹¹

5.211 Other increased costs could result from the need to pay higher rates for qualified staff, including accommodation and various loadings. However, it should also be noted that some non-metropolitan costs (such as rent) may be lower.

5.212 The Spastic Society of New South Wales was vocal in its criticism of the Department, believing that staff had little practical knowledge of the costs of operating viable services and that this would operate against those services assisting people with severe disabilities.

... these business can be commercially viable only if the operating economics are accepted by the funding body. We have attempted to bring out examples in our presentation that show that the businesses on any straight accounting basis are not commercially viable. They are commercially viable only with the funding support at the level of disability for the people that we employ. Our people are averaging 15 per cent or less of productive output and we are attempting to set up businesses at that level of disability. There is no doubt . . . that this can be done providing there is a counterbalancing awareness of the need for the commercial viability of the business. One of our concerns is that there are no incentives to operate those businesses under some of the proposed funding guidelines. The other concern is that at the moment the [then] Department of Community Services and Health project officers are directing their attention to client outcomes, which is absolutely appropriate and correct, but there seems to be need for a counterbalancing commercial review of the business proposition.²⁹²

5.213 While the number of hours allocated for support per client appears to be generally accepted as being realistic for most clients, apprehension about the *real* dollar amount per hour of CETP support services is still a matter of concern. Westwork, in evidence to the Committee in late 1990, argued that:

We are supposed to put through 45 people into open employment in a period of 12 months, and the number of hours of support is something like 384 hours. We have the situation where the hours are adequate, but the dollar amount, which has been determined at \$19.10 now and which was \$18 before is not adequate on our costings. So you have a buffer in hours, but the costs are not high enough. Eventually the costs will outstrip the hours available, because the hours probably will not change but the dollar amount will go up as the cost increases. What we

291. Submission No. 120, p. 6 (Competitive Employment Interagency of NSW). See also Submission No. 114 (Vocational Training Service) for the problems of CETP services in non-metropolitan areas.

292. *Transcript of Evidence*, pp. 432-3 (The Spastic Centre of New South Wales).

are trying to do is have it assessed on the correct number of hours we require for each client – which may be 200 for argument's sake – and have a correct dollar allowance of \$25 an hour or whatever is the cost. . . . [the \$19.10 per hour is paid in respect of the job placement instructor] They might support four or five or six or whatever people in competitive employment. They have to travel around the different employers and find out the support which is needed for the individual worker. There are a lot of hidden costs in there. Whilst you have in theory so many working hours in a day, there are the unseen costs of travelling and report writing and training of the JPI [Job Placement Instructor].²⁹³

5.214 Consultations with the Department on the financing strategy had led Personnel Employment (Tweed Heads) to the conclusion that due to:

. . . inevitable pressures of high demand for services, a centralised bureaucracy and limited funds, a funding system will arise that will emphasise numbers of people placed for dollars spent. While this is an understandable response to a difficult situation, we can see that such a system will skew services to the most able, as service providers strive to meet their targets for funding.²⁹⁴

5.215 It is important that assessment of the success of services is not only based on cost efficiency. The qualitative results, which may be difficult to demonstrate, are also important, and these may not be apparent for a considerable period. Funding, and policy, should address this issue directly.

5.216 PE Personnel were also concerned about determination of the funding formulas for the service and particularly the distinction between types of individual jobs in supported employment and competitive employment.

They are not necessarily different. The funding should be flexible in relation to the person's need. For example, we have placed a girl who started off in an award wage job, but she has required 500 hours of support in the first year. I believe she is entitled to that support. She is working in an integrated job, she likes that job . . . Her level of support is such that it is really supported employment as far as the funding formula is concerned. So I think this arbitrary decision about who is in supported jobs and who is in competitive employment is a very false barrier. It should really be determined on the individual need of the consumer, rather than on a funding formula decided at head office . . . a problem I see is that [many CETP services] have been picking up people with very mild intellectual disabilities. If you address this problem . . . and help some of the individual job agencies that are

293. *Transcript of Evidence*, pp. 5644-5645 (Westwork Industries (Wesley Central Mission)).

294. Submission No. 59, p. 3 (Personnel Management).

now funded as competitive employment, we may be able to see more people with more severe disabilities getting access to integrated work.²⁹⁵

5.217 Some CETP services provided by traditional service providers may have access to supplementary capital and operating funding from the fund raising base of those organisations. However for stand-alone CETPs, such fundraising may not be possible because of resource constraints.²⁹⁶

5.218 There was considerable concern that the failure by DHH&CS to recognise these pressures in the funding strategy for CETPs could lead to a situation where agencies would feel under pressure to concentrate their resources on the easy-to-help cases in order to maintain a high placement rate and guarantee ongoing funding for the service. In this case, they would not necessarily be an improvement on programs such as SkillShare. In addition, because of limited data collected, it would be difficult to determine what components of CETP services (for example, support levels) were the most important relative to the abilities/experience of the individual clients – gender, age, education, socio-economic background. Ultimately pressure to meet placement targets with inadequate funding levels may induce some agencies to place clients in less than appropriate, or inappropriate, jobs in order to meet pre-determined targets.

Recommendation

The Committee RECOMMENDS:

14. That the findings of the regular evaluations carried out as recommended by the Committee in Recommendations 12 and 13 above be used to identify the factors which contribute toward the more successful outcomes of CETP and other services. The Department of Health, Housing and Community Services is to develop a strategy to assist people who are particularly disadvantaged for reasons additional to their disability, to obtain access to these services.

Evaluation and data issues

5.219 By May 1991 there were 136 new vocational services²⁹⁷, of which 70 were CETP services funded under s.10 of the *Disability Services Act*. Of the 70 CETPs twenty-four were in Victoria, thirteen were in New South Wales, thirteen were in Western Australia, eleven were in Queensland, four were in South Australia, three were in Tasmania and two were in the ACT. By December 1991 a total of 173 new services had been funded since 1987, of which 85 are CETPs.

295. *Transcript of Evidence*, p. 5200 (PE Personnel).

296. *Transcript of Evidence*, p. 182 (Vocational Resource Agency Incorporated).

297. New vocational services are defined as those funded under s.10 which includes new approvals and transfers from s.13 to s.10.

5.220 It has been difficult to assess the success of the CETP services as the Department does not collect systematically from service providers data on the numbers and characteristics of clients assisted into employment. However, in 1991 it funded a consultancy to evaluate these services, and the results of this work were to be available by March 1992.²⁹⁸

5.221 In response to a question during Estimates Committee hearings in September 1990 on the number of clients placed in employment by the Disability Services Program in the preceding three years the Department was unable to provide the data because:

The CETP services funded through the Employment sub-program are not directly provided by the Commonwealth and placement information is held by the service providers. Information on clients provided with these services will be collected from service providers in 1990/91 and future years.²⁹⁹

5.222 Given the Australian Public Service emphasis on the evaluation of government programs, and in particular of new programs, it is surprising that the Department does not appear to have been concerned to evaluate the success of the program or to collect relevant data from services in the preliminary stages of the program. The benefits of the CETP program to people with disabilities in enhancing their individual lifestyles, and its value to the community in general should be considered in any such evaluation of the new employment programs.³⁰⁰ Although, as noted above, it is difficult to evaluate or assess increased satisfaction/happiness, this must be a component of evaluation. It is also important that the Department monitor the quality of services continuously and ensure that required improvements are made.

5.223 In evidence DHH&CS indicated that they were intending to undertake a cost benefit analysis of CETP but were waiting until there was a 'reasonable size sample' before commencing such a study as 'most of the services had not been operating for a very long period of time'.³⁰¹

It is a very important component of our longer term strategy to try to assess how cost effective those employment programs are.³⁰²

5.224 Some submissions to the Committee by CETP services have attempted to offer estimates of the relative costs and savings of their activities, and while it would have

298. See Appendix 7, Paragraphs 7.3-7.4.

299. *Estimates Committee C Additional Information Received: Volume 16 October 1990*, p 2608.

300. See below Paragraph 5.249.

301. *Transcript of Evidence*, p. 5931 (DHH&CS).

302. *ibid.*

been helpful to the Committee in its deliberations to have had some indication of the likely cost benefit breakdown on a national basis, these estimates are a useful beginning. If cost-effectiveness is a criterion for evaluation of CETP programs, then several small-scale studies have shown promising results. Decreasing levels of dependence on income support is also a probable indicator of the value of the programs to individuals, for example by increasing disposable income. Personnel Employment from Tweed Heads cited a 1987 Coopers and Lybrand study which found that the services 'actually save the taxpayer money whilst providing a high quality outcome for consumers'.³⁰³ Epic Employment (Brisbane) estimated in 1990 that each placement was then costing them \$2000, 'if we place them on 1 July we save the Government \$6,000 in the year [based on an invalid pension rate of \$8,000 per year] and it progresses'.³⁰⁴

5.225 Another early evaluation of thirteen placements made by the Vocational Resource Agency (VRA) in 1987 found that although in the short-term a trainer-intensive model such as CETP was expensive, the potential for the long term savings was 'colossal'.³⁰⁵ VRA were placing people with a range of disabilities and in April 1989, estimated that they had about a fifty per cent success rate in their placements.³⁰⁶ As Figure 2³⁰⁷ indicates, once a person had been in gainful employment for a period of 12 months their file was considered closed.³⁰⁸

5.226 In early 1991 the Department was unable to provide the total number of employment places being funded. Therefore, in the absence of comprehensive data from the Department on the placement rates achieved by CETP services, several agencies who had previously given evidence were asked in April 1991 to provide updated data on their activities.³⁰⁹ The services which responded to the request for further information represent a cross-section of CETP services, from the well-established such as PE Personnel in Perth, to services in a 'consolidation' phase such as Epic Employment in Queensland, and relatively new services such as JobMatch in Tasmania. Over time, individual agencies develop a profile within their

303. Submission No. 59, p. 2 (Personnel Employment).

304. *Transcript of Evidence*, p. 4207 (Epic Employment Service, M.O.R.E. Inc.).

305. *Transcript of Evidence*, p. 211 (Vocational Resource Agency Incorporated).

306. *Transcript of Evidence*, p. 258 (Vocational Resource Agency Incorporated). It is interesting to note that VRA had placed people with intellectual, physical, sensory and psychiatric disabilities.

307. See Paragraph 5.200.

308. However, this may not mean that they continue in employment – see *Transcript of Evidence*, pp. 1167-8 (Professor T.R. Parmenter).

309. VRA (SA), Epic Employment (Qld), PE Personnel (WA), Jobsupport (NSW), JobMatch (Tas) and Advance Personnel (ACT) responded to this request. The variations in these statistics reflect to some extent changes in the level of funding and changes to the structure and operations of these services over time.

local community, particularly with the local employers (for example, 'repeat' business) and potential clients and their advocates, and as their funding is increased their capacity to assist greater numbers of clients is expanded.

5.227 Clearly caution needs to be exercised when using such data. The job security of CETP clients, like that of their non-disabled colleagues in open employment, is subject to factors beyond their control, such as economic downturn:

... in 1990 there was a substantial increase in the number of job separations: 188 compared to 103 in the previous year. The number of employees who were retrenched doubled (56 compared to 30 in 1989). This can be directly attributed to the current economic downturn.³¹⁰

5.228 In evidence to the Committee in October 1990 Westwork (Melbourne) had also noted the impact of the worsening economic climate on their retention rates – while they had made nine placements in that month they had 'unfortunately experienced eight retrenchments [of previously placed workers]. It was rather like taking nine steps forward and eight steps back'.³¹¹

5.229 PE Personnel, in their response to the Committee Secretariat's request for information, advised caution in the interpretation of 'retention rates' and indicated a preference for use of a 'success rate' which measured the number of workers employed against the number of workers currently available for work. For example, one third of all workers who have been placed in open employment by PE Personnel and who have subsequently separated from their jobs, are currently not available for work due to factors such as a preference for sheltered employment, a move away from Perth, poor health, and return to study. In a couple of cases, individuals have died.³¹²

5.230 From their establishment in January 1984 until 31 January 1991 PE Personnel generated a total of 975 jobs (that is, placements) for 518 workers; 227 workers were still employed as at 31 January 1991. The majority of their workers were employed in small, private businesses, reinforcing the evidence obtained by the Committee that the private, rather than the public, sector had provided more places for people with disabilities in those new services.³¹³

5.231 Data supplied by VRA in April 1991 showed that 38 people were then being supported in employment and the agency had made 54 placements since January 1990, while 28 clients had terminated their employment.

310. Response by PE Personnel 26 April 1991.

311. *Transcript of Evidence*, p. 5641 (Westwork Industries (Wesley Central Mission)).

312. P.E. Personnel, *op. cit.*

313. *ibid.* See above, Paragraph 3.92.

5.232 Epic Employment Service in Brisbane which, in conjunction with the Red Cross had won the Prime Minister's Employer of the Year Award in 1990, were in October 1990 placing people with disabilities at a rate of 1.75 per week and were aiming to place 70 during 1990-91.³¹⁴ Epic had, in fact, reached this target by April 1991, having placed 71 clients of whom 56 were still employed at 22 April 1991. This appeared to be one of the most successful placement rates of CETP services and may reflect the fact that Epic was catering to a wide range of disability types. Epic provides services primarily to people with mild to moderate disabilities and its objective is to provide time-limited assistance with the object of ultimate independence of the client. In April 1991 thirty of the 55 clients placed in 1989-90 were still employed as were 6 of the 18 clients placed in 1988-89.

5.233 In February 1992, Epic considered that it was still maintaining a good rate of placement and retention, having placed approximately 78 people in 1991-92. They noted, however, that employers had a preference for younger people, and that there was a need for services for those people with disabilities in older age groups – in this context 'older' could include people in their twenties. As was the case with the broader community, there were an appreciable number of people in their twenties and older who had limited, if any, work experience and became more unemployable because of this. Epic management noted this as a major problem, although their concern with younger people not moving into inappropriate employment meant that their priority would be those persons moving from special schools to employment.

5.234 Westwork had placed 53 clients in a total of 91 competitive employment and training jobs since June 1987; most of these placements had been made in the last two years. The program provides support for 46 ex-sheltered workshop employees in addition to new clients. Clearly many of their clients had required assistance in securing more than one placement. Between January and October 1990 they had placed 27 clients in 35 jobs. As noted above, the economic downturn had also impacted on opportunities to place in the western suburbs of Melbourne. Westwork were considering developing other forms of vocational services for their clients to cushion the impact of the employment downturn.³¹⁵ These are discussed in Chapter 6.

5.235 Advance Personnel (ACT) were maintaining 57 clients in open employment at 20 April 1991. Advance Personnel is an employment agency which locates award wage positions in the private and public sector for people with mild to moderate intellectual disability. The service provides 'on site job-specific training to the employee in conjunction with the employer'.³¹⁶ Of the 32 placements made since 1 July 1990, 9 had since separated from employment, indicating a retention rate of approximately 72 per cent for 1990-91. In contrast with other CETPs, Advance

314. *Transcript of Evidence*, p. 4192 (Epic Employment Service, M.O.R.E. Inc.).

315. *Transcript of Evidence*, p. 5646 (Westwork Industries (Wesley Central Mission)).

316. Advance Personnel – Service Description material provided to the Committee, January 1992.

Personnel had been involved in the IDAP pilot project³¹⁷, and thus most of their placements had been with the ACT and with Commonwealth Government departments, which provided greater stability. However, multiskilling and redesign of low skilled positions had affected the number of positions available. The manufacturing sector in the ACT was small and private sector vacancies were subject to strong competition from other job seekers. At the end of 1991 the service was operating well; however, problems that had been identified in the public sector³¹⁸ would need to be addressed to ensure that positions remained available at the appropriate level and that adequate resources were available for training.

5.236 JobMatch commenced operations in early 1989 placing 31 clients in 1989 and 32 in 1990, and at December 1990 had a retention rate of 58 per cent. In April 1991 JobMatch were supporting 26 workers. JobMatch also noted that securing new placements had become more difficult after October 1990 as had maintaining existing placements.

Expertise/training/agency links

5.237 CETP agencies have consistently voiced their concerns about the implications of the lack of any formal or service-wide training for staff working in the field. In April 1989, an early witness, Centacare, pointed to a 'dearth of appropriately trained staff' and the negative impact it would have on the expansion of disability services and the implementation of the objectives of the DSA. As a result of the shortage of trained and/or experienced staff, poaching of staff from traditional services or services with a lower level of funding (who therefore could not offer high wages) was occurring.³¹⁹ Centacare was involved in the establishment of a tertiary level course to meet the need for such training in Sydney. However, 18 months later the CETP services continued to express their concern that the Department had not addressed the issue of training for staff, and to point out the ways in which less successful services detracted from the successful implementation of the DSA.

5.238 The Managing Director of PE Personnel (Perth) had visited many of the CETP services and was concerned about the quality implications of the rapid expansion of the model nationally.

It is all very well to put a lot of money into them but we have to see people being trained. PE Personnel has done a lot of training of agencies that have been established in the Eastern States. We have had people come to us and we have gone to them, but many others have not had any training. Then two years down the track you hear that

317. See above, Paragraphs 3.97 and 3.98.

318. See above, Paragraph 3.98.

319. *Transcript of Evidence*, p. 688 (Centacare).

\$200,000 has gone into them but maybe not many people have got jobs.³²⁰

5.239 Her comments were echoed in late 1990 by the General Manager of JobMatch in Hobart who had recently been asked by the Department to provide an independent review of the operations of a CETP service in Port Macquarie.

It became apparent to me that the Department tends to fund services – CETAP's in particular – all around Australia, based on the track record of the success of the model. If the model is a good one and has results, new services tend to be granted funding continually. Apart from portraying the role of a general overseer and making sure that the agencies are actually meeting their targets, the Department does not appear to have any formal monitoring for the early identification of problems. Services were started here on the north-west coast – in Burnie – and the manager had no previous experience in CETAP at all, and apart from three days he spent in Perth learning about the values and philosophies, he had no basis to start from. I think it is very difficult for people like that to stay on track. The Department does not really have the monitoring in place to ensure that people are achieving what they set out to do, or what they are funded to do.³²¹

5.240 Jobsupport was concerned that the 'high level of professionalism achieved to date' was not undermined by a proliferation of new services without adequate support. There was a danger of less professional services undermining the credibility of the CETP services with employers.

We are concerned at the lack of knowledge evident in the CETP submissions we have sighted and we have already encountered large employers (for example, Grace Bros., Parramatta, and McDonalds, Burwood, Concord and Campsie) who have had such bad experiences with half-baked add-on "CETP" services that they were unwilling to try another disabled employee.³²²

5.241 PE Personnel perceived assistance with the training and development of staff in CETP agencies as crucial to the success of integrated employment. Such training and development would ensure that agencies develop strategies, were able to recruit competent staff and fulfil the objectives of the Act. The organisation expressed concern that services were being provided on the run, with funding provided on the basis of the 'number of people we have in jobs, so it becomes a bit of a number crunching exercise'.³²³ There was no time or money to plan or to establish

320. *Transcript of Evidence*, p. 5201 (PE Personnel).

321. *Transcript of Evidence*, pp. 5377-5378 (Jobmatch).

322. *Transcript of Evidence*, p. 518 (Jobsupport Inc.).

323. *ibid.*

information/guidelines for other services. An affiliated service, Project Employment in Tweed Heads was similarly concerned that 'no [formal] system is in place that will allow even the little expertise that exists to be passed on to new services'.³²⁴ 'It would be useful if some priority was given to providing expertise to those service providers attempting to set up new services or remodel existing ones.'³²⁵

5.242 In March 1989, JobMatch, as the first CETP in Tasmania, 'had looked to its counterparts elsewhere for an appropriate role model'.³²⁶ It had found that there was no infrastructure linking like services and, as a newly established service, identified the need for a formal 'linking together' of CETPs to 'access training, marketing and general community awareness of the issues facing people with disabilities in employment'.³²⁷

A systematic and united approach to the implementation of the DSA would provide strength to the concepts of affirmative action for people with disabilities Australia-wide and ensure that the objects of the Act are met with maximum efficiency.³²⁸

5.243 Jobsupport, JobMatch and Westwork all raised the need for an award covering job placement instructors and other CETP staff as a means of recognising and providing a career structure (which would contribute to a reduction in the frequency of staff turnover) and also to prevent 'dedicated and valuable staff being unfairly treated' and to provide safeguards and guarantees for staff.³²⁹ In conjunction with appropriate tertiary level courses, such an award structure would enhance the quality of service delivery:

People with disabilities can only maximise their potential when supported by trained staff with a long term [commitment]. It is not possible for innovative employment programs to attract and retain high quality staff without recognised qualification requirements, award coverage, a career structure or any guarantee of ongoing employment.³³⁰

324. Submission No. 59, p. 3 (Personnel Employment).

325. *ibid.*

326. *Transcript of Evidence*, p. 5343 (JobMatch).

327. *ibid.*

328. *Transcript of Evidence*, p. 5344 (Jobmatch).

329. *Transcript of Evidence*, pp. 5344, 5378 (JobMatch), pp. 5637-78 (Westwork Industries (Wesley Central Mission)). Westwork had prepared a list of the skills required, and functions of a job placement instructor.

330. *Transcript of Evidence*, p. 471 (Jobsupport Inc.).

5.244 The need for further development and refinement of the approaches to training of people with intellectual disabilities was also raised.³³¹ Further CETP models that incorporated established and innovative methods should be developed and there was a need to evaluate existing services and validate new options.

5.245 Resources were required to develop strategies because 'we have only been doing it for six years'.³³²

There is a lot more to learn about utilising co-workers, assisting people with more severe disabilities, about getting jobs in different areas such as large corporations and government. Sometimes you need more time to learn these sorts of things, so money has to be put into helping people to learn them. So we really need to think seriously about the support that is given towards the development of integrated employment.³³³

Recommendations

The Committee RECOMMENDS:

15. That resources be provided to enable workshops to be held regularly for service providers. These may involve participation of individuals from a variety of services and will be aimed at identifying successful initiatives as well as problems within individual services. Resources should be provided to ensure that materials can be produced and circulated detailing workshop findings and suggestions for developing strategies to improve services.

5.246 The role of co-workers was seen as crucial. The success or failure of individual placements often hinged on the level of support and understanding from co-workers, especially in the early stages of transition, particularly from sheltered workshops where clients were accustomed to a high level of support from their colleagues and supervisors.

We would have to look very seriously at providing support systems, not only for the workers themselves but for other workers and the employers. So we are looking perhaps at the education of those people.³³⁴

331. Submission No. 176 (Australian Society for the Study of Intellectual Disability). See also *Transcript of Evidence*, p. 729 (Professor T.R. Parmenter).

332. *Transcript of Evidence*, p. 5201 (PE Personnel).

333. *ibid.*

334. *Transcript of Evidence*, p. 86 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

5.247 The New South Wales Council for Intellectual Disability saw the 'very successful' pathway scheme established by the United Kingdom National Society for People with Intellectual Disabilities as providing a useful adjunct to the job placements. The pathway scheme identifies another worker in the workplace who will act as a mentor and guide for the person during their initial entry into the workforce. While the mentor was entitled to a small allowance most had refused it as they 'were more than happy to do it and felt that it was something worthwhile'.³³⁵ While it appears that many people in the workplace assume such roles on an informal basis and do support and assist CETP workers, this is an area which needs further development. The IDAP scheme for the entrance of people with intellectual disabilities into the Commonwealth public service places greater reliance on the role of co-workers and/or supervisors as mentors.³³⁶ Such workers are not paid and undertake a supervisory and counselling role on a voluntary basis.

5.248 In 1991 PE Personnel in Perth produced a training manual for co-workers entitled 'Getting the Job Done'. Other services, for example, Advance Personnel, distinguish clearly between the training provided to employees by the organisation, and the need for Departments to provide resources for supervision and, later, for training required to enhance promotion opportunities.³³⁷

Recommendations

The Committee RECOMMENDS:

16. That the Public Service Commission (PSC) undertake a study of the role of the co-worker in assisting people with disabilities enter into and maintain paid employment in the Australian Public Service.
17. That, if a co-worker service is instituted in the Australian Public Service, the Public Service Commission (PSC) provide any training required for its successful operation and that the PSC report on outcomes as part of its annual report on the employment of people with disabilities in the Australian Public Service.

335. *Transcript of Evidence*, p. 3718 (The New South Wales Council for Intellectual Disability).

336. Advance Personnel – presentation to NCID Conference, Canberra, 20 September 1990. The IDAP scheme is discussed further at Paragraphs 5.260-5.261.

337. See above, Paragraphs 3.97-3.98. In the case of the private sector, other employees would have an equivalent role to individuals in the public sector who undertook to provide a support and counselling service. Insofar as individual development of staff and general counselling on performance is an accepted role for supervisors in the APS, this function is not unusual; where it may differ from the standard is in the amount of time, and hence resources, required.

Outcomes

5.249 The DSA requires that services funded under its provisions should assist people with disabilities to achieve positive outcomes in their working lives and, through this, in other aspects of their lives. These positive outcomes are defined in relation to the goals of CETP services which were discussed above³³⁸ and include wages and employment conditions, the nature of jobs, the public image of the employer (that is, the nature of work/product or service offered), competence and self image, and social integration both in the workplace and in the community generally. Clearly many of these outcomes are very difficult to measure and relate specifically to improvements in the individual's quality of life which do not lend themselves to measurement, or even, in some cases, identification.

5.250 The extent of the progress made towards the achievement of one of the CETP goals, which has attracted some comment, is reflected in the opportunity for continuing skills development and promotion for people with disabilities placed in jobs by these services.³³⁹ In some cases such opportunities will be closely linked to the nature of the initial job placement.

5.251 Some agencies have suggested that CETP services need to maintain contact with people with intellectual disabilities to ensure that they have equal access, and encouragement, to compete for promotion opportunities etc. They have suggested that long term follow-up (even if only on an annual basis) should be included in funding contracts by DHH&CS as a means of achieving this goal.³⁴⁰

5.252 The Intellectually Disabled Services Council SA was concerned about the work placements and was quite pessimistic about whether they should be regarded as valued work or leading to advancement:

Even in competitive employment schemes, the type of job that becomes available is likely to be of low skill, odd hours (starting very early in the morning or shift), poorly paid in comparison with other jobs and dirty, or dirty and wet or dirty and wet and hot.³⁴¹

Other people pointed out their concern that:

We do not want a situation in 5 years time where a whole lot of people who left Sheltered Workshops are still in the lowest rungs of paid employment.³⁴²

338. See Paragraphs 5.165-5.166.

339. Submission No. 158 p. 2 (Uniting Church in Australia Special Caring Services Division).

340. Many CETP services do maintain on-going contact with their former clients.

341. *Transcript of Evidence*, p. 320 (Intellectually Disabled Services Council Inc.).

342. Submission No. 158, p. 2 (Uniting Church in Australia Special Caring Services Division).

However, the lack of promotional opportunities in such unskilled occupations is not unique to people with disabilities and would not be significantly different from the experience of the general workforce.

5.253 The survey of CETP services by the Office of Disability had concluded that:

Given that the group surveyed consisted mostly of persons with an intellectual disability, it is not surprising that most of the jobs were in unskilled or semi-skilled production or process work . . . The fact that two thirds of the workers who came from sheltered employment indicated that their new job was harder, or at least as hard as, their old job, suggests that the complexity or speed (or both) of the tasks they were required to perform has probably increased.³⁴³

5.254 Data collected in the survey also suggested that the occupations undertaken by males in the survey were less well paid than is usually the case in the general labour market and that 'although they were in award wage jobs they were not yet gaining access to the better paid unskilled and semi-skilled positions'.³⁴⁴ However the survey report concluded that the CETP services surveyed were enabling people with disabilities to 'provide valued goods or services' in line with DSA goals and the work being performed was not in any way 'devalued work'.

5.255 Clients of Project Employment in Darwin had been placed in a range of fields, and several placements appear to have recognised limitations on a client's ability to work full-time. Successful placements had included: child care helper; storeman; trades assistant; trolley collector; recreational assistant (supervising children with disabilities in after-school and school holiday care); mineral laboratory assistant; clerical duties, litter collector (after a regular social event); junior shop assistants; P.A. announcer (for example, 'red light' specials); library assistants; delivery person; assistant gardener; houseman (in a five star hotel); bookbinding assistant and coldstores assistant.³⁴⁵

5.256 Jobsupport Inc. in Sydney acknowledged that at least some of the jobs taken by their clients had been ones that employers had found difficult to fill in the past because 'they are perceived as repetitive or boring'.³⁴⁶ Jobsupport was originally funded as a CETP service but is now funded as an Individual Supported Jobs program (part of the supported employment stream) because of its emphasis on people requiring substantial ongoing support. When giving evidence in April 1989

343. OOD Survey, p. 13.

344. *Transcript of Evidence*, p. 4747 (DHH&CS).

345. *Guide to the Employment Services Funded Under the Disability Services Act*, May 1989, Attachment to DHH&CS Submission No. 178 (Department of Community Services and Health).

346. *Transcript of Evidence*, p. 502 (Jobsupport Inc.).

they characterised their service as 'supported competitive employment'.³⁴⁷ However, placements made by Jobsupport further demonstrate the range of suitable jobs identified for people with more substantial disabilities, for example, kindergarten helper; animal attendant; factory hand; laundry general hand; kitchen hand; cleaner; handyperson; general hand; sales assistant; process worker; nurses' assistant; clerical assistant; insurance clerk; and tea attendant.³⁴⁸

The competence of these workers and the degree to which they have been accepted by co-workers is excellent. Ten employers have requested additional employees, one of the Laundry General Hands was voted Laundry Employee of the month and one of the Kitchen Hands was voted Crew Person of the Year. All clients now enjoy an improved self-image and greater economic independence as a result of working in the local community in the job of their choice.³⁴⁹

5.257 At this stage there is very little data to validate whether the other positive outcomes proposed by DHH&CS are being achieved, and in the case of opportunities for promotion in employment it is too early, as yet, to discern any trends.

5.258 CETP services are also required to meet set placement rates in competitive employment; these, as well as job retention rates, were regarded as key indicators by the Department of their success rate. However, as indicated above, quality of lifestyle is also an important component of 'success'.

Public sector employment

5.259 A number of submissions from CETP services mentioned the difficulties in placing people with disabilities into the public service at Commonwealth, State and local government levels. The structural barriers to public service entry were discussed above in Chapter 3. Selection criteria, which discriminated against those with low levels of educational achievement, were seen as being a particular problem.³⁵⁰

The greatest difficulty in finding employment is still with Government Departments and statutory bodies, who employ reasonable numbers in this area [Lithgow NSW]. To date some small success has recently been achieved with statutory authorities but despite considerable

347. *Transcript of Evidence*, p. 475 (Jobsupport Inc.).

348. *Transcript of Evidence*, p. 480 and data supplied to the Committee by Jobsupport, June 1991.

349. *Transcript of Evidence*, p. 476 (Jobsupport Inc.).

350. *Transcript of Evidence*, p. 5197 (PE Personnel).

efforts no placements have been made with a government department.³⁵¹

5.260 In October 1990 of the 230 people with disabilities then being supported in employment by the PE Personnel in Perth, only 20 had been placed in public sector jobs and most of these were in local government areas. The agency now has a joint venture with a State government body, the Authority for Intellectually Handicapped Persons, to secure jobs for people with disabilities within the Authority.³⁵² The problems for the people with intellectual disabilities in Canberra were highlighted by the ACT Inter Agency Taskforce in 1989 – as a ‘one company’ town, Canberra has a lack of ‘blue collar’ positions which significantly decreases the likelihood of people with intellectual disabilities obtaining employment anywhere other than in the public service.³⁵³ However, subsequent participation by a local CETP service, Advance Personnel, in a pilot of the IDAP scheme which was discussed earlier in Chapter 3, and also referred to in this chapter³⁵⁴, has helped to overcome some of the structural barriers to entry and has facilitated access to positions in the Commonwealth public service.

5.261 The IDAP pilot program administered by Advance Personnel identified suitable positions within the service by focussing on the concept of reasonable adjustment. Following the government's decision to extend the IDAP scheme nationally, identified CETP agencies in each state will work with the Public Service Commission to place people with intellectual disabilities in departments. At the end of 1991 only the ACT and NSW had provided places under the IDAP Scheme although technically it was available in all States. In October 1990 the Minister for the then Department of Community Services and Health acknowledged that the APS had not shown enough commitment to the employment of people with disabilities:

I regard as totally unsatisfactory the reported decline in the level of recruitment of people with disabilities into the public service. The Government cannot accept a situation where the public service is operating in a manner that is inconsistent with the broader objectives that the Government has set for the employment of people with disabilities.³⁵⁵

351. Submission No. 114 (Vocational Training Service), 28 February 1989. See also *Transcript of Evidence*, p. 4182 (Epic Employment Service, M.O.R.E. Inc.), and Submission No. 120, p. 5 (Competitive Employment Interagency of NSW).

352. Letter to Committee, 26 April 1991.

353. *Transcript of Evidence*, p. 1649 (The Inter-Agency Task Force on employment and Disability (A.C.T.)).

354. See Paragraph 5.235.

355. Speech at the Public Service Commission's ‘Focus on Ability’ Disability Information Strategy, Canberra, 23 October 1990.

5.262 CETP service staff who gave evidence following this announcement were optimistic about the possibilities the scheme offered for their clients.³⁵⁶ However, limited departmental resources must necessarily affect the extent to which there is access and prospects of advancement.³⁵⁷

5.263 While the New South Wales public sector appears well educated in respect of surveyed attitudes towards people with disabilities³⁵⁸, it is necessary to test these attitudes by providing employment opportunities for people with disabilities. Having the right language is the first step; the next is to put it into practice.

5.264 Recommendations regarding the employment of people with disabilities in the public sector are also listed in Chapter 3; see Recommendations 11, 12, 13, 14, 15, 16, 17.

356. *Transcript of Evidence*, p. 5197 (PE Personnel), p. 5378 (JobMatch).

357. See Paragraphs 3.98, 5.235.

358. See Bruce Alcorn, *The Rhetoric and Reality – Employment of People with Disabilities*, (Spastic Centre of New South Wales, October 1991), p. 9.

CHAPTER 6

EMPLOYMENT – PART 2

Supported Employment (SE)

6.1 Supported employment has a clear focus on the outcomes for people with disabilities, specifically maximising independence, economic and employment opportunities and community integration. It has a clearly defined target group within the DSA – those for whom open employment is unlikely, and who require substantial support. It is designed to provide or obtain employment for people with disabilities who require continuous support in the workplace whether in integrated employment settings or in semi-segregated services/settings.

6.2 The DSA defines supported employment services as ‘services to support the paid employment of persons with disabilities’¹; and the persons assisted will be those:

- (a) for whom competitive employment at or above the relevant award wage is unlikely; and
- (b) who because of their disabilities, need substantial ongoing support to obtain or retain employment.²

6.3 The key features of supported employment services are perceived by DHH&CS as being:

- **Employment** – the creation of varied opportunities for people with disabilities to work which match their individual needs, production of goods or provision of services which are positively valued by the community and that the employment enterprise operated on the same economic and business principles which apply in the general labour DHH&CS policy clearly distinguishes between the ‘focus on the performance of an actual job, with whatever support the individual requires to do the job’ in supported employment as opposed to preparation to work in open employment, which is the role of the CETP services.
- **Integration** – with an emphasis on maximising contacts and relationships with people who do not have a disability, both through the selection of employment opportunities and in the participation in social activities arising out of work.

1. DSA, Section 7.

2. *ibid.*

- **Support** – the aim is to provide the necessary ongoing support to **begin and keep** a job. Support is provided on an individual basis and tailored to the needs of each individual worker. Training may also include those work-related skills necessary to take on the role of the worker and maintain it, for example, appropriate behaviour, use of public transport or banking facilities or the skills necessary for social integration.

6.4 The (then) DCSH submission stated that ‘overall it [supported employment] is targeted to people with more severe disabilities than the current client group of sheltered workshops’.³ It is difficult to assess the success in reaching this goal given the lack of any data at this stage. Certainly, some of the supported employment services visited were catering to people with severe disabilities, for example Vitec Assembly in East Perth, where many of the clients were non-verbal and had behaviour problems in conjunction with other disabling conditions. Some of the services visited had been developed under transition funding from the DSA and some of their employees, while having substantial disabilities or high support needs, had previously worked in sheltered workshops attached to the service provider – for example, the employees of Centre Data in Parramatta and PQ Office Supplies⁴ in Brisbane. What was clear was that, at this stage of their working lives, the clients of these services required continuing support at the work site.

6.5 While the Committee accepts that some people with less than a ‘significant’ disability may require considerable support, it is concerned that funding may be used to assist primarily those with other than significant disabilities.

Recommendation

The Committee RECOMMENDS:

1. That DHH&CS reintroduce random auditing of services to ensure that, in the case of Supported Employment, adequate services are being directed to people with substantial disabilities. Random auditing should also be applied to CETP services to ensure borderline mild disability cases are not being ‘creamed off’ to boost placement rates.

6.6 A common theme amongst those service providers who were concerned about the implementation of the new employment services (as opposed to the objectives of the *Disability Services Act* for which most traditional service providers state their support) is that supported employment is, in fact, no different from the type of services offered by the broad majority of sheltered employment services:

ACROD believes that there are many, relatively exemplary services which (within the limitations of available funding and the present

3. *Transcript of Evidence*, p. 1500 (DHH&CS).

4. Operated by ParaQuad.

economic climate) do offer meaningful work opportunities in conditions which do reflect the patterns and norms prevailing in open industry.⁵

6.7 However such an argument overlooks the specific goals of supported employment. Employment, integration and ongoing support are the essential features which underpin the supported employment model.

The key features of this area of supported employment are ongoing support and real work for which people are paid in an integrated setting and in a variety of places and opportunities.⁶

Supported employment enables people with disabilities who need some ongoing assistance with their work to be productively employed alongside people without disabilities in a regular work site. This helps to ensure that they are able to enjoy the benefits of working taken for granted by the majority of society.⁷

6.8 Waverley Helpmates enumerated the benefits to employees in their program as being:

1. Ongoing, meaningful and productive employment opportunities;
2. Significant salary benefits;
3. Mechanisms by which further employment options are made available, in line with individual aspirations;
4. Appropriate training and support structures;
5. A working environment conducive to the gaining of self confidence, independence and the capitalisation upon initiative;
6. Participant involvement and equality in decision processes and program management.⁸

6.9 In contrast with other programs for people with disabilities such as time-limited vocational services (for example, labour market programs such as SkillShare or JobTrain) or ongoing non-vocational services (for example, ATCs or sheltered employment), supported employment recognises the capacity of people with

5. *Transcript of Evidence*, p. 4962 (ACROD Limited).

6. *Transcript of Evidence*, p. 1523 (DHH&CS).

7. Sue Warth, 'Supported Employment: Report of a Successful Enclave Model', *Australia and New Zealand Journal of Developmental Disabilities*, 1990, Vol.16(1) pp. 57-63.

8. Material supplied to Committee on its visit to Waverley Helpmates, Melbourne, 22 November 1990.

disabilities to work when provided with ongoing support. Funding for supported employment services recognises that people with significant disabilities may need further training in addition to work-related skills, such as independent use of public transport, social skills. Such training is not confined to the work-entry stage – the scope of such training will depend on the needs of the clients and may extend to ongoing instructions in communication skills such as that provided by Vitec Assembly.⁹

6.10 DHH&CS policy states that ‘supported employment services may be delivered in a variety of ways consistent with . . .

- the individual needs and aspirations of service users;
- the range of employment and business opportunities available in the local labour market and the entrepreneurial skills of the service organisation’.¹⁰

6.11 For some employees such support may need to be intensive. In order to fulfil this emphasis on responding to individual needs and aspirations, DHH&CS has indicated that the service responses developed should be as flexible and creative as possible. As a result, the Supported Employment program encompasses a number of approaches or models:

- enclaves
- individual supported jobs
- mobile work crews; and
- small business/benchwork.

6.12 The key difference distinguishing these models is that, whereas in the enclave and individual supported job settings, the host employer does not provide the formal support needed to maintain the person in the job (this is provided by the service making the placement), in the small business and mobile work crew settings the service provider has created the employment opportunity in addition to providing the requisite level of support in that work environment.

6.13 It is not clear to what extent the development of these models reflects the fullest evolution of all the possible service provision models. The evidence and the submissions received from supported employment services have shown that service providers often draw upon elements of several models in developing services to meet the particular needs of their clients. Two further options within the small business model, work co-operatives and cottage industries, were adopted by DHH&CS

9. See Paragraph 6.58.

10. DCSH, *Supported Employment Services*, p. 4.

following representations by ACROD and Disabled Peoples' International (DPI).¹¹

6.14 During the course of the inquiry the Committee had the opportunity to visit a range of supported employment services which demonstrated the flexibility of the supported employment model and both its capabilities and the extent to which it can be applied to assist people with disabilities. The services visited were involved in a range of industries (for example, clothing manufacture, gardening and grounds maintenance, data entry, wholesaling, electronics assembly and arts and crafts) and demonstrated a range of responses to the objectives of the DSA in areas such as integration, support, and the concepts of valued work and the public image of the employer.

6.15 Members of the Committee made an informal visit to the 'Food For Thought' coffee shop in Adelaide in the early stages of this inquiry. The coffee shop was established by the Vocational Resource Agency (VRA) with assistance from the South Australian Government. While VRA receives funding from DHH&CS for two other employment initiatives under its auspices, the coffee shop does not receive DHH&CS funding. The Committee believed that the coffee shop illustrated the benefits of an integrated employment environment and the potential for State government support of such enterprises.¹² The coffee shop is situated in the Reference Section of the State Library of South Australia and employs a full-time manager and up to six part-time employees, all of whom have disabilities. All employees are paid award wages and the profits generated by the business are used to support other employment programs run by VRA.¹³ A major advantage of employment in such an environment for people with disabilities was perceived to be the scope it provided for community integration – the reference collection is used by a broad cross-section of the community such as students, public servants and the elderly and it provides people with disabilities with an opportunity to mix with non-disabled people in an every-day setting and vice-versa. While the target group for the program was people with a physical, psychiatric or intellectual disability whose disability restricted their opportunities to gain or keep employment and was therefore similar in its scope to supported employment, the coffee shop represented the 'best of both worlds' in providing a supported employment setting in an essentially open environment. There may be potential for DHH&CS to explore further and promote this type of business venture in other States.

Enclaves

6.16 An enclave or work station consists of a small group of workers with disabilities who form a production unit within a regular business or industrial

11. *Transcript of Evidence*, p. 1523 (DHH&CS).

12. See Paragraphs 5.225, 6.78-6.81.

13. *Transcript of Evidence*, p. 171 (Vocational Resource Agency Incorporated).

setting. Ongoing support is focussed on assisting workers with production tasks and facilitating integration with other employees of the host business.

6.17 Westwork in their original submission to the inquiry included a copy of a video produced for the then DCSH early in 1988, *The Enclaves Project*, which had promoted the success of enclave employment in industrial settings. However within a year it was apparent to Westwork that in their region, the western suburbs of Melbourne, 'very few employers are interested in "employing" an enclave and the vacancies do not arise, together, to enable this to happen'.¹⁴

6.18 The success of the enclave approach may depend upon the industry base of the respective geographic region. In the ACT, JobMatch, a supported employment service in the Koomarri Association, has successfully used the enclave model (in conjunction with individual supported jobs) to deliver good employment outcomes to people with intellectual disabilities (particularly those who have relatively high support needs) who were previously employed in the Koomarri sheltered workshops. It has enabled people who previously had fortnightly incomes of \$70-\$80 to boost their earnings to \$300-400 per fortnight. JobMatch has found that group placements work best within large organisations. At March 1991 JobMatch had 18 people working in permanent positions (either in enclaves or with individual support) in a range of ACT government services (the ACT Housing Trust, Parks and Conservation, Motor Vehicle Registry and the Asbestos Branch Laboratory). In addition two workers were employed by the catering service at Parliament House.

6.19 A further 25 people have had the opportunity to experience short-term integrated positions. One such short-term initiative which was highly successful, and which was also Koomarri's first enclave venture, was in mid-1989 when the organisation entered a 12-week contract with the Royal Australian Mint.¹⁵ The enclave consisted of six people and a full-time support worker - with over 240 workers at the Mint, Koomarri believed that this was an appropriate ratio to maximise integration potential.

6.20 Over the 12 weeks all six workers significantly increased their income.

14. Letter to the Committee 21 December 1989.

15. The following discussion draws on 'Supported Employment: Report of a Successful Enclave Model', *loc. cit.*, pp. 57-63.

Table 1: Average Hourly Rates of Pay Compared and Productivity Levels Achieved

Person	Average Hourly Wage	Previous Hourly Wage	Productivity (%)
F (44 yr)	\$6.81	72¢	75.3
M (43 yr)	\$6.86	93¢	75.9
M (47 yr)	\$6.43	72¢	71.1
F (26 yr)	\$5.12	83¢	56.6
M (22 yr)	\$5.15	67¢	56.9
F (25 yr)	\$4.58	52¢	50.7

Source: *Supported Employment: Report of a Successful Enclave Model*.

6.21 Following the success of this first enclave Koomarri has had two subsequent enclave contracts with the Mint, each of 10 weeks' duration and involving the packaging of commemorative coins. The second of these involved eighteen people in three groups in separate locations. The Mint enclave project was publicised in the local press and Federal government EEO bulletins as an example to other government departments of how people with disabilities could be employed in the public sector, and also to other employers. In a letter to Koomarri in late 1989 the Hon. Peter Morris, then Minister Assisting the Treasurer, acknowledged the success of the enclave and the benefit to the rest of the workforce who were able to gain an increased understanding of people with disabilities.¹⁶ The Minister also regarded it as an excellent example of what could be achieved in the public sector:

I trust that the enclave arrangements used at the Mint will become a model for wider use within the Australian Public Service.¹⁷

6.22 This model could be one utilised by the Australian Public Service in order to increase employment opportunities for people with disabilities (see recommendations following Paragraphs 3.98, 3.108).

Recommendation

The Committee RECOMMENDS:

2. That the Australian Public Service, State and Local Government bodies, consider the use of enclaves as part of a concerted program to increase the employment of people with disabilities.

16. Information supplied to the Committee by Koomarri Association, 9 January 1990.

17. *ibid*.

6.23 An example of a successful long-term enclave comes from South Australia where the United Trades and Labour Council and in particular, the Vehicle Builders Union (VBU) have been heavily involved in the establishment of an enclave at the Mitsubishi plant.¹⁸ One of the Orana group of sheltered workshops had previously undertaken packaging on a contract basis for Mitsubishi in their workshop. However, the VBU was approached by the management who were interested in introducing an enclave at the plant. All conditions except wages are the same as those for the other employees. As the Mitsubishi works is a closed shop this included the requirement that all members of the enclave join the VBU. While this was initially resisted by the parents of some enclave members, it was successfully argued that, as this was one of the employment conditions applying to all workers in that company, the enclave should not be exempted from this requirement.

6.24 All those involved in the establishment of the enclave are concerned to ensure full integration, in particular that there not be a situation where the workers with disabilities were dependent on managers. Such a scenario is perceived as reinforcing paternalistic approaches to workers with disabilities.

6.25 The VBU stressed the importance of careful preparation in the development of such a project as critical to its success. They believed that the long-term success of the project would be best served by careful consolidation at each stage rather than moving to full implementation immediately. Therefore while the level of wages paid was of concern to the VBU, their main priority was to ensure the project was on a secure footing before pursuing this issue. Some problems had been encountered but these had been readily rectified; for example initially the enclave members, who were still involved in packaging of components, had organised their work materials haphazardly, creating what other workers had considered dangerous working conditions, and the enclave had required assistance to create a more orderly workplace.

Individual Supported Jobs

6.26 Under this model individual workers are placed in regular community-based jobs and receive ongoing support in that placement. While very similar to the CETP program, this type of service accommodates people with more substantial disabilities by providing a higher level of maintenance and support and utilising long-term legally negotiated sub-award wages as necessary. This model recognises that the person requires a significant level of continuing support to enable the person to participate in paid work. Support can be maintained indefinitely. Wages may be based on a level of productivity and this also provides a means of extending community based employment to individuals with more severe disabilities. While the individual supported jobs component extends the range of opportunities for people

18. Secretariat discussions with representatives of UTLC and VBU in Adelaide on 30 October 1990.

with significant disabilities, people with serious behaviour problems, for obvious reasons¹⁹, are not generally regarded as suitable for placement.

6.27 The individual supported jobs component of the DSA is a new component and there are relatively few such services in operation. The Committee received information on two individual supported jobs programs operating under the DSA. These are Jobsupport Inc. in Sydney, and JobMatch in the ACT. In addition, Jobsupport made available a copy of a training video which they produced with (the then) DCSH funding for use by new agencies.²⁰

6.28 In March 1989 the then DCSH described Jobsupport as straddling the competitive and supported employment categories;²¹ it is now funded as an individual supported jobs program. It provides placement and support services to people with a significant intellectual disability and, as opposed to CETP services, provides indefinite maintenance support at the work-site. Where clients are unable to achieve required work levels, productivity based sub-award wages are negotiated. Jobsupport is modelled on the 'supported competitive employment' programs developed in the USA. Their maintenance program was developed after viewing a range of such services. They have adopted an intensive maintenance support program (a model which has previously achieved retention rates of 94 per cent in the USA) with weekly on-site visits for most placements. This strategy enables any problems to be identified in the early stages.

A "train, place and forget strategy" is inappropriate as continued employment can be adversely affected by a small change in routine or co-worker turnover . . .

Frequent on-site visits where the client's performance is monitored, on the task analysis . . . is a feature of Jobsupport's service . . .

Jobsupport's clients receive an average of 7 hours follow-up each month (range 2 to 18 hours) and the program retention rate is 90%.²²

6.29 The need for such intensive support was explained by Jobsupport during a hearing in 1989 where they discussed the need for competitive supported employment (there is very little difference between this concept and the individual supported jobs program):

Ms Hill – Some of those people on this list are in their sixth year of employment and are still requiring and receiving the ongoing

19. See above, Paragraphs 5.31-5.33.

20. This video was released during 1991.

21. The history of Jobsupport is discussed below at Paragraph 6.32-6.34.

22. *Transcript of Evidence*, pp. 482-83 (Jobsupport Inc.).

monitoring. Things do crop up. Things change and it is changes that throw our people. That is why they need us.

Chair – What sort of changes; changes in personnel or changes in the work practice?

Ms Hill – Changes in the personnel; changes in what coloured buckets they use now. Anything can throw our people.

Mr Tuckerman – The more severe the level of intellectual disability, the more these little things matter. Some of our clients have made strides that we did not think would be possible in jobs and they can now cope with quite significant changes on what we first thought they could, but others can still be thrown by the smallest thing after a long period.²³

6.30 Aids may be developed for clients in the workplace such as photoboards and photobooks showing the tasks to be completed, or beepers to provide reminders of tasks that have to be performed at specific times.

6.31 Slow worker permits had been negotiated for about one quarter of their placements by April 1989 (and continue to be used in about one quarter of placements in 1991). Jobsupport's objective in all cases was to increase productivity over time, either by increasing wages or reducing working hours for the individual. The Commonwealth Rehabilitation Services (CRS) Work Training scheme is also used to allow for a period of unpaid work during the training period, which covers incentive payment, workers' compensation etc. The JobStart subsidy paid to employers is also used quite extensively by Jobsupport when placing clients in employment.²⁴

6.32 Overall from 1 April 1986 to 30 April 1991 Jobsupport has made 145 job placements, a small number of which were multiple placements for individual clients. Of these 87 were still employed as at 30 April 1991 while 14 were awaiting another placement.²⁵ The rate of expansion of the service is demonstrated by the growth in the number of clients assisted since Jobsupport gave evidence in April 1989 – at that stage 49 clients were employed or in work training, earning an average of \$173 per week.²⁶ The Burwood (NSW) office, which has been operating since 1986, has a retention rate in employment of 66 per cent and a retention rate in jobs of 54 per cent, while their Artarmon (NSW) office, which commenced operation in 1989, had a retention rate in employment of 92 per cent and a retention rate in jobs of 72 per

23. *Transcript of Evidence*, pp. 532-533 (Jobsupport Inc.).

24. Labour market training programs were described above in Chapter 5.

25. Data supplied to Committee Secretariat by Jobsupport, June 1991.

26. *Transcript of Evidence*, p. 525 (Jobsupport Inc.).

cent. Clients employed at 30 April 1991 had an average weekly wage of \$213 and worked an average of 28.4 hours per week.

6.33 The Burwood NSW office has assisted 80 clients into a total of 98 employment places since 1986. The types of occupations in which these clients were employed were described above.²⁷ Of the 53 clients either employed or in work training at 30 April 1991:

- 40 per cent had attended school, 26 per cent had been unemployed, 25 per cent had been in a sheltered workshop or ATC, 8 per cent had attended TAFE and 2 per cent had been in a CRS program prior to commencing employment.
- Of those currently working, 13 per cent had been employed for less than 12 months and 15 per cent for 1-2 years, while 61 per cent had been employed for 2-4 years and 19 per cent had been employed for 5 years or more.
- Of those currently working – 23 per cent earned less than \$100 per week, 23 per cent earned \$100-199 per week, 26 per cent earned \$200-299 per week and 28 per cent earned \$300 per week or more. Almost one half (49 per cent) worked 30 hours or more while one quarter worked between 20-29 hours per week and a further one quarter between 10-19 hours per week.

6.34 In late 1990, members of the Committee visited one of Jobsupport's successful clients in the workplace at Consolidated Optics, in Carlton, NSW. This employee, who was then 40 years old and had previously spent 20 years in sheltered employment, was currently employed as a cleaner/janitor. His employers were pleased with the outcome of the placement and the employee enjoyed his job and took pride in his work. He had increasingly assumed responsibility (beyond his original duties), for the general appearance of the workplace which had previously been somewhat neglected, including the orderly arrangement of work materials and cultivating a garden at the public entrance to the premises.

6.35 As discussed above, JobMatch (ACT)²⁸ currently supports 20 people in permanent positions, with a further group participating in temporary placements. While JobMatch prefers positions to be at the award level, where individual output 'is not sufficient to justify this level of payment, a productivity wage linked to the relevant award is used'.²⁹

Mobile Work Crews

6.36 DHH&CS defines mobile work crews as small businesses which undertake contract work for customers in regular settings. In May 1989 there were 16 work

27. See Paragraph 5.256.

28. See above, Paragraph 6.18.

29. Communication to Committee Secretariat 9 May 1991.

crews in operation. Work is generally of a 'service' type, based on community labour needs, for example gardening and grounds keeping, contract cleaning, washing/ironing, painting, building site cleaning and car detailing.

6.37 Work crews appear to be particularly suited to non-metropolitan and rural areas where there may not be many opportunities for other forms of supported employment. DHH&CS noted that the 'Integ' work crew in Terang in Western Victoria was 'the best option for supported employment in the Terang district, an isolated country area, where there is a dearth of opportunities for supported jobs or other open employment and the unemployment rate is high'.³⁰

Recommendation

The Committee RECOMMENDS:

3. That local councils in rural areas consider establishing employment options such as work crews to meet the needs of people with disabilities and the needs of the community.

6.38 Westwork have established work crews to meet the employment needs of people with more substantial disabilities.³¹ In November 1990 Westwork had recently established one crew at the Target national distribution centre in North Altona (Victoria) consisting of four people with intellectual disabilities and a support worker/supervisor provided by Westwork.

The people who are on the work crew are people who have fairly high levels of disability, are never ever going to be able to earn award wages. They are only being employed at the moment because, firstly, they work as a work crew – they are mutually reinforcing – and secondly, they have a full time supervisor who assists them to do their tasks.³²

6.39 The Wesley Central Mission (Victoria) remains the employer of the work crew members and the payment for the work performed is directed to the Mission by the host company. The work crew was involved in packaging and pricing tasks which were identical to the tasks performed by other workers on-site and the type of work assigned changed daily.

[It is] a form of continuous piecework . . . Target will send us a descriptive statement setting out how much work has been done, what the piece rate is, and therefore what number of dollars are to be paid.

30. DCSH, *Guide to Employment Services Funded under the DSA*.

31. *Transcript of Evidence*, p. 5642 (Westwork Industries (Wesley Central Mission)).

32. *Transcript of Evidence*, p. 5643 (Westwork Industries (Wesley Central Mission)).

Wesley Central Mission, the employer, will then ... make the payments and invoice Target.³³

6.40 In the four weeks the crew had been at Target their productivity had already exceeded expectations and wages had been raised from \$100 to \$140 per week. While the work crew were fully integrated and had joined the relevant union, they did not have a permanent contract with Target.

Small business or benchwork model

6.41 DHH&CS define the small business model as encompassing:

- small groups of workers who are supported to obtain and carry out specialised manufacturing or contract work from an existing industry, such as electronic assembly; or
- specific small business ventures established to provide employment opportunities, including cottage industry and work co-operative approaches.

6.42 The guidelines state that businesses must be commercially viable and provide opportunities for integration through the employment of non-disabled workers as production staff. These requirements were met to varying degrees by the services visited. Responses to the integration objectives are varied depending on the locale and the nature of the business. While commercial viability is difficult to ascertain, from anecdotal evidence obtained during visits (for example, to Vitac and the Inner Urban Co-operative) and hearings, it appeared that at least in the first years of operation it is often linked to extensive subsidies from DHH&CS for the purchase of equipment.

6.43 The Committee had the opportunity in Melbourne of seeing a small business, Waverley Helpmates, in operation. Established as a demonstration project, Helpmates has been operating since 1986 and offers community based supported employment and training. It is targeted at those people with disabilities who are unable to obtain open employment without on-going and intensive support mechanisms. Organised on a business model, it provides a garden maintenance service with about 400 clients in the Waverley/Ashwood area and there is a 6 month waiting list for new clients. Most of their clients are pensioners or Housing Ministry tenants, but the service also has contracts to maintain school grounds, church grounds and police stations in the local area.

6.44 Helpmates has five staff members who are responsible for organising workloads, transporting employees and their equipment and doing regular checks on the standard of work performed. Employees earn between \$42 and \$115 per week and thus continue to receive DSS pensions. Employees undertake two to three jobs per day. Most of the employees are not currently capable of increasing their workload due to health/fitness factors or inability to cope with stress. The employees

33. *Transcript of Evidence*, p. 5649 (Westwork Industries (Wesley Central Mission)).

appeared to be involved in decision making, for example about their workloads or whether the weather is fit to work in. There is little work in inclement weather and therefore employees are not paid for days when they cannot work. Employees are also introduced to some basic administrative responsibility and office skills. Some former employees have taken up positions in open employment.

6.45 The supervisors believed the community orientation of the service was a very important aspect of the program and was to the benefit of both the Helpmates and their customers, particularly in changing people's perceptions of the capabilities of people with disabilities. The workers have built up a good rapport with their regular customers and this rapport was obvious to the Committee when it called at a number of homes where Helpmates were working during its visit.

6.46 Helpmates has also received support from State and local government. They have received funding from the Victorian Government to employ ten people with disabilities who have left State institutions. The Waverley Council and the local business community have been very supportive (initially helping to identify potential customers, publicising the service etc). The Council has indicated that it would like to see another service established on the other side of the municipality to meet similar needs in that community.

6.47 This type of service would appear to fill a major need in local communities and offer local governments an opportunity to become more closely involved in the development of such services. Because of the availability of initial funding to establish operations, this form of business is relatively economical to set up. The clear need in most communities for this service, added to the well-established involvement of local government in Victoria, particularly in community services (for example, HACC services) indicates that this level of government is well placed to manage services of this nature. Knowledge of community needs and the capacity to support and publicise the service economically and to link it into an existing network of other community services, are also important factors.

Recommendation

The Committee RECOMMENDS:

4. That local governments consider the establishment and part-funding of Supported Employment services for both individual and community benefit.

6.48 Another small business visited by the Committee, the Inner Urban Co-operative in St. Kilda, currently employs 24 workers, with a 50/50 split between non-disabled people and people with intellectual disabilities. All employees are paid award wages and many are initially employed using the JobStart subsidy. The majority of people with disabilities employed have not previously worked in open employment and usually have come to the Co-operative from sheltered workshops, frequently via the CES or CETP services.

6.49 As its name indicates the Co-operative is not profit driven. The Co-operative specialises in the production of particular types of garments. Their marketing niche is in the non-retail side of the garment industry – producing stretch knit shirts for marketing organisations, clubs and sporting organisations – which offers some protection from the retail downturn. The Co-operative has achieved a 3000 shirt per week production capacity and hopes to increase production to 5000 per week which would enable it to employ 15-20 people with intellectual disabilities.

6.50 People with disabilities were involved in every aspect of production and were operating a range of industrial machinery. Substantial DHH&CS subsidies for salaries, rent, and the purchase and repair of machinery contribute to the Co-operative's viability. The Co-operative has a high turnover of machinery in order to take advantage of new technology which makes the work easier for people with disabilities.

6.51 Most of their employees with disabilities have mild/moderate intellectual disabilities, with a few having severe disabilities. They reported that they have been criticised by the Department for having too many 'borderline' employees and encouraged to take on more people with severe disabilities. However, the management of the Co-operative considered that these so-called 'borderline' cases often experience serious disadvantage due to their secondary disabilities such as autism and head injuries.

6.52 A third example of a small business in a supported employment setting is the Plane Tree Studio in Salamanca Place, Hobart. Initially a demonstration project, the Studio is in a high profile area popular with tourists, where there are numerous other craft outlets and art galleries, which clearly provides a commercial advantage in addition to scope for integration. Two non-disabled staff manage the business and provide training and supervision of the employees, all of whom have intellectual disabilities. Workers have been employed because of the skills they possess as artists and crafts people. Products, which are sold in a shop-front gallery, include basketware (using natural materials), high quality recycled paper, distinctive drawings and monoprinted greetings cards. In addition the print shop provides personalised printing of letterheads, business cards, writing paper and invitations. The Committee found the Studio to be an attractive and productive workplace with a number of jobs available to provide variety and with a positive and immediate outcome of attractive goods being produced by the workers.

6.53 The Committee also visited two services based on the benchwork model, Qualitec in Sydney and Vitec Assembly in East Perth. Vitec is located in a light industrial area and is involved in the assembly of electrical components; there is an emphasis on the assessment of skills of workers and extensive support in teaching the individual tasks. The supervisors have developed a wide range of jigs to help employees to perform the assembly tasks and aid those with poor motor skills to work with intricate wiring (for example, clamps to hold small pieces steady) or to aid those with poor memory (for example, colour coded inlets).

6.54 Vitec has encountered some problems in maintaining the viability of the business. The problems experienced reflect a general downturn in the electronics assembly business, increased competition from backyard operators and the lack of an adequate capital base. The then DCSH had agreed to fund a consultancy to look at the business practices and the causes of the financial problems being experienced by Vitec. The consultant made a number of recommendations which noted that the electronics market in Western Australia was both very small and highly competitive, and that Vitec would need to become more competitive and to capture a regular percentage of the market in order to break even. While DHH&CS is prepared to assist with the funding required for a change of direction, further consideration of the business would be required if it is not viable within 2 years -- i.e. by mid-1993.

6.55 Wages, while generally low (around \$9 per week), are productivity based. Each employee has a long term contract with Hardie Industries for the assembly of fire alarm circuit boards. These contracts provide employees with the opportunity to obtain marketable skills, through gradual mastery of nine separate tasks as well as providing ongoing work between other short-term contracts.

6.56 During the Committee's visit, the staff indicated that the development of multi-skilling has not proceeded as fast as had been originally anticipated, due in part to there having been insufficient work to enable the employment of non-disabled staff. Vitec has a staff/employee ratio of 1:2.5. Integration objectives are fulfilled through the employment of non-disabled casual assembly staff as work allows and also through encouraging and assisting employees to use the local facilities.

6.57 Individual programs to develop skills have been worked out for each employee. It was felt that one of the advantages of the small business setting was that they had a very good rapport with, and understanding of, their employees. Employees receive constant and positive feedback on their work efforts. The Manager had previously worked in sheltered workshops where staff/client ratios were much higher and staff were not able to develop the same understanding of clients' needs. The management indicated the Department had been very supportive and had shown itself to be flexible in its approach to their service; for example while Departmental policy is that the optimum number of employees for a small business setting is 8-10, the Department had accepted that, for Vitec to work effectively, 12 employees were required.

6.58 Vitec management reported that the service had met all the criteria set down by DHH&CS apart from the requirement to have a consumer representative group. This condition is difficult to fulfil, given that most employees are non-verbal. Since February 1990 all employees had been receiving instruction in sign language to facilitate communications through a common language, and the vocabulary at the time of the visits was about 100 words. The employees' ability to communicate has increased and behaviour problems have been minimised. The staff were clearly aware that the absence of language necessarily affects the employees' awareness of their rights.

6.59 However, such arrangements provide at best the opportunity to absorb substantial funding without any discernible *work-created* benefit for clients. In many ways it could be considered that they replicate some of the worst aspects of the so-called traditional workshops in that they appear unable to establish themselves quickly as viable commercial concerns. This may result from poor planning (that is, the wrong choice of business); poor management/administration practices (the suitability and experience of staff in viable commercial concerns varied); and lack of appropriate staff training in business. Whatever the causes, it is important to determine at what point such 'businesses' can be an acceptable model if they survive only through substantial funding.³⁴

6.60 At present, the low level of productivity at Vitec means that extremely low wages are paid. While not discounting the skills of staff, and their support of workers, the question must still be asked if this type of 'work' is really appropriate for people with severe intellectual disabilities. As was noted by another witness:

There are clearly some people for whom employment is not an option and providing resources to get them to that level, in 15 years' time, may not be doing that individual a service. We have to look at other alternatives to the employment options.³⁵

6.61 In August 1991 Vitec Assembly received Section 10 status and is now a body separate from Activ Foundation.

Recommendation

The Committee RECOMMENDS:

5. That funding be available to ensure the needs of all individuals with severe intellectual disabilities are fully assessed, and that the suitability of all options and services are taken into consideration to ensure appropriate programs are arranged. The Committee does not believe supported employment projects will always be the most appropriate services, at all times, for people with disabilities.

6.62 Small businesses providing employment for other disability groups were visited by the Committee. These services were AQA in Granville (NSW), Centre Data in Parramatta (NSW) and PQ Office Supplies (Brisbane). These services illustrated the way in which computer based work can be developed and structured to provide employment opportunities for people with disabilities such as cerebral palsy or those confined to wheelchairs due to spinal injury or congenital conditions. While AQA and Centre Data provide data processing services on a contract basis, PQ Office Supplies is a wholesale/retail business.

34. See below, Paragraphs 6.365-6.367.

35. *Transcript of Evidence*, p. 701 (Centacare).

6.63 Centre Data, under the auspices of the Spastic Centre, is located in George Street, Parramatta in the shopping/business district in an attractive shopfront office. It employs fifteen people with disabilities, mainly cerebral palsy. Centre Data is competing on a commercial basis for their data processing contracts as well as maintaining the Spastic Centre's data base. It is a very modern office set-up with very little to distinguish it from other open-plan office environments. About one third of the employees with disabilities need some form of attendant care in the workplace. The central location of the workplace facilitates community integration, enabling employees to go shopping and do their banking in their lunchbreak. The Spastic Centre had provided initial training to enable independent use of public transport and access to other community services and facilities in the area.

6.64 The ParaQuad Association had previously run a stationery business as a sheltered workshop. PQ Office Supplies has recently moved from the workshop to its current location in a light industrial area of inner city Brisbane using transition funding from the then DCSH. Again, the location of the business in an area where other warehousing and light industrial work is carried out facilitates integration into the local working community.

6.65 With the move the focus of the business has been transformed. Employees provide quotes and take orders for stationery supplies over the phone. Each employee is encouraged to build up and maintain a 'book' of clients and also to canvass for new business. There is also a shopfront operation staffed by one employee; however, most of the activity is focussed on wholesaling at this stage.

6.66 All the employees with disabilities are young males who have significant mobility impairments and high support needs. They have varying degrees of movement and/or control in their upper limbs which means that their handwriting is often very difficult to read. As most of the work in the sheltered workshop had been done manually this had meant that the workshop had employed clerical staff to produce invoices etc from the employees' hand written notes. As a result of the transition to supported employment each employee now works on a computer terminal, which gives them much more autonomy in the workplace, as well as contributing to increased efficiency.

6.67 The switch to computer based work has enabled the service to store all its information on the computer (for example, price and stock lists, customer requirements, contact numbers and regular orders etc), as well as generating invoices and letters, rather than using paper based systems which were unwieldy for people with mobility impairments. Earnings are moderate and most still depend on their invalid pension or other income security payments. The employees are paid commission depending on the level of their sales. Each employee has an earnings target for the year; at the time of the Committee's visit in October 1990, their best salesperson had a target of \$18,000 income from commissions for this year and was considered likely to achieve this target. Most employees were then earning about \$100-\$120 per week (\$5,200-\$6,240 p.a.) from their commissions.

6.68 In relation to the commercial viability of the small business model, service providers should receive some business management training to ensure optimal use of DHH&CS funding. This would help to avoid many of the management deficiencies of sheltered workshops cited in the past and also assist small businesses to survive in what is a volatile sector for all players. Such training could be offered in intensive format, or alternatively over a longer time frame by arrangement with TAFE colleges, and could include instruction on how to seek advice on the running of business, the development of business plans, marketing and so on.

Recommendation

The Committee RECOMMENDS:

6. That adequate additional funding and staffing be immediately allocated to the NTAU³⁶ in order that it may assist increased numbers of sheltered workshops and to assist new employment services (CETPs and SE services) to develop sound business practices and establish required staff training.

Flexibility of the supported employment model

6.69 In early evidence to the Committee the then Department of Community Services and Health highlighted the ability of the new employment services to respond to available job opportunities in their local community when developing employment options:

Under the Handicapped Persons Assistance Act, the range of employment options was limited specifically to sheltered workshops, and there were very clear cut and dried distinctions as to what was and what was not. The Disability Services Act opens up a wide range of flexible options that are available to people, that will enable them to exercise their choice as to where they want to go.³⁷

6.70 Clearly the services visited by the Committee in the course of this inquiry have demonstrated the scope of supported employment and its potential to create a wide variety of employment opportunities in the community according to identified needs in particular communities (such as garden maintenance) or feeding into local industries (such as arts and crafts or clothing manufacturing).

6.71 Westwork's experience since 1986 is one example of the capacity both for flexibility and creativity within the DSA framework, and in particular, the supported employment model. Initially a demonstration enclave project assisting clients from

36. NTAU – the Unit was formally launched on 5 July 1991, and is intended to help sheltered workshops identify and overcome management and related problems which inhibit the operation of viable commercial services.

37. *Transcript of Evidence*, p. 1537 (DHH&CS).

the Westwork Industries sheltered workshop, it is currently a CETP service.³⁸ More recently, however, Westwork established work crews under the supported employment program to complement their CETP program and assist people who need more intensive support. This illustrates the way in which the DSA enables services to evolve to meet the changing needs of their clients as opposed to the sheltered workshops, which were often less flexible in their operations due to structural rigidities, such as those imposed by the requirements for funding under the HPAA which encouraged institutional settings.

6.72 The original intention of the enclave project had been to pay wages based on productivity; however, problems had been encountered in implementing this concept within the Victorian legislative and industrial framework, and it had then been decided to seek full award wage positions wherever possible and to pursue individual placements (with the potential to subsequently develop multiple placements within workplaces). As a result of these and other pressures, two parallel programs (the enclaves and the sheltered workshop) were gradually transformed into a CETP service. The sheltered workshop closed in December 1989.

6.73 As indicated earlier³⁹, supported employment provides community based organisations in rural areas with the opportunity to create employment options, albeit on a small scale, where in the past there may have been insufficient demand to support an institutional setting or where a lack of job opportunities restricts the scope for open employment. The Tatiara Employment Service (TESS) in Bordertown, South Australia, developed a self employment model for their clients given the limited employment opportunities in their area.⁴⁰ Two male clients have been established in a partnership 'Bordertown Handy Help' which provides window and car cleaning and garden maintenance. Two female clients were established in 'Tatiara Treats' a catering service which supplies local businesses. It is envisaged that, with the growth of these businesses, they will employ other TESS clients in the future. TESS receives 80 per cent of its funding from the Federal government and 20 per cent from the State government. It has also received one-off grants from the State government Office of Employment and Training for establishment costs and the purchase of equipment. TESS provides ongoing training and support for these businesses and provides transport, resources and office space.

Wages in supported employment

6.74 Whereas in competitive employment award wages are generally the norm, the philosophy underlying supported employment necessarily creates a nexus between productivity and wages. The issue of wages will be addressed in more detail in Chapter 7. Currently the calculation and negotiation of productivity-based wages for individual clients in supported employment appears to be managed on a case-by-case

38. Referred to above in Paragraph 6.17.

39. See Paragraphs 6.37 and 6.47.

40. Submission No. 51 (Tatiara Employment Service).

basis. In supported employment services such as Vitec Assembly and Centre Data, wages remain low due to the reduced productivity of the employees. Despite the relatively low levels of payment received by the employees in these services it was clear to this Committee that as their productivity levels increased there would be commensurate increases in their remuneration.

6.75 In contrast, all employees of the Inner Urban Co-operative⁴¹ were paid award wages, as were the employees of AQA Granville, with those working part-time being paid at the award rate also. A different approach is used by PQ Office Supplies where the employees are paid on a commission basis – their wages reflect the levels of sales made.⁴²

6.76 While Jobsupport utilises slow worker permits for about one quarter of their clients, their objective wherever possible, is to secure award rate employment. Only when it becomes apparent after a comprehensive training program that a particular client will not achieve required levels of productivity are slow worker permits negotiated. While the average wage of Jobsupport clients appears relatively low (\$213 per week) those on award wages receive an average of \$250 per week compared to those on slow worker permits who receive on average \$142 per week.

6.77 The underlying philosophy of supported employment (that it is targeted to those people who, because of their disability, are unlikely to succeed in open employment) also provides greater scope for part-time work than a competitive employment approach – as evidenced by the fact that one half of Jobsupport's clients worked less than 30 hours per week.⁴³

State Governments and supported employment

6.78 It was apparent from the evidence received that the State governments and their instrumentalities had provided direct and indirect support to supported employment services. Direct support had included financial grants to assist in the establishment of services, such as those made by the Office of Employment and Training in South Australia to TESS or ongoing funding by the Victorian Government for additional places in services, as in the case of Waverley Helpmates.

6.79 In the ACT, both the Commonwealth and Territory Governments had provided opportunities for the employment of people with disabilities in enclaves and individual supported jobs. It was not apparent to the Committee that either the Commonwealth or State public sectors in other States had provided many supported employment opportunities and this is borne out by the earlier discussion of the problems encountered by the CETP services in securing employment in the public sector. A contributory factor may be the inflexibility of public sector awards in

41. See Paragraphs 6.48-6.51.

42. See Paragraphs 6.64-6.67.

43. See Paragraph 6.33.

regard to the negotiation of productivity based wages and barriers inherent in the recruitment process which would work against people with disabilities undertaking periods of unpaid training on-the-job and associated problems such as compensation liability.

6.80 Supported employment services may need to explore the potential of additional special entry schemes for people with disabilities in the public sector as a way of overcoming these obstacles. Public sector departments and business enterprises at the Commonwealth, State and local government level should be encouraged to consider the possibility of enclave employment on either a long or short term basis.

6.81 State governments have also been prepared to play a role in the dissemination of information and in providing support in the education field. The Queensland Department of Family Services (as it then was) published a resource book in 1989, *Innovative Employment Programs in Australia* describing some of the competitive and supported employment options which had been established, to assist communities who were endeavouring to develop new services.⁴⁴

6.82 Since the mid-1980's the New South Wales TAFE system has been developing programs to assist supported employment services.⁴⁵ It has developed an accredited course for vocational trainers and supervisors working in supported employment programs in recognition of the vital role that the quality of training received plays in ensuring the success of supported employment placements. In South Australia a local TAFE college had developed an Animal Handling course to complement a supported employment program operating at the Fauna Park in Port Lincoln.⁴⁶

Recommendations

The Committee RECOMMENDS:

7. That the Australian Public Service, as part of a concerted program to increase its employment of people with disabilities, consider developing Supported Employment options within departments, for both short and long-term projects. This would provide realistic work experience and assist some people with disabilities to move into permanent employment. The use of supported employment options in the public sector should be explored by State and local governments.
8. That State and Territory governments ensure that legislation is developed which complements the DSA, to provide increased opportunities for access to

44. *Innovative Employment Programs In Australia: Competitive and Supported Employment Options for People with Disabilities* Department of Family Services, May 1989.

45. Submission No. 123 (Mr M. Clear).

46. *Guide to Employment Services Funded under the DSA*, *op. cit.*, non-paged.

employment in the public sector by people with disabilities at appropriate wages or salary.

Sheltered employment

6.83 Sheltered employment has a negative image for many people with disabilities, consumer groups, and others. Speaking in 1988, Dr Richard Madden, then First Assistant Secretary, Disability Programs Division, Department of Community Services and Health, summarised these negative images.

While there are exceptions, the performance of sheltered workshops in Australia in terms of their stated objectives, like those overseas, is not impressive. Placements in open employment are few. An examination of the number of training fees and open employment incentive bonuses – which are paid in respect of former workshop employees maintaining open employment for a year – reveals that there has been little movement out of sheltered workshops: the record of placing those most likely to succeed in open employment – people with mild disabilities – has not been good.

The commercial outcome has not been good either. The key indicator here is wage levels . . . as a means of generating wages, the sheltered employment system has been a disappointment, although there have been isolated cases of better performance.

Nor, again with isolated exceptions, have successful arrangements been established to integrate employees in ordinary workplaces. Most workshops remain on sites away from other community workplaces and other workers. To finish off the picture, there is evidence that sheltered workshops are not tendering on a commercial basis for work.⁴⁷

6.84 Although there are sheltered workshops which have always provided a high quality service, sheltered employment, in the form of sheltered workshops, has been a controversial form of employment for a number of reasons. For many, especially those who believe that open employment is a viable option for most people with disabilities, sheltered workshops are seen as having a minimal role in the future. For many former and current employees, they were/are places of exploitation and discrimination. Others see that they could continue to provide employment and training options in the future, albeit in a restructured environment in accordance with the *Disability Services Act*. A few organisations appear reluctant to implement *Disability Services Act* Principles and Objectives at least in the short term. In short,

47. Dr R. Madden, *Transition of Sheltered Workshops Under the Disability Services Act*, p. 2. The paper was forwarded to the Committee by the then DCSH. The research referred to by Dr Madden was J. Black, B. Harrison and H. Ziegler, *Pricing Practices of Sheltered Workshops vs Open Employment. Consumer Implications*, Australia and New Zealand Journal of Developmental Disabilities 13 (1987) p. 57. This is reproduced in *Transcript of Evidence*, pp. 3738-42 (Dr J. Black).

different groups are at different stages, some working according to a particular philosophy or approach that may not be acceptable to DHH&CS staff, others believing that departments are not doing enough, others apparently satisfied with the general rate and direction of change. The result has been that there are certainly clear differences of opinion about the rate of change of disability services and the number of options available.

6.85 Submissions and oral evidence suggest a mixture of factors at work in the current controversial discussion about the role of sheltered workshops both in the past and in the future. The role of various parties in this controversy is considered below⁴⁸, not because there is particular value in going over past disputes but because it is essential to identify areas where relations between the Department and organisations (both consumer and service provider) can be improved in the future. The issues are also discussed because of the importance of the transition process in the successful development of services which can meet the needs of people with severe disabilities, arguably the most disadvantaged group of people with disabilities, and of those persons whose disabilities do not allow them to participate in the workforce on a full-time or regular basis.

6.86 The problems with sheltered workshops in the past, and to some extent in the present, have been stated by a number of witnesses. In respect of this inquiry, information provided to the Committee was variable, and sometimes could not be substantiated. In such instances, the Committee also took into account evidence obtained from visits to workshops. Thus, while general statements were sometimes made which could not always be supported by specific instances some of the statements made about conditions of employment were supported through direct observation. The lack of interaction between 'staff' and employees, for example has been noted by the Committee during its visits to employment services in 1989 and 1990.

6.87 It is also important to note that the relatively small number of persons employed by workshops at any time (currently approximately 11,700 persons) means that their actual role as employers has been limited. Therefore, while it is essential to note the substantial funding which has gone into this employment option, it is also important to stand back and view the sheltered workshop system as never having had a major role in providing employment, nor, some would argue, in training for open employment. That funding continued in spite of this, is a matter worth noting; that a number of people with disabilities appear to have been employed outside this system altogether is also a matter of note. Together, all these factors suggest that the system was cumbersome, expensive and in many instances, neither particularly productive, nor particularly humane. To this extent it was necessary for changes to be made; how much these changes will adversely affect the opportunities of people with disabilities is less easy to determine.

48. See Paragraphs 6.179-6.197.

Characteristics of sheltered employment

6.88 The *Handicapped Persons Assistance Act 1974* (HPAA) emphasised the importance of paid employment and of rehabilitative services, and considered that sheltered workshops should operate as efficient business enterprises. Training, education, the development of social skills and of independence were also a part of the objectives of the HPAA, yet the extent to which these objectives were or could be fully met obviously varied. Education and training programs were established but the extent to which rehabilitation or habilitation was a possible outcome may have been limited, needing a more positive direction, additional staff and more direct lines of communication with other forms of employment, including open employment.⁴⁹ The objectives of paid employment and efficient business operation were extremely difficult to combine and have not always been satisfactorily resolved.⁵⁰ For example, unrealistic tendering processes have been accepted in order to provide work or training.⁵¹ Businesses have been viable only through sub-standard work conditions and the payment of very low wages, a situation that was accepted only because 'employees' received pensions. The other benefits of mainstream employment seem to have been random in their establishment and operation, mostly because of the difficulty of establishing a normal environment in a production model that was not part of the mainstream.

6.89 Even in 1989, one witness stated, sheltered workshops had not met their objectives.

The sheltered workshops that we run in Australia are neither one thing nor the other. They are not organisations which are competing in the marketplace to make Australian industry viable, profitable and competitive with industry in the nations of the world that we have to compete with – they are sheltered and protected. Neither are they areas where many people with disabilities have had the opportunity to develop their full potential.⁵²

6.90 Disabled Peoples' International (Australia) in its submission summed up a number of organisations' and individuals' attitudes about sheltered workshops and their inability or unwillingness to meet the objectives of earlier and more recent legislation.

Despite the recent changes of the "New Directions" legislation, workers in supported employment have found that the move away from "make work" towards real work and real wages is far too slow. Further, sheltered employment offers little scope for worker

49. *Transcript of Evidence*, p. 4801 (Disability Advisory Council of Australia).

50. See *Transcript of Evidence*, pp. 359-60 (Phoenix Society Inc.).

51. See below Paragraphs 6.168-6.172.

52. *Transcript of Evidence*, p. 322 (Intellectually Disabled Services Council).

satisfaction, or the development of skills that generalize to open employment. Workshops continue to remain outside normal community accepted standards for wages and conditions of service. Industrial safety, part time employment, superannuation, unionization, award wages, protection from unfair dismissal and payment of redundancy payments are not generally available to workers in supported employment. This is a situation that would be totally unacceptable to any other Australian worker.⁵³

6.91 This view may portray the ordinary workplace unrealistically by failing to identify some problems that may exist in open employment (for example, the claimed high rate of industrial accidents for some groups⁵⁴). However, it does indicate the factors which have led to a change in government priorities and the increased emphasis in the *Disability Services Act* on the need for workplaces which approach an environment in which the same conditions are available for people with disabilities as for other workers.

6.92 To determine the effectiveness of sheltered workshops in achieving specific outcomes, and therefore as continuing to exist in some form in the future, a number of key issues are examined with the objective of determining problem areas. In so doing, it may be thought that all sheltered workshops are seen as falling into one category, and that many of the difficulties which have been experienced over a period of time are common to all. This is not the case. Some workshops have provided a wide range of services and benefits to their clients, others have developed innovative services and most have been involved in discussions about changing to new services. The needs of clients are obviously important to organisations⁵⁵, and their assessment of needs, where conflicting with departmental policy, should not always be seen as self-interest or social conservatism.

6.93 In considering the major issues of contention that arose from submissions and from evidence of witnesses, some indication is given of the economic viability of sheltered workshops as they previously operated and of the management practices which some of them appear to have worked by. Insofar as these indicate a need to move towards greater accountability and more efficient management, some sheltered workshops have been found wanting, able to continue operations in the past only because of financial and work practices which can no longer be sustained.

53. *Transcript of Evidence*, p. 1342 (Disabled Peoples' International). See also *Transcript of Evidence*, pp. 1481, 1483, 1522 (DHH&CS), p. 4317 (Department of Family Services, Queensland), p. 4835 (Disability Advisory Council of Australia).

54. See above paragraph 2.30. Worksafe Australia figures (May 1991) state that death, injury and illness in the Australian workplace costs over \$9 billion annually.

55. *Transcript of Evidence*, p. 328 (Intellectually Disabled Services Council Inc.).

Wages – 'a real pay for a real job'⁵⁶

6.94 The issue of wages is a major one, with many submissions stating this as a substantial cause of dissatisfaction.⁵⁷ The average wage in 1990 was extremely low, with 21.1 per cent people receiving SEA earning less than \$10 per week, 60.1 per cent earning between \$11-\$40 and 16.9 per cent between \$41-\$100⁵⁸, and it is clear that it has often been artificially set at a level relative to the pension with the most common maximum payment being the amount able to be earned before the pension is affected at all.⁵⁹

6.95 Workers in sheltered employment who also had become more aware of self-advocacy and of the low levels of wages were outspoken in their criticism of these levels, and of what they saw as government failure to take appropriate steps.⁶⁰ However, the extent to which higher wages were generally viable given operating costs remains unclear. While it is apparent that wages and related benefits (for example, superannuation) have been low or, in the case of award conditions, non-existent for a very long period, the responsibility for this is not simply that of the workshop administration.

6.96 As ACROD stated in its evidence to the Committee, the issue of wages including wages relative to skills and other factors – 'is quite a complex problem'.

The fact of the matter is that in providing any service, whether it was in a sheltered workshop or another service for that matter, it involves an operating cost; in other words, the cost of providing that service. In general terms, the funding that the Government has given on a per capita basis has not been sufficient to cover the full cost of operating that employment service or whatever.⁶¹

6.97 To a degree, responsibility for this situation has been placed with government, or 'the system'⁶² with the existence of high marginal tax rates on earnings above

56. *Transcript of Evidence*, p. 4873 (Disability Advisory Council of Australia).

57. *Transcript of Evidence*, pp. 70, 86 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

58. See Appendix 14, Table 5.

59. *Transcript of Evidence*, p. 4823 (Disability Advisory Council of Australia). See also *Transcript of Evidence*, p. 3765 (Dr J. Black).

60. *Transcript of Evidence*, pp. 44-6 (South Australian Government), pp. 72, 86 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

61. *Transcript of Evidence*, p. 4986 (ACROD Limited).

62. *Transcript of Evidence*, p. 71 'it encourages dependency through the pensioner system'. See also p. 84 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

certain sums⁶³ and gradual loss of additional benefits being seen as the cause of low wages and as creating a disincentive to be more productive.⁶⁴

6.98 However, while marginal tax rates certainly appear to discourage some people with disabilities, and other people on pensions/benefits, from working or working longer hours, they are not the only causal factor. Wage rates in sheltered workshops have often been tied only to productivity levels, which, if applied without any other consideration, have resulted in extremely low payment when hours worked or amounts of work produced per hour are considered. The issue, therefore, is also one of productivity rate, and this raises the question of whether other factors such as 'effort' as opposed to productivity, need to be introduced in order to provide a reasonable wage. The Spastic Society of New South Wales advised the Committee:

our people are averaging 15 per cent or less of productive output and we are attempting to set up businesses at that level of disability.⁶⁵

6.99 Nor is productivity in sheltered workshops based solely on amount or number of goods produced. An advocacy group in South Australia (SAID) stated that productivity formulae included components relating less to productivity than to factors which might be deemed appropriate behaviour (although it could also be argued that this behaviour is seen as standard in the ordinary open workforce, and hence a necessary part of training). It is important, however, that workshops do not try to establish behaviour patterns which differ from those in the ordinary work place.

Orana would be a good example of where there is a minimum wage for all workers in the workshop and then the wage is determined on not only how much they produce, but also the attitude of the workers towards their work and the amount of effort they put in to improve their work skills.⁶⁶

[the wage] is related to productivity. It is related to a variety of factors, including work behaviour and ranging from attendance and punctuality and things of that nature and to the complexity of the task and skills that people are able to perform. We pay a range of wages that are in some way linked to productivity. The challenge, of course, is to ensure that assessment of productivity is fair and objective, which is not always easy, and to ensure that the total level of the wage is as high as we can get it. Our level of wages at the moment average about \$31 per week. We have some wages as high as \$80 per week. The majority

63. *Transcript of Evidence*, p. 445 (The Spastic Centre of New South Wales).

64. See below, Chapter 7, Paragraphs 7.27-7.45.

65. *Transcript of Evidence*, p. 433. See also pp. 437-8 (The Spastic Centre of New South Wales).

66. *Transcript of Evidence*, p. 77. See also pp. 79, 80 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

of our wages would be around about the \$25 per week mark. We would very much like to see those dollar values increased.⁶⁷

6.100 One large organisation, Bedford Industries in South Australia, stated that it paid productivity based wages⁶⁸ which varied at that time⁶⁹ from \$20 minimum to an average of \$45 per week.⁷⁰ Other components appeared to be built-in to wage levels apart from productivity⁷¹, including training and skills development, as well as attitude. In brief the assessment process utilised by the organisation evaluated a range of factors apart from actual productivity – ‘we use a wage situation as an incentive for skills acquisition and access to competitive employment’.⁷² Since the organisation believed that its ‘consumers’ were increasingly within a higher disability group⁷³, it was possible that the wages would decrease, in respect of the productivity component, in the future.

6.101 There were claims by some witnesses that wages were artificially created. In one case, it was stated that parents paid \$20 per week for their daughter (in an Activity Therapy Centre) to be employed as a cleaner, with the final wage being \$25 – that is, a real wage of \$5.

Recently I found out something about one of the activity therapy centres here which is run by one of the churches. The parents came to me because their daughter is working a 40-hour week cleaning people's houses under contract. . . I was asking how much money she got and it averaged out at about \$25 a week. they said, “Mind you, we do not mind about paying the \$20”. When I probed into this, I discovered that not only was she only receiving \$25 but the parents were in fact paying \$20 of that every week as what was called a donation to the organisation. So in fact the organisation was paying out \$5 a week. I think that is outrageous.⁷⁴

67. *Transcript of Evidence*, pp. 346-7 (Phoenix Society Inc.).

68. *Transcript of Evidence*, pp. 148-150, 152 (Bedford Industries Rehabilitation Association Inc.).

69. April 1989.

70. *Transcript of Evidence*, pp. 150, 152 (Bedford Industries Rehabilitation Association Inc.).

71. *Transcript of Evidence*, p. 152 (Bedford Industries Rehabilitation Association Inc.), pp. 346, 350 (Phoenix Society Inc.).

72. *Transcript of Evidence*, p. 150 (Bedford Industries Rehabilitation Association Inc.).

73. *Transcript of Evidence*, p. 150 (Bedford Industries Rehabilitation Association Inc.).

74. *Transcript of Evidence*, p. 45 (South Australian Government). See also *Transcript of Evidence*, p. 699 (Centacare).

6.102 It was also suggested that wages were reduced by various penalties⁷⁵, although this did not appear to be the policy of all workshops.⁷⁶ Where it was the case, the relationship between wages and behaviour, mentioned above⁷⁷ would appear to be reinforced. Where the workshop based wages in part on attitude, any deviation from attitude could be punished in a tangible way; again, not all workshops which suggested that attitude (as part of training) was a component of wages, stated that wages were adversely affected by poor behaviour.

It can be for misbehaviour; it can be for lateness and yes, it has happened in Phoenix. I am not aware that it has happened in recent times. Part of the difficulty that we can face within our organisation, and I guess one of our objectives is to try to encourage a work environment that, if you like, work-hardens people; it gets them used to the disciplines that are required of having to work within a normal work-type environment. One of the difficulties that we have as a result of the relatively small margin between the supported employment allowance – that is, the pension – and the wage that we pay is that a number of people feel that they do not have any obligation to attend work, when it just happens to suit them not to come, because the amount of pay that they are getting is not that much greater than they would get if they just stayed at home. There are occasions where we have absenteeism or lateness that is not deemed to be appropriate, where there have been occasions where after some discussion and counselling with the person we have said, “We are going to have to dock some pay”. That has happened. But that is the basic background against which it happens.⁷⁸

6.103 A further factor is the rate of pay per hour or working week; evidence suggests that this is often extremely low, so that low productivity at low rates will produce a low wage.

The claim is often made that people are paid according to productivity. That statement in itself is meaningless because you have to tie the productivity to some rate of pay.⁷⁹

75. *Transcript of Evidence*, pp. 89-90 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.), pp. 350-1 (Phoenix Society Inc.). Note that there was a contradiction with the organisation stating originally that pay had been docked for misbehaviour and for lateness, and later stating pay was docked only for lateness.

76. *Transcript of Evidence*, p. 157 (Bedford Industries Rehabilitation Association Inc.).

77. See Paragraphs 6.99-6.100.

78. *Transcript of Evidence*, pp. 350-1 (Phoenix Society Inc.).

79. *Transcript of Evidence*, p. 3765 (Dr J. Black). See also *Transcript of Evidence*, pp. 699-700 (Centacare).

6.104 Higher rates have sometimes been available⁸⁰ and these appear to be directly related to skill, so that uniform rates of pay may well not apply across a sheltered workshop, and there are considerable differences between workshops.

6.105 The classification of jobs, the development of work standards, and assessment and review processes also vary among sheltered workshops⁸¹, and contribute to uneven wage levels and to the lack of development of standardised work processes. The lack of national standards has led in the past to there being inequitable situations within workshops, where, for example, a worker with high productivity might still be paid the same wage as those working at lower productivity. Absence of national standards has also meant that employees in workshops which do reward productivity are advantaged relative to workers who are employed in workshops where the principle is to pay everyone much the same.

We have the very unsatisfactory situation of those people who are more productive subsidising the people in that organisation who are less productive. Therefore, we have one of the bitter ironies of sheltered employment, that is, that a group of people who are themselves disadvantaged in our community have the responsibility for subsidising the livelihoods of other people less able than themselves.⁸²

6.106 Insofar as wages are equalised across staff, those with greater productivity (that is, less disabled or more skilled) will be penalised⁸³, although the concept of effort-based wages may be one way of addressing this question. If employees with higher skill levels and greater productivity are paid at rates commensurate with their work, it would be possible to relate skills more to income. This, of course, does not make it easier for people with severe disabilities who may lack the capacity to acquire some skills to obtain a living wage without additional components being built in.

6.107 A number of submissions also raised the issue of more skilled workers not being encouraged into open employment because their labour maintained the productivity level.⁸⁴

80. See *Transcript of Evidence*, p. 443 (Spastic Centre of New South Wales).

81. G. McConnell and A. Pretty, *Wage Determination in Sheltered Employment*, Discussion Paper, 1988, p. ii (commissioned by the then Department of Community Services and Health). A copy was made available to the Committee.

82. *Transcript of Evidence*, pp. 322-3 (Intellectually Disabled Services Council Inc.).

83. *Transcript of Evidence*, pp. 322-3. That this occurred in open industry as well was agreed by the witness, p. 328 (Intellectually Disabled Services Council Inc.).

84. *Transcript of Evidence*, p. 322 (Intellectually Disabled Services Council Inc.), pp. 359-60 (Phoenix Society Inc.), p. 4190 (Epic Employment Service, M.O.R.E. Inc.). The Committee also observed the presence of skilled employees in workshops during its series of inspections; this may be indicative of such employees not being encouraged to obtain positions in open employment.

6.108 It was not clear if such workers would have received appropriately higher remuneration than average, while in the sheltered workshop, and hence benefitted directly from their higher productivity. That some did not was stated by one witness, 'they were working at the 80 to 100 per cent productivity rate – and they were being paid \$40 a week'.⁸⁵ Another witness stated that 'a lot of those people are doing productive work and yet getting very little money for it'.⁸⁶ It is apparent, however, that the lack of opportunity to move is an infringement of their right to fuller participation in society, if this is what they would have preferred.⁸⁷

I think in our forward planning it is one of the things that we have seen as the major challenge to be overcome, that when you are, on the one hand, asking people to produce some commercial outcomes and, on the other hand, trying to focus on the needs and aspirations of the people who work for you, it is by most definitions a strange situation where you are actively encouraging your most productive employees to leave. Our changed organisation structure that we implemented a week or two ago is attempting to separate the management responsibilities for the two aspects of our work, so that the people involved in producing commercial outcomes and running the operations on a day-to-day basis are not those involved in trying to encourage people to do other things with their lives. We believe that, without separation and with a clear distinction between our two tasks, we will be able to manage the process better.⁸⁸

6.109 The question of being free to leave is a complex one. Technically, workshop employees/clients were not obliged to stay if they wished to work elsewhere. However, it is likely that a number of workshops did not assist their more skilled employees to find jobs on the open market or encourage them to think positively about themselves.

6.110 In respect of wages, probably the most important issue is the extent to which sheltered workshop rates of pay are, or are perceived to be, exploitative and discriminatory in terms of being less than can be afforded when productivity and overheads have been taken into account. Yet information on this issue was difficult to obtain.

6.111 Where organisations were tendering at commercial rates, and especially were running multiple businesses generating substantial income, the question of wages is of particular importance. Bedford Industries in South Australia employed a total

85. *Transcript of Evidence*, p. 329 (Intellectually Disabled Services Council).

86. *Transcript of Evidence*, p. 699 (Centacare).

87. *Transcript of Evidence*, pp. 322, 328 (Intellectually Disabled Services Council Inc.). The issue of possible discrimination against female workers (*Transcript of Evidence*, p. 4986 (ACROD Limited)) as well as against more skilled workers was not further developed in the evidence.

88. *Transcript of Evidence*, pp. 359-60 (Phoenix Society Inc.).

of 730 people, 550 of these being 'consumers' (clients/employees) and the others full or part-time 'staff' (that is, non-disabled people). The organisation operated through 20 to 30 independent operations, including ground care and landscaping, contract cleaning, garment manufacturing, and catering.⁸⁹ However, the minimum wage was \$20 per week and the average, in April 1989, was \$45 per week.⁹⁰ The turnover per annum was \$9 million.

6.112 Given the substantial Departmental funding, the organisation appeared to be in receipt of considerable income, and yet wages were generally low. The relationship between productivity rates and income was not detailed, although other information given by the organisation suggested that income was redirected to services, not necessarily to the income of 'consumers'.⁹¹

6.113 The Red Cross in Brisbane, which was operating a workshop in transition, stated that wages had increased in the transition period because of increased productivity.⁹² The average, however at the end of 1990, was about \$30 per week, with a maximum of \$75.

We are two sheltered workshops and an ATC. We are in transition and doing everything within our power to come under section 10 of the Act. This has included everybody at the centre having an IPP. We have a workers committee. We have gradually increased wages to the present average of about \$30 a week up to \$75 at the moment. As money becomes available, based on the commercial enterprise, the wages, based on productivity, are gradually moving up. So they are the sorts of things that we do.⁹³

With Epic Employment, the Red Cross received the Prime Minister's Employer of the Year award in 1990 for 'being the best support service'.⁹⁴

6.114 The organisation believed that an assessment of individuals and skills was required in order to establish a proper wage structure.⁹⁵ Thus, although wages had increased in their service because of productivity, and obviously individual wages varied, presumably because of the same factor, this did not represent more than a

89. *Transcript of Evidence*, pp. 154-5 (Bedford Industries Rehabilitation Association Inc.).

90. See Paragraph 6.100.

91. See below, Paragraphs 6.162-6.164.

92. *Transcript of Evidence*, p. 4463 (Australian Red Cross Society, Queensland Division).

93. *ibid.*

94. *Transcript of Evidence*, p. 4467 (Australian Red Cross Society, Queensland Division).

95. *Transcript of Evidence*, p. 4465 (Australian Red Cross Society, Queensland Division).

rough correlation of wage to skill. This evidence suggested that the production process had been a major difficulty and that this had improved.⁹⁶

‘Real Work’

6.115 A number of witnesses stated that a significant problem with sheltered workshop employment was that it did not provide a real job, and that the occupation provided did not develop skills that could be used to move to more open employment, although this was the basis of the HPAA.⁹⁷ One witness indicated that sheltered workshops did not develop the capacities of clients/employees.

In my view the potential of people working within a sheltered employment environment such as a sheltered workshop are not challenged.⁹⁸

6.116 Yet, direct evidence as to ‘make work’ was virtually non-existent, and very little detail was given about the type of work available that was considered not ‘real’.

The notion of meaningful work needs much more work done on it: Is a disabled person better off as a woodwork machinist in our workshop or as a cleaner in open employment? We are doing research at the moment to identify work tasks that minimise the impact of a person's disability. We must ensure that we are serious about choice and that what is right or wrong, good or bad, is ultimately determined by disabled people making choices, not by well-meaning bureaucrats or advocates making choices for them.⁹⁹

6.117 Sheltered workshops saw themselves primarily as highly commercial in the sense of being competitive in external markets and thereby as within ‘normalisation’ rules although their competitive edge was based on paying lower wages. While noting that ‘there are some services that will obtain work with a view to providing training – they have even used the word “therapy” . . .’¹⁰⁰ ACROD representative, Mr McKenna, believed that such services were in the minority. Nor was there any indication that the work itself of such services (even though described as ‘therapy’) was in itself ‘make work’ – in fact, since other workshops felt they had been undercut in their own tender for the same work it is likely that even ‘therapy’ was ‘real work’. Speaking on behalf of ACROD, Mr McKenna said:

96. *Transcript of Evidence*, pp. 4468-9 (Australian Red Cross Society, Queensland Division).

97. *Transcript of Evidence*, p. 1351 (Disabled Peoples' International), pp. 4823, 4840 (Disability Advisory Council of Australia).

98. *Transcript of Evidence*, p. 699 (Centacare).

99. *Transcript of Evidence*, p. 346 (Phoenix Society Inc.).

100. *Transcript of Evidence*, pp. 4987-8 (ACROD Limited).

The majority of services that I am aware of charge commercial rates . . . to the extent that we are being knocked off constantly on a day-to-day basis by outside commercial enterprises. So we certainly cannot be charging less than competitive commercial rates.¹⁰¹

6.118 In this issue, it is important to distinguish between 'make' work and jobs which may appear to be uninteresting, but are nonetheless 'real' in that they contribute to a process which provides income. While it is true that a number of sheltered workshops are involved, directly or via contracts, in a number of apparently repetitious and relatively low-grade jobs, these may be (a) integral to the workshop's operation, and (b) no different to jobs undertaken by a substantial number of non-disabled people, for example, packing, sorting, labelling. Indeed, they may be no less interesting or demanding in themselves than the jobs which people with disabilities may undertake in open employment (for example, photocopying, registry work in a department, etc.). The issue may be then, not so much the nature of the job as whether it is 'real' because it is not in a sheltered workshop.¹⁰² The attitude of workshop management is also important, with workers possibly feeling that both they and their work were undervalued because they were not treated like other workers.¹⁰³

6.119 Another cause of work being perceived as not 'real' could be the poor levels of productivity and inadequate equipment, etc. The nature of the work itself is often 'real', but the way in which it is carried out, in some cases, would suggest that it is not seen as a serious pursuit. Where workers themselves have been able to become more involved in management decisions, and/or where management has changed to come more into line with commercial practices, it is possible that the same type of work once seen as not 'real' could be perceived as valuable.

Skills development

6.120 Evidence submitted on the lack of skills development was not detailed, and most statements were too general to provide information as to the lack of suitable training which would enable people to compete more effectively on the open market. One witness indicated that in fact there was too much training in workshops – 'interminable training'¹⁰⁴ – which did not lead anywhere. One workshop argued that the options offered in open employment to people from sheltered workshops required lower level skills – in effect, that higher skills were taught and practised in the workshop¹⁰⁵, and that appropriate jobs were not always available in the open market to utilise these skills. Consequently, there is not an easy correlation

101. *Transcript of Evidence*, p. 4988 (ACROD Limited).

102. See above, paragraph 3.83.

103. See Paragraphs 6.99-6.100, 6.102.

104. *Transcript of Evidence*, p. 3766 (Dr J. Black).

105. *Transcript of Evidence*, pp. 347-8 (Phoenix Society Inc.).

between open employment and greater options, and between sheltered workshops and limited training/work opportunities. Given that skills may deteriorate rapidly if not used consistently¹⁰⁶ and that workshops may have to take on a wide range of contract and other jobs to remain viable, the extent and depth of skills/training may be limited but may at least be continual. Hence, the problem may be in part the work pattern and type of job offered by the workshop, particularly when this may provide minimal opportunity for multi-skilling through not separating tasks into components and not providing rotation through aspects of available jobs. There may not be a conscious decision by the workshop itself to minimise training, or to make it less useful for open employment.

6.121 Most major organisations in fact claimed that training was an important part of their job.¹⁰⁷ Sheltered workshop representatives did believe they provided appropriate training and that this was sufficient to assist some people into more open employment.

Depending on the individuals and their disabilities, there is probably a fair justification for suggesting that going through a process of work environment for a period before they were, perhaps, ready to be placed into open employment is quite legitimate. It has still to be resolved with the Department, too. However, there are a number of people who, with varying degrees of support, could probably go straight into competitive employment and training with the support of on-the-job training.¹⁰⁸

6.122 Nonetheless, they did not believe that this training alone would be sufficient to enable an individual to achieve ordinary productivity within a sheltered workshop.

I do not think we should expect a huge number of people to benefit without adequate resources of training staff to assist them in achieving the higher productivity to earn the higher income.¹⁰⁹

6.123 While some workshops argued therefore that some of their staff were well-trained, they believed that overall they did not have sufficient resources to provide the type of training required for easy movement into open employment. They saw this as being available under the new service types.¹¹⁰

106. *Transcript of Evidence*, p. 5290 (Mr B. Blakeman).

107. *Transcript of Evidence*, p. 4469 (Australian Red Cross Society, Queensland Division).

108. *Transcript of Evidence*, pp. 1452-3 (ACROD Limited). See also *Transcript of Evidence*, pp. 4473-4 (Australian Red Cross Society, Queensland Division).

109. *Transcript of Evidence*, p. 1454 (ACROD Limited).

110. See below, Paragraphs 6.203, 6.292.

6.124 However, it has been suggested by some of those who do have experience in the field¹¹¹ that training has not been a priority in sheltered employment. Some witnesses considered training to be a major component in the development of skills leading to successful employment in other than sheltered workshops.¹¹²

6.125 Some workshop managers are attuned to the importance of training and to particular types of training, especially the relationship between training and what is perceived as a normal working environment. The personnel manager of Summit Industries in Tasmania noted that modelling or example training appeared considerably more effective than a more direct 'educative' approach, and, in discussing the benefits of 'reverse integration', stated:

We have had quite remarkable results . . . because people can learn in an environment where there are many very positive models to imitate. Ideally, it would be better if that happened in the community or in open employment, but where that is not possible it seems to us that reverse integration is a worthwhile intermediary step because it does provide people in long-term supported employment with a chance to rub shoulders with and learn from people with very good work habits.¹¹³

6.126 This would suggest that experiences in work which are considered to be more normal may be seen as 'acceptable', even though some of the actual working environment may remain the same. Training may not differ in content, in that it may still be about particular skills; however, if it is done indirectly, or the 'trainer' has a positive manner which the other employee responds to, in tone or manner, this may be a key factor in obtaining a good result.

6.127 Evidence provided on the support needs of people, especially those using supported employment services, suggest that the level of disability itself is not always the single most important factor. If people are institutionalised¹¹⁴ or overprotected at home and need to develop social skills, or have not developed these or ordinary living skills prior to beginning work, they may require additional support levels. This would suggest that integration is beneficial, although 'employment' itself is not necessarily a component of such integration.

111. *Transcript of Evidence*, pp. 83-4 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.), p. 1175 (Professor T.R. Parmenter), p. 5386 (Summit Industries).

112. *Transcript of Evidence*, pp. 4475-6 (Australian Red Cross Society, Queensland Division).

113. *Transcript of Evidence*, pp. 5386-7 (Summit Industries).

114. See below, Paragraphs 6.130, 6.134-6.136. See also Paragraphs 2.46, 3.58, 3.66, 3.113, 3.120.

6.128 A further factor is that a workshop may have provided training but it may not have provided, or not been able to provide, training in those more general skills which help to make specific skill training effective.¹¹⁵

our experience would indicate that people have to see the difference between training and development . . . you can train people to learn skills but often you can only develop a person's employability by exposing him or her to certain situations.¹¹⁶

6.129 Hence, where the issue is primarily training in life skills as well as in job skills, workshops may need to re-evaluate their training policies. This was noted by other witnesses.

I guess the difficulty also has been that we have looked on moving into competitive employment as a clean cut from employment services, and I think for some people that might be a mistake. It might be that they need ongoing support of a very specific kind for the rest of their lives, not a training kind but just ongoing support of a physical kind, perhaps, in order to hold that job competitively.¹¹⁷

6.130 A representative of SAID indicated that people with mild intellectual disabilities 'are only socially disabled'¹¹⁸ and did not need to be in sheltered workshops. Once there, the witness stated, they became institutionalised, and lost the capacity to deal with the outside world and to succeed in open employment. The solution, at that stage, was training – although the ideal would be for people with disabilities to spend a shorter period of time in sheltered workshops.

I think the whole system encourages that dependency and that is the trouble. It is very institutionalised to provide help for disabled people and the people who have the jobs are all very giving and it is that whole paternalistic sort of thing. In turn, people who are disabled accept that as reality and are scared to move on. I think the change has to come on the whole sphere of the community, in community attitudes, the Equal Opportunities Act, and just where the government money goes. So it is a transition. It is definitely a transition.¹¹⁹

115. *Transcript of Evidence*, pp. 445-6 (Spastic Centre of New South Wales).

116. *Transcript of Evidence*, pp. 5837-8 (Department of Social Security).

117. *Transcript of Evidence*, p. 3773 (Dr J. Black). See also *Transcript of Evidence*, pp. 1167-8 (Professor T.R. Parmenter), p. 5389 (Summit Industries).

118. *Transcript of Evidence*, p. 83 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.). See above, Paragraphs 2.9-2.13. This issue of general social disadvantage, especially if linked to low income, is one which needs to be addressed.

119. *Transcript of Evidence*, p. 84 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

6.131 One witness stated that sheltered workshops could have a useful role in training over a relatively short time (2-3 years) to make people attractive to the open market. However, the witness believed that some workshops did not currently meet that objective, particularly because they did not meet the specific needs of the individual.

One of my biggest complaints about sheltered workshops . . . is that very little equipment is adapted to the different physical needs of the disabled person in the particular workshop. Therefore, those people are not going to be able to compete on the open market because they are not going to be able to be trained on equipment that is specially designed for them, whereas if you go to a number of the large workshops in Sydney, they do specifically adapt equipment to meet the requirements of that disability. That equipment can be picked up and walked out and put into an open employment situation. I think we should be going that way; we should be using their expertise to create openings.¹²⁰

6.132 Where this was, or continues to be, the case, productivity is presumably unnecessarily reduced and hence workshop operation is ineffective.¹²¹ In this area, the NTAU may be able to provide necessary support and assistance.

Worker satisfaction

6.133 Comments in a number of submissions and from witnesses suggested that there was little satisfaction obtained from the jobs available in some sheltered workshops. The above discussion suggests, however, that major problems may be not the job itself but the environment, the manner in which the job is presented, and whether it is seen as a job which was transferable to the outside world, as well as the attitudes to workers expressed by workshop staff.

6.134 Additional factors, relating to the work environment on a personal level, would also include the attitudes and relationships of employers and their employees. As suggested in Chapter 3¹²², this relationship has often been seen as a negative one, although this is not because of its inherent nature but because of the individuals concerned. Working in a situation where one feels demeaned or in a situation of dependency can be extremely undermining, and a major contributing factor in limiting individuals' capacity to make decisions, to stand up for themselves and to become involved in new activities or work experiences. Where the abuse of human rights exists, this is clearly a matter of concern and must be addressed by service providers and by funding departments. Where the inadequate response to

120. *Transcript of Evidence*, p. 292 (HETA). See also *Transcript of Evidence*, p. 4475 (Australian Red Cross Society, Queensland Division).

121. See below, Paragraphs 6.152-6.177.

122. See above Paragraphs 3.113-3.120.

employees' needs results from poor management and inappropriate attitudes, these may often be appropriately dealt with by the people concerned and their advocates.

6.135 A number of these problems are likely to continue because of the nature of the relationship between some service providers and the people who utilise their services. The Endeavour Foundation in Queensland, for example, considered that their service users were not employees but clients, and that this relationship was not one which could be easily changed because it affected all aspects of the organisation's services.

The Foundation holds a special brief for people with an intellectual handicap. It does not regard its adult clients as school pupils, but it respects the schoolmaster's idea of education, care and responsibility for his charges. Nor does it think of its clients as patients, for it rejects the hospital model. But there are elements of those two ideas which properly should be weighed into the mix of ideas which surround the relationship between client and service provider. The mix involves emotions to do with love, family and care. In essence, the Foundation desires a benevolent relationship with its clients. It regards its clients as people to be cared for in circumstances in which their interests are put first.

This is not the same relationship that the Foundation enters into with its staff. The Foundation does not regard clients attending service facilities called sheltered workshops as staff. It does not employ them in a commercial sense as a labour force. To try to reorder that relationship to one of employer-employee would not serve the long term interests of clients, their families or the Foundation.¹²³

6.136 Most people would argue both about the nature of this relationship and about the statement that it was not one of a schoolmaster and pupil. Such a view of the relationship may have considerable effects in terms of other aspects of an employment relationship. Included in these aspects are the security of employment, tolerance of behaviour patterns, and some flexibility in work methods. To some extent, then, what some observers or participants may see as an unsatisfactory work relationship (affecting job satisfaction) may have benefits which are not obvious. The Endeavour Foundation stated that its delineation of the relationship meant it assumed responsibilities which a 'commercial' employer would be unlikely to take on board:

Because we know we are providing a service for a person who has special needs, I believe we have to have that higher duty of care than in a straight employer-employee relationship. I guess in a normal workplace – I have come from the commercial area a number of years ago and if one of my employees, in the old days, had had a behaviour

123. *Transcript of Evidence*, pp. 4250-1 (Endeavour Foundation). See also *Transcript of Evidence*, p. 4986 (ACROD Limited).

incident and smashed walls and those sorts of things one would tend to say, "On your bike; go and pick up your pay and go away". Here we know that people have unpredictable behaviours. We know that that is what we are about. We are there to try to address those unpredictable behaviours and to try to assist the person to be more accepted in the community overall. But a normal employer would not put up, you might say, with a lot of the behaviours the normal sheltered workshop puts up with.

So we are saying that we have all of those duties of care of an employer-employee relationship. We would not sack employees; we do not do productivity-type assessments of employees and say, "If you do not perform at a certain rate, you are out the door". That is not our issue. We are there to try to develop a person. If the person could only operate or work at, say, 10 per cent capacity – if you want to use figures – and we have worked with that person and helped them move up to 20 per cent capacity and helped them fulfil themselves, we have done very well, though in commercial terms it would be a disaster.¹²⁴

Award Conditions

6.137 Insofar as normal standards of occupational health and safety are not being met by sheltered workshops (or by other forms of employment) these matters should be addressed and rectified. While organisations/services operating sheltered workshops have stated that it is not possible for them to pay award wages, many do believe that award conditions are flexible and essential in an environment which is respectful of the individual and concerned to provide standards akin to those in the normal working world.

In relation to working conditions, in the reverse integration system we have found that there is a standard that comes with that sort of situation. This is very beneficial to disabled people. Previously when all the employees were disabled and the staff were not it was quite a polarising situation with conditions for one group developing in quite a different way from conditions for the other group. In the reverse integration system we found that all those workers under the award wages system set a standard that we could not ignore – that is, they demanded award wage conditions, which they got. We decided to adopt those conditions for everyone across the board. The only thing we cannot do in that situation is that we cannot meet award wages for people with disabilities. But there is no reason why any sheltered workshop cannot apply the award conditions across the board. We have found that has helped a lot of disabled people understand more about their rights and their protection in that situation.¹²⁵

124. *Transcript of Evidence*, p. 4273 (Endeavour Foundation).

125. *Transcript of Evidence*, pp. 5389-90 (Summit Industries).

6.138 Some organisations also stated that they provided a range of award conditions such as workers' compensation, holiday pay, annual leave and sick leave.¹²⁶ In some cases, long-service leave was provided¹²⁷, but if it was not seen as a proviso of Departmental funding, it was not currently available from other organisations.¹²⁸ Discussing award conditions in April 1989 a Trades and Labour Council representative, speaking through SAID¹²⁹, indicated that work conditions in many workshops (in respect of issues such as superannuation) required considerable attention; the witness noted, however, that some of the conditions negotiated for (such as productivity superannuation) put 'disabled workers' 'far ahead of some of the workers in open employment in South Australia'.¹³⁰ While there is an absence of an employer/employee relationship in some cases, there is no necessary absence of a range of employer/employee conditions and staff may be in receipt of all benefits except wages.¹³¹

6.139 A representative of ACROD noted that the issue was not so much one of employer/employee relationships but of the different background and concerns of organisations.

I think, like all these things, we do not live in an ideal world . . . There has always been this conflict within the voluntary sector obviously – are you a welfare service; are you a training service; are you an educational service; or when do you cross the line and your people become employees – and I do not pretend to have any black and white answers, but I can certainly understand some strong views in that area and some ambivalence in some organisations, but it is an issue that should be addressed.¹³²

126. *Transcript of Evidence*, p. 4274 (Endeavour Foundation), p. 4983 (ACROD Limited).

127. *Transcript of Evidence*, p. 1451 (ACROD Limited).

128. *Transcript of Evidence*, p. 4026 (Intellectual Disability Rights Centre), p. 4274 (Endeavour Foundation).

129. *Transcript of Evidence*, p. 74 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

130. *ibid.*

131. *Transcript of Evidence*, p. 4268 (Endeavour Foundation). See *Ronalds Report*, Chapter 9, pp. 146-159. The Committee notes that on 23 August 1991 the Australian Industrial Relations Commission upheld the application of the Federated Miscellaneous Workers' Union (FMWU) for the coverage of the workers in one sheltered workshop in New South Wales. The award would give the same conditions available to non-disabled workers, with wages based on 'skills, productivity and qualifications'.

132. *Transcript of Evidence*, p. 4985 (ACROD Limited).

Worker involvement

6.140 Many organisations have client committees which are involved in decision making, thus fulfilling some of the DSA guidelines as to participation in decision making processes.

Every one of the Endeavour Foundation's services has a client committee. In some of the workshops the clients have passed a motion not to have a client committee. That has occurred in a number of instances. But we do have a client committee there where the clients elect their own spokespeople, et cetera, and they meet on a monthly basis to discuss various issues. In most circumstances we attempt to have an independent moderator and record taker at those particular meetings . . . there is no barrier to any client being elected to any position in the Foundation. They can be members, they can go through the normal election process of any person in the organisation and can seek office in that way, but there are none who have done that at this point.¹³³

6.141 However, a number of witnesses stated that the workers' committees which did exist had not been of much assistance to workers.¹³⁴ In part this could have been the result of the inexperience of workers and their inability to use a committee or to develop their arguments for improving a number of working conditions. This problem was seen as gradually being overcome by better training and by workers' gaining practical experience.¹³⁵

6.142 Another reason for the ineffectiveness of some workers' committees was that they were not in possession of power and were considered 'very tokenistic'¹³⁶ and

. . . do not seem to be based on the legislation, and there has not been much consultation carried out.¹³⁷

6.143 Another organisation noted that although there was general concern to meet employees' participation requirements, as well as other aspects of workers

133. *Transcript of Evidence*, p. 4268 (Endeavour Foundation). See also *Transcript of Evidence*, pp. 164-5.

134. *Transcript of Evidence*, p. 70 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

135. *Transcript of Evidence*, p. 358 (Phoenix Society Inc.).

136. *Transcript of Evidence*, p. 76 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

137. *Transcript of Evidence*, pp. 76-7 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

conditions, there were often legal impediments to consumers being on boards of management.¹³⁸

6.144 Again, proper consultative procedures and valid worker representation is an integral part not only of the *Disability Services Act* Principles and Objectives but of the Minimum Outcome Standards originally to be agreed to by August 1991¹³⁹ and now to be in place at 30 June 1992 for funding to be continued. Hence, while a number of workshops in the past and at present may not have established effective committees/consultative processes, this problem is likely to be overcome for some workshops in the near future.¹⁴⁰

Occupational health and safety

6.145 The issues of both occupational health and safety, and of receiving award conditions (if not wages) were ones raised quite often. There was little specific evidence in submissions or at public hearings detailing the problems that currently existed. That they did in the recent past, however, particularly with relation to health and safety standards, has been stated by a number of organisations and individuals.¹⁴¹ ACROD representatives stated that most member organisations met State regulations with respect to health and safety¹⁴²:

we are supervised by the Department of Industrial Relations. Our organisation has 500 people with disabilities and we have occupational health and safety committees. We also have a safety manager whose sole duty is to ensure that we are meeting the criteria of the government department and the law and, I would say once again, there is probably a majority of services that are doing and fulfilling those obligations. If some are not, I can assure you that they are probably in the minority.¹⁴³

138. *Transcript of Evidence*, p. 4983 (ACROD Limited).

139. Minimum Outcomes Booklet, pp. 17-18, 21-22.

140. Opening address to 1991 ACROD National Convention by the Minister for Health, Housing and Community Services *Australia and Disability - Where to Now?*, p. 7.

141. *Transcript of Evidence*, pp. 3771-2 (Dr J. Black), p. 4873 (Disability Advisory Council of Australia).

142. *Transcript of Evidence*, p. 4272 (Endeavour Foundation), p. 4982 (ACROD Limited).

143. *Transcript of Evidence*, p. 4982 (ACROD Limited). See also *Transcript of Evidence*, pp. 1450-1 (ACROD Limited).

6.146 Submissions from the Disability Advisory Council of Australia (DACA)¹⁴⁴ and SAID¹⁴⁵ (the latter with Trades and Labour Council input) stated that occupational health and safety issues were still current (for SAID, this referred especially to a phone-in held during June 1988). The South Australian Trades and Labour Council produced an occupational health and safety booklet for people with disabilities (primarily intellectual disabilities) as a result of the inspections which were carried out in 1988¹⁴⁶, and a major service provider referred to available publications which service providers needed to be made more aware of.¹⁴⁷ The evidence of HREOC¹⁴⁸ referred to occupational health and safety issues briefly; more information was provided in the research undertaken for HREOC by NCID.¹⁴⁹

6.147 That lack of knowledge about occupational health and safety issues was a problem was indicated by Bedford Industries representatives¹⁵⁰, and this was specifically that of employer responsibilities and liabilities. The organisation also stated, however, that occupational health and safety issues were a matter of choice as far as employees were concerned.

We would be like any other employer though: we would not necessarily be perfect because it is still individual choice. You could have an individual who just does not wear earmuffs in an area where he should, or one who will not wait for a trolley but will pick up in excess of 14 kilos in such and such a fashion when he should not be doing so. These sorts of things, as you would be aware, are prevalent in industry in general and we are no exception . . .¹⁵¹

6.148 In general, workshops in South Australia indicated that there were minimal problems with occupational health and safety standards.

144. *Transcript of Evidence*, pp. 4796-4870 (Disability Advisory Council of Australia).

145. *Transcript of Evidence*, pp. 70-91 (Self Advocacy for Intellectually Disabled People in S.A. Inc.).

146. *Transcript of Evidence*, p. 76 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.). Discussions between the Secretariat and the South Australian Trades and Labour Council in Adelaide on 30 October 1990.

147. *Transcript of Evidence*, p. 163 (Bedford Industries Rehabilitation Association Inc.). See also *Transcript of Evidence*, p. 4359 (Department of Family Services, Queensland).

148. *Transcript of Evidence*, pp. 5916-17 (Human Rights and Equal Opportunity Commission).

149. See above, Chapter 3, Footnote 53.

150. *Transcript of Evidence*, p. 163 (Bedford Industries Rehabilitation Association Inc.).

151. *Transcript of Evidence*, p. 163 (Bedford Industries Rehabilitation Association Inc.).

We try to encourage safe work practices; we provide safety training for people both in terms of their initial training to operate machinery or in terms of general awareness training in safety issues. We are currently assessing the situation in relation to general protective clothing. Where people are working in an area with corrosive materials or things like that then we provide protective clothing for them, quite clearly, but we are looking at the wider question as to whether people who work in woodwork areas and get a bit of sawdust on them should be provided with overalls and things like that. They are the major ways in which it is done. In each of our plants there is a staff member who has a specific responsibility for safety procedures, including evacuation procedures and all the rest of the stuff. Fire drills are carried out regularly. Safety is given a fairly high priority in terms of the life at Phoenix.¹⁵²

6.149 Nonetheless, the same organisation also conceded, if implicitly, that standards had not previously been high.

There have been a number of cases over the last few months where we have responded very quickly to some situations that needed to be addressed.¹⁵³

6.150 However, most evidence referred to problems in the area without providing great detail. Verbal and written evidence available to the Committee, therefore, was supplemented by Committee visits to various types of employment options. In some of the visits to sheltered workshops, it appeared that occupational health and safety standards were not high; the accident and ill-health rate resulting from this would require separate study, and would also need to be compared with the rates for open employment for non-disabled workers, especially given earlier reference to a high rate of work-related accidents for groups such as people of non English speaking background.¹⁵⁴

6.151 The responsibility for occupational health and safety standards inspections rests with State governments.¹⁵⁵ Insofar as standards have not been maintained,

152. *Transcript of Evidence*, pp. 351-2 (Phoenix Society Inc.).

153. *Transcript of Evidence*, p. 351 (Phoenix Society Inc.).

154. See above paragraph 2.30.

155. South Australian workshops were exempt from award conditions. See *Transcript of Evidence*, p. 34 (South Australian Government) and see *Ronalds Report*, p. 157 (9.11) and p. 153 (9.4). The ACTU conceded that its own involvement in sheltered workshops in respect of health and safety standards had not been great. 'Unions have been lax over the years in going into these areas because of the legislative prohibitions that they cannot be faced' (*Transcript of Evidence*, p. 5509 (Australian Council of Trade Unions)). See also the recent move into the coverage of workers with disabilities referred to above at Footnote 131.

as was indicated by one witness¹⁵⁶ this would obviously require intervention of the relevant authorities. One of the reasons given for poor standards in workshops, however, was the absence or ineffectiveness of workers' committees which were seen as *potentially* an important work-based source of standards, but as currently not particularly effective because of the lack of knowledge of the law and lack of experience of workers.¹⁵⁷ This could manifest in a number of ways, including lack of knowledge about the process required for an inspection. The development of advocacy services, particularly self-advocacy, by a number of groups is an effective means of providing training in this area. Acceptance by workshops of Minimum Outcome Standards should also contribute towards overcoming occupational health and safety problems. Publications such as those produced by the Intellectual Disability Rights Service are also extremely invaluable, both in providing information and in encouraging people with disabilities to stand up for their rights.¹⁵⁸

Recommendation

The Committee RECOMMENDS:

9. That all occupational health and safety standards in all sheltered workshops be developed and maintained under the State and Territory legislation developed to complement the *Disability Services Act*. No exemptions should be available because of an organisation's 'charitable' status.

Management practices

6.152 Clearly, the issues of wages, training, skills and worker satisfaction is closely related to the issue of management practice, and the McConnell and Pretty report¹⁵⁹ noted that management in sheltered workshops tended to be poor. Submissions and evidence presented to the Committee gave little explicit evidence of poor management practices or indeed of the operations of sheltered workshops at all. Implicitly though, much of what was discussed in more general terms indicated that the operation of some workshops required improvement.

156. *Transcript of Evidence*, p. 4883 (Disability Advisory Council of Australia). This witness, however, came from South Australia, and conditions cannot be seen as the same across the States.

157. *Transcript of Evidence*, pp. 70, 75, 76 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.), p. 4883 (Disability Advisory Council of Australia).

158. Intellectual Disability Rights Service (IDRS), *Your Rights at Work* (Sydney, 1987), especially Chapter 7, and *Protecting Workers' Rights* (Sydney 1987), Chapter 5.

159. *op. cit.*

6.153 Under the *HPAA* 1974 the workshops previously received substantial funding for capital and for staff¹⁶⁰, and staff funding ratios appear to have been generous (including subsidies for all workshop staff and not just those directly involved with employees). However, accountability processes were limited primarily to ensuring that funds provided had been spent as directed and, in respect of employees, that particular procedures were operative. Such program evaluation as existed was therefore based on inputs rather than qualitative outcomes for clients.¹⁶¹ One witness, with several years' experience in sheltered workshop operation, considered that accountability in general was limited.

The moneys that Government provides to employment services ought to be spent on services that lead to the individual gaining a good job or getting good pay, and that is what I mean by accountability.¹⁶²

6.154 Clearly this was a government intention, as is manifest in the administrative manual for Departmental officers. For example, the purpose and objectives of sheltered workshops are clearly stated¹⁶³ and a detailed series of instructions were provided by which particular aspects of operations relative to objectives were to be followed. This is only to say, however, that, given the number of workshops approved, staffing difficulties and a limited awareness of performance indicators and outcomes, the theory of the manual was often not put into practice.

6.155 Technically, the Department accepted the responsibility for protecting workers from exploitation¹⁶⁴, through ensuring that they received an adequate wage, based on productivity. In reality, this responsibility was not met if claims that high productivity rates were not appropriately remunerated is true.

6.156 That business methods of sheltered workshops required improvement is suggested by the Department of Community Services and Health's production in 1985 of a basic accounting manual. This work was considered by the author to be 'an explanation of accounting and its reports for those who . . . do not have a background in accounting . . .'. This would appear to suggest that many workshops did not have much idea of required accounting practices, and that they had not been

160. See Department of Social Security Manual of Instructions for Administration of the Handicapped Persons Welfare Program 1981, Section 4.F.1 (hereafter cited DSS Manual of Instructions).

161. S. Topple, *Accounting and Financial Reporting for the Sheltered Employment Industry*, Canberra, 1985, forwarded to the Committee by the Department.

162. *Transcript of Evidence*, p. 3768. See also p. 3769 (Dr J. Black).

163. DSS Manual of Instructions, Part 2, Section 2.C.1.

164. *Transcript of Evidence*, p. 3768; see also p. 3767 (Dr J. Black). See also below, Paragraph 6.160. State governments, however, had responsibility for occupational health and safety issues.

obliged to demonstrate such practical knowledge in the operation of the workshop as a viable business.¹⁶⁵

6.157 The type of evaluation process in practice was referred to by ACROD representatives in their evidence to the Committee in 1989.

Prior to that [approximately April 1989] there was no forward evaluation process, other than people thinking we were doing a good or a bad job . . . visiting the facility to have a look occasionally.¹⁶⁶

6.158 Accountability for income generated through production appears to have been in-house only. The same witness as abovementioned at Paragraph 6.153 stated:

I worked with one organisation for nearly four years. That organisation was getting a lot of money from the Government, and during that time I can recall one visit from the Department of Community Services and Health where they were trying to find out what was happening to the money.¹⁶⁷

6.159 Therefore, while all organisations were required to maintain separate books of accounts and provide regular statements of income and expenditure to the Department¹⁶⁸, some statements were presumably of a general nature however much a 'clear and accurate' account was desired by the Department.

6.160 Consequently, while the possibility of cross-subsidisation of services existed it was not considered a matter for the relevant Department to investigate. It is the extent and use of this income which would require more detailed study in any effort to determine the extent of cross subsidisation, inefficiency, and consequent loss to employees of income that could have been received through higher wages.

6.161 Very few witnesses raised the issue of possible cross-subsidisation of services, or the investment of funds into other areas.¹⁶⁹ One who did raise the matter was a person with a disability who was concerned about the lack of accountability of organisations.

I have suspicions that some sheltered workshops, which are very big, have investments in other cities that have nothing to do with disability whatsoever. Should they be making those sorts of investments or

165. S. Topple, *op. cit.*, p. 1.

166. *Transcript of Evidence*, p. 1468 (ACROD Limited).

167. *Transcript of Evidence*, p. 3768 (Dr J. Black).

168. D.S.S. Manual of Instructions, S.2.C.10. See also 2.C.10.3.

169. *Transcript of Evidence*, pp. 49, 51 (South Australian Government).

should they be returning a large proportion of those funds to their employees?¹⁷⁰

6.162 Bedford Industries appeared to suggest that the substantial income generated by its businesses was used in a number of ways that were not related to wages, but were seen as essential given the nature of the organisation. The organisation considered that commercial bodies did not have to provide staff support and hence would be likely to make a profit.

You could have another organisation that undertakes a similar sort of task that does not come from the specific social caring background, bearing in mind that anybody involved in human services would start from that principle, where the utilisation of funds to achieve the particular outcomes are less because they are putting things in a more structured financial, business or whatever is appropriate sense.¹⁷¹

We tend to have a few substantial service providers in South Australia. Very few of them have substantial liquid assets; in other words, any surpluses that they generate they convert directly into benefits, facilities, wages, et cetera, as they go along. They are not in the business of providing surpluses which are tucked away somewhere.¹⁷²

6.163 The organisation stated that its funds sponsored the Chair of Rehabilitative Medicine at Flinders University and the position of Research Fellow in Psychology at the University of Adelaide. In response to a direct question from a Committee member, the organisation representative stated that such support was a 'comparatively small percentage of our operations',¹⁷³ but indirectly conceded that such money could otherwise have gone into wages.

6.164 While this may be seen as an instance of 'benevolent' usage of service incomes, it would be essential in the future to ensure that this type of subsidisation of other services did not occur if it meant that genuine productivity-based wages were not being paid.

170. *Transcript of Evidence*, p. 49 (South Australian Government). Cross subsidisation is obviously not limited to sheltered workshops – see Paragraph 6.15.

171. *Transcript of Evidence*, p. 148 (Bedford Industries Rehabilitation Association Inc.).

172. *Transcript of Evidence*, p. 149 (Bedford Industries Rehabilitation Association Inc.).

173. *Transcript of Evidence*, p. 154 (Bedford Industries Rehabilitation Association Inc.).

Recommendation

The Committee RECOMMENDS:

10. That effective auditing processes be a requirement for all funded services for people with disabilities and that the Department of Health, Housing and Community Services also undertake random auditing to ensure that cross subsidisation is stringently limited.

6.165 In responding to a question, a witness stated that there had been concerns about charitable organisations' accountability requirements.

We need to be examining very carefully the difference between the fundraising efforts of some of these organisations and what they do, the numbers of people who are employed there, the levels of salaries that those people are involved in, and the actual outcome of benefit to the people whom they are all meant to be doing this effort for. There is a huge industry built around the disability area. It is bigger than any of the others.¹⁷⁴

6.166 At this point in time, there would appear to be little benefit from a detailed examination of the past accounts of sheltered workshops, nor indeed is this likely to be possible. What is possible, and essential, is for the Department of Health, Housing and Community Services to ensure that effective accountability processes are in place and are maintained systematically in all future funding, including that for new employment options. In addition, a continuing realistic assessment of funding levels needs to be maintained, and in respect of sheltered workshops, this could take into account their existing capital assets.

Recommendation

The Committee RECOMMENDS:

11. That all funded services, including sheltered workshops in transition, establish appropriate accountability procedures, including use of capital and other assets.

6.167 The actual efficiency of production is also difficult to assess through either submissions or oral evidence. ACROD stated that some workshops generated a substantial part of their own income, up to 80 per cent, and hence depended on the Department for only 20-25 per cent income subsidy.¹⁷⁵ However, this in itself is no indication of efficient management practices or otherwise, and the detail of what this income was spent on was not specified. That part of it went into training and

174. *Transcript of Evidence*, p. 51 (South Australian Government).

175. *Transcript of Evidence*, p. 1456 (ACROD Limited). See also *Transcript of Evidence*, pp. 4251, 4267 (Endeavour Foundation).

other services which, it was claimed, were not funded by the Department, was apparent from other evidence.¹⁷⁶

6.168 As suggested above, some organisations which run multiple services and which operate as commercial services, should have some areas of operation which could theoretically provide award wages to staff (including people with disabilities). Because they did not, the issue is raised whether they were effectively commercial, or whether the profits generated were re-directed to subsidise training/development, or the wages/salaries of other areas. One witness suggested that poor management would have been a causal factor of low wage levels.

There are clearly no trained staff in those workshops. If there were, people would not be earning \$5 a week -- they would be earning substantially more.¹⁷⁷

6.169 To the extent that inefficient tendering as well as production may reduce income, workshops may have contributed to a reduction or loss of income through inexperience or through a belief that commercial viability was not always a priority. ACROD representatives stated that their business tendering was on a commercial basis¹⁷⁸ and so did Bedford Industries.

We work within industry as opposed to working as an adjunct of industry, and we are perceived to be part of industry not only as a competitor but also a resource provider inasmuch as we train and place people.¹⁷⁹

6.170 This may not always have been the case with all workshops, nor is there a clear statement that workshops' 'competitiveness' could have been based on a higher profit margin than that of commercial organisations (depending on the level of skill of workshop employees). In some areas, such as pallet making, the greater part of such contract work is done by sheltered workshops, who are not perceived as asking commercial rates and who in effect undercut each other for a job which generates little income.¹⁸⁰ One witness suggested that the poor management practices of some sheltered workshops reflected their attitude towards people with disabilities, and that it was necessary to improve management in order to improve image. In referring to poor-paying contracts, the witness stated:

It is not necessary for sheltered workshops to take on those contracts. The reply that a sheltered workshop management will make is, "Well,

176. See above, Paragraphs 6.96, 6.162.

177. *Transcript of Evidence*, p. 700 (Centacare).

178. *Transcript of Evidence*, p. 4988 (ACROD Limited).

179. *Transcript of Evidence*, p. 156 (Bedford Industries Rehabilitation Association Inc.).

180. Secretariat discussion with Disability Services Program staff, 21 May 1991.

we will not have any work for people if we knock back that contract". My reply to that person would be to try it and see. I do not believe the assumption that you cannot get other work. It really does come down to what sort of a business person you have at the top and how tough he is . . . the person with a disability is more likely to suffer damage from doing that kind of work than the person who does not have negative things already associated with him.¹⁸¹

6.171 Workshops could therefore have generated good income which did not go directly in wages; and undertaken unprofitable jobs, and with a mixture of both, hoped to even things out.

I think perhaps they have to improve their management, or to find a contract that pays higher. Doing computer work is higher value per time spent than soldering stuff . . .¹⁸²

6.172 Other research has indicated that in the past a number of sheltered workshops have not operated on a commercially viable basis.

Like other businesses, workshops need to recognise that quality, service and delivery on-time are selling points, just as much as price. There have been few incentives for workshops to strike the best price. The dominant concern has been the availability of work, sometimes at any cost.¹⁸³

6.173 Other indirect evidence as to management practices is indicated by the use of unsafe machinery and workplaces and by inefficient layout. Further evidence of these problems was gained from Committee visits to workshops as well as from submissions. However, in the case of visits to services, there was no necessary connection between what was observed and the successful or other operation of specific services if the organisation did not provide a submission or give oral evidence. The existence of inefficient production processes, however, is a clear indicator that high productivity for some workshops was either not a priority or was not feasible because of the level of disability of the workforce. One consumer organisation saw sheltered workshops' more recent attempts to become financially viable as basically 'at the expense of peoples' disabilities'. For this organisation, sheltered workshops should have as a 'primary aim' the enabling of workers to gain open employment, rather than financial profit.¹⁸⁴

181. *Transcript of Evidence*, p. 3771 (Dr J. Black).

182. *Transcript of Evidence*, p. 90 (Self Advocacy for Intellectually Disadvantaged People in S.A. Inc.).

183. J. Black, B. Harrison and H. Ziegler, *loc. cit.*, p. 56. See also *Transcript of Evidence*, pp. 45-7 (South Australian Government).

184. See *Transcript of Evidence*, p. 5617 (DEAC - Disability Employment Action Centre).

6.174 The areas in which cost-effectiveness (or possible cross subsidisation from a more to a less productive area) may exist are not clearly defined by any of the major groups involved, nor was there much evidence on the extent to which workshops concentrate higher skilled staff in more profitable areas and have less skilled and/or more disabled workers in routine and possibly low income tasks. However, the mix of skills in some sheltered workshops suggested that both these practices occurred, with higher skilled workers effectively subsidising less skilled. One organisation stated that it contracted for low skill jobs to provide places for a greater number of people who might otherwise not receive any service.¹⁸⁵ Such practices may deprive some workers of the opportunity to utilise high level skills and almost certainly deprive them of additional wages if they are in fact managing or 'carrying' other staff.

6.175 Some practices of management appear to have been avoidable but the extent to which workshops felt locked into production types and methods which are no longer viable may also have been a factor inhibiting change. If work standards, work attitudes, interpersonal relationships and effective supervision are low, the workshop is unable to develop individuals as fully as it might, especially in areas which are commonly seen as 'adult' and 'responsible' (for example, being on time, getting on with others). The development of these practices within the context of normal work patterns – task classification, work performance standards, work performance measurement, and a relationship between work performance and pay¹⁸⁶ – would be necessary in order to develop equity across sheltered employment services and to establish the basis for award rates. However, the extent to which this is possible in both the short and long-term during the transition process will depend on funding, the level of commitment to training and to modern business methods, and on the nature of different work-forces. In this respect, the long overdue National Technical Assistance Unit (NTAU) should be able to provide essential advice on effective business operations.¹⁸⁷

6.176 The Unit 'will offer organisations the best available practical advice on innovative alternatives to sheltered employment, the technical expertise to deal with financial management, business development and marketing in a competitive commercial environment, and the strategic planning skills to manage and implement change'.¹⁸⁸ The Unit will receive funding of \$3.1 million over ten years and currently has two staff and a project officer.¹⁸⁹

185. *Transcript of Evidence*, p. 4237 (Endeavour Foundation). Such jobs would include those utilising manual rather than mechanical labour, so that the job would be labour-intensive.

186. McConnell and Pretty, *op. cit.*, p. 28.

187. See also Paragraphs 6.152-6.163.

188. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services, at the official launch of NTAU, 5 July 1991, p. 1.

189. Senate *Hansard*, Estimates E, 12 September 1991, p. E205. See also Recommendation 6 of this Chapter.

6.177 The benefits of a Unit of this nature will no doubt be considerable, and essential to the transition process. There are, however, at least two points which should be made about its establishment at this point. Firstly, it is intended to provide the type of assistance that needed to be provided, at least immediately prior to the introduction of the *Disability Services Act*, if not long before. Secondly, workshop representatives have indicated on several occasions their interest in evaluation and in better business methods¹⁹⁰, their awareness of the conflict between different aspects of the HPAA and the difficulty in providing various services. The earlier establishment of a support organisation might have helped to avoid some of the worst aspects of confrontation that have been evident virtually up to the present. In this context, the Minister's statement that 'the recent past has also identified significant impediments for the sheltered workshop industry in the move towards greater employment options for employees', is an understatement.¹⁹¹

6.178 A substantial part of the adverse criticism of sheltered workshops relates to conditions which have now been changed or are in the process of being changed. This does not mean that sheltered workshops have been free of problems, or that a number of abuses have not occurred. Many sheltered workshops acknowledge that there have been problems, often serious ones, that a number of changes have occurred only through legislation and through the influence of consumer groups, and that in some instances attitudes and practices still exist which need to be changed. What they emphasise, and what is supported by evidence, is that some of the detrimental effects result from factors other than the management of workshops. In other words, a number of the problems were caused by a variety of factors, including previous government policy and a general lack of accountability requirements. Unless there is a recognition of this factor, the maintenance of a good working relationship between workshop management, consumers, consumer advocates and departments is less likely. As suggested above, there is an awareness of the multiplicity of influences, and of the different levels of quality of workshops.¹⁹² This should be the basis of a broad approach to overcoming residual difficulties, with an acceptance by a number of groups of joint responsibility for poor conditions and an equal acceptance by these groups of the need to work together to ensure better conditions in the future.

Issues

6.179 One of the major problems that needs to be addressed in the controversy about the role of sheltered workshops is the issue of responsibility. Essentially, the question of responsibility should be peripheral. However, this has not been the case, and considerable energy has been expended by all parties on this. Much time has

190. *Transcript of Evidence*, p. 1470 (ACROD Limited), p. 5378 (JobMatch).

191. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services, at the official launch of NTAU, 5 July 1991, p. 3.

192. See Paragraph 3.124.

been spent which could have been used more constructively to the benefit of people with disabilities. This has been wasteful procedure, tying up tangible and intangible resources and reducing the likelihood of organisations working effectively with the Department of Health, Housing and Community Services to achieve an end which all consider desirable.

6.180 From evidence presented to the Committee, both past and current problems are not the responsibility of one group only. As suggested above¹⁹³, the principles of the HPAA were possibly doomed in the absence of sufficient provision of management and business skills and proper accountability and evaluation procedures. This is a responsibility which must be shared by government and by service providers alike.

6.181 It is counter-productive to continue refighting old battles. Where the issue of responsibility does assume importance must be in the consideration of current issues and of the future needs of people with disabilities. In this respect, it is essential to clarify the controversy surrounding the transition of sheltered workshops and the acceptability, or otherwise, of various models, and indicate the extent to which the differing viewpoints have hindered or assisted the implementation of the DSA.

6.182 Neither sheltered workshops nor activity therapy centres were to continue under the *Disability Services Act*. Prior to the announcement in mid November 1991 of an extension of three years to the transition period¹⁹⁴ all existing services were expected to at least be in a transition process by 30 June 1992, a move which many opposed.

The transition process – as we have said many times and has been said by the Ministers, particularly the previous Minister, Neal Blewett – is not about closing down services or de-funding existing services in line with the principles and objectives of the Act. We have said on many occasions – and we repeat it for the record – that many of the service providers providing services under the traditional models have done a very good job and have produced, in many respects, very good services that were perhaps right for the time. They have made a significant contribution to community in doing that. They were funded very substantially by the Government to do that – to set up activity therapy centres and sheltered workshops.

The Department and I believe that we have moved on from that. We are now looking at a new way of providing services which focuses more on outcomes, training, and more on developing services which can deliver real wages which will allow individuals to break the cycle of dependence on income maintenance. It is in this area that we want to

193. See Paragraphs 6.88-6.90.

194. 'Human Rights – Beyond Welfare', opening address by the Minister for Community Services and Health, the Hon. Brian Howe, MP, at the 1990 ACROD National Convention/AGM, p. 7.

focus the new services and we want to move the existing services along those lines. Many existing organisations will remain as vitally important service providers. They will probably be doing different things, perhaps in different locations, for different people. We certainly welcome the continued involvement of existing and traditional service providers in providing opportunities through the new employment services and in modifying their existing services to fit the new models.¹⁹⁵

6.183 This process was later expressed more in terms of a commitment by organisations to the principles of the *Disability Services Act*, within a particular time frame, as was emphasised by the Minister for Community Services and Health in late 1990:

The Principles and Objectives of the *Disability Services Act* are operational guidelines that cut right to the heart of real change. They are not satisfied by the simple device of renaming service types, cosmetic alterations or the illusion of change.

I say this because it is very easy to stop short of what is really achievable for people with disabilities. Because of my concern that some will stop short of achievable change I have indicated to ACROD officials that the concept of the factory model and of a special review process for some service types cannot be supported.

I am firmly of the view that if, as is claimed, these services are producing quality outcomes in line with the *Disability Services Act* then they will be able to justify ongoing funding under the DSA.

Equally, however, I will not agree to the transfer of any service to Section 10 funding until I am satisfied that it has been properly reviewed and that it will further the Principles and Objectives of the Act.¹⁹⁶

6.184 This approach has also been stated a number of times by Departmental officers. More recent developments included the production of the Minimum Outcomes Standards booklet (originally to be signed by August 1991) which committed organisations to observe the principles of the *Disability Services Act*; and the promise in November 1990 to establish the National Technical Assistance Unit to 'provide expert technical assistance for the transition of sheltered workshops to eligible supported employment or competitive employment, placement and training

195. *Transcript of Evidence*, pp. 4739-40 (DHH&CS).

196. Speech, Human Rights – Beyond Welfare', *op. cit.*, p. 14.

services . . .'.¹⁹⁷ This service became operational in mid June 1991, and was officially launched on 5 July 1991.¹⁹⁸

6.185 Much of the controversy surrounding the issue of sheltered workshop employment as opposed to other forms of employment for people with disabilities has been expressed dramatically, with emphasis placed on sheltered versus open employment and on the availability of support for some and not for others. Prior to the Minister's announcement of November 1991, there was considerable uncertainty for many people as to the fate of workshops after 30 June 1992. This was the case both for employees and some support organisations and parent groups, as well as some service providers. This anxiety had not been dispelled by the development of the Minimum Outcome Standards and a timetable for the acceptance of these¹⁹⁹, although the statements made by the Minister at the official launch of the NTAU may have contributed to reducing the fears of consumers.²⁰⁰

6.186 The issue of transition raises a number of questions about access and equity, and about what is a reasonable rate of transition, both in relation to available funds and services available to clients. Transition in itself, with the exception of a minority of services, appears not to be a problem. It is the time frame, and what must be achieved during that time frame, that appears to have been the centre of disagreement about acceptable and responsible behaviour that has produced considerable tension over the past few years. On the one hand, some organisations believed that the move towards new services, while laudable, was not always properly thought through. Implementation of the DSA, stated the West Australian Special Schools Parent Action Group was 'being carried out according to a "theory" without practical issues being addressed'.²⁰¹ Another consumer organisation, while stating clearly that there was little support for the continuation or expansion of segregated employment services for people with intellectual disabilities and considerable support for the new models outlined in the DSA, emphasised:

That said, there are widespread [concerns] that the delays and confusions inherent in the implementation of major changes required by the DSA . . . are not tenable within the timeframe imposed by the Act, and are unlikely to be successful without significant increases in funding support. National Council has long argued that government resources allocated to the support of people with intellectual disabilities are inadequate to meet existing needs, let alone keep pace

197. Ministerial News release, 22 November 1990.

198. Ministerial News Release, 16 June 1991 'National Technical Assistance Unit Begins Work'. See above, Paragraphs 6.176-6.177.

199. See Paragraphs 6.294-6.297 where proposed changes to the DSA are listed.

200. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services, at the official launch of NTAU, 5 July 1991.

201. *Transcript of Evidence*, p. 5247 (WA Special Schools Parent Action Group).

with growth in client numbers and desires for improvement in services.²⁰²

6.187 What is apparent is that through confusion, lack of clarity, or deliberate misinformation in a few cases, the time period during which transition had to commence became identified with the total time which organisations had to complete the transition process. Further confusion arose about what transition actually involved so that some organisations which believed they had no trouble with the perceived time limit, appeared not to understand what they had to do within five years, and beyond.

6.188 In mid 1989 ACROD summed up some of the difficulties service providers faced:

Perhaps the overriding feature of the last two years, or 18 months, has been a lack of clarity and perhaps a lack of consistency in some of the messages from the Department on this important question of the future of sheltered workshops and ATCs. In November 1988 the Minister made a very important speech at the ACROD convention, where he said categorically that there would be no defunding of sheltered workshops and ATCs in 1992. This statement was very much welcomed by those in the field. He did say, at the same time, that there would be need for many to undergo change in the way they operated in their structure or location, but those in the field also took that message to say that no doubt it also meant that there would be many that were producing those good consumer outcomes that would not have to undergo change in their structure, et cetera. But it does seem now that perhaps that was a misapprehension and the Minister himself has said to our President that he regrets that there has been any misinterpretation of those remarks.

It seems as though the Department message now is very much that as at 1 July 1992 certain models will have been changed, or at least there will have been a very firm commitment to change, which is not quite what a lot of those in the field had understood.²⁰³

6.189 ACROD noted at the same time that the process of change was complex and that perhaps not enough preliminary/preparatory work had been done to identify needs or possible problems which could affect transition.²⁰⁴

202. *Transcript of Evidence*, p. 1298 (National Council on Intellectual Disability). See also *Transcript of Evidence*, p. 4265 (Endeavour Foundation).

203. *Transcript of Evidence*, pp. 1438-9 (ACROD Limited).

204. *Transcript of Evidence*, pp. 1439-40 (ACROD Limited).

6.190 In evidence to the Committee at the same time representatives of the Department noted that while the transition period was five years²⁰⁵ it would continue beyond that date 'as long as organisations have made clear moves towards moving to the new service types'.²⁰⁶

Existing organisations remain as vitally important as service providers. It is quite possible that they will be doing different things to different people in different locations, and that is part of what we are on about.²⁰⁷

6.191 The actual time factor involved in transition therefore, was not limited to the five-year period up to 30 June 1992. This was not evident to one organisation which was already in transition in 1990. 'They gave us five years but some of these people need 10. You do not have the time.'²⁰⁸ Yet, another organisation was well aware in 1989 that the actual transition process was more gradual.

I think with one of the major initiatives that has been taken in the employment area, we were very much in a confrontation situation over the future of sheltered workshops. A number of organisations that were affiliated with us were certainly very concerned about the future. The interpretations that were being given at that time appeared to say that by 1992 organisations either would demonstrate that they are implementing the principles and objectives and have achieved this, that and the other, or else funding would cease. We believe we have moved a long way since that. Certainly, the more recent stance that has been taken and, we believe, the more appropriate interpretation, is that organisations must demonstrate actions which further the principles and objectives of the Act, rather than achieve them. That has made an enormous difference.²⁰⁹

6.192 Again, the extent of responsibility to be borne by different parties in the controversy over transition is not a matter to which considerable time should be devoted. Nonetheless, it is a matter which needs to be highlighted, because it has caused so much distress and because the arguments about Departmental theorists and lack of practicality clearly relate to some uncertainty about what had to be achieved by 1992 as opposed to what might be achieved later. These arguments are

205. *Transcript of Evidence*, p. 1524 (DHH&CS).

206. *ibid.*

207. *ibid.*

208. *Transcript of Evidence*, p. 4480 (Australian Red Cross Society, Queensland Division).

209. *Transcript of Evidence*, p. 1322 (National Council on Intellectual Disability). See also *Transcript of Evidence*, p. 1464 'organisations are expected to progress towards transition and to have in place, if not necessarily have actually moved over, but to have in place, these transition plans. So they will not be disadvantaged as long as they are seen to be willing to seek change' (ACROD Limited).

an indication that, at the least, there was not sufficient understanding of the distinction made between the commencement and the conclusion periods.

6.193 Whether through real or apparent misunderstanding, transition has allegedly proceeded in a sometimes confrontationist manner, with some Departmental officials being seen as rigid and inflexible, concerned with ideology and insufficiently aware of practical problems and how to deal with them²¹⁰; and with some service providers being seen as equally inflexible, unwilling to move towards new options or to offer services which incorporated the DSA principles. In referring to this, the National Council on Intellectual Disability submission claimed that problems in implementation of the *Disability Services Act* were 'compounded by the suspicion and misinformation produced by both departmental and agency bigotry'.²¹¹ Another witness referred to 'some prescriptive stances being taken by the Department of Community Services and Health regarding the definition of service types'.²¹² Organisations indicated that they had had differences of opinion with the Department²¹³, that the Department line had changed²¹⁴, and that there had been a confusing variation in approach.

Concerns were expressed about the Handicapped Persons Assistance Act. Concerns were expressed that things were too rigid. Then we found ourselves in a situation where nothing was firm and legislation was subject to interpretation. Different opinions were being expressed. Some of those opinions were for very hard-line change . . . There was, and probably still is, great suspicion within some parts of the Department that propositions made by organisations are simply seeking to perpetuate the status quo, with cosmetic changes. Similarly, the Department probably views some actions including actions by the National Council as seeking to defend what is. National Council tends to view actions by the Department as being unrealistic.²¹⁵

6.194 The Minister has said 'I readily acknowledge that Departmental project officers have in some cases been inexperienced and lacked sufficient understanding

210. *Transcript of Evidence*, p. 696 (Centacare).

211. Submission No. 103, p. 2 (National Council on Intellectual Disability). See also *Transcript of Evidence*, pp. 1560-1 (DHH&CS).

212. *Transcript of Evidence*, p. 139 (Bedford Industries Rehabilitation Association Inc.). See also *Transcript of Evidence*, pp. 345-6 (Phoenix Society Inc.), p. 1180 (Professor T.R. Parmenter), p. 1468 (ACROD Limited), p. 1560 (DHH&CS) and Chapter 3 above, especially Paragraphs 3.75-3.76.

213. *Transcript of Evidence*, pp. 1327-8 (National Council on Intellectual Disability).

214. *Transcript of Evidence*, p. 1322 (National Council on Intellectual Disability).

215. *Transcript of Evidence*, p. 1328 (National Council on Intellectual Disability).

of the history of particular services'²¹⁶, although he has also stated that 'there have been problems on the part . . . of service providers'.²¹⁷

6.195 Part of the confrontationist atmosphere has been based on the view that organisations are deliberately resisting change; that they have created a profitable business which they do not wish to lose; and that single-handedly they exploited people with disabilities over a number of years. While there may be elements of truth in this scenario, it is essential to remember that some of the differences of opinion between the then Department of Community Services and Health and some service providers in respect of employment options arose from the considerable change in approach by agencies and others that different policies have required over a relatively short period of time. All societies change their ideas and their ways of implementing policies and philosophies, and social institutions are obliged to deal with such change as best as they can. As far as people with disabilities are concerned, the emphasis over a period of years has changed from not considering people with disabilities as fully human²¹⁸, to providing for them in institutional settings²¹⁹, to developing their skills/ambitions on the basis that they are, indeed, part of society.²²⁰ Elements of earlier attitudes persist, often requiring long periods of time to be overcome, as was suggested above²²¹, and often leaving service providing organisations in a state of uncertainty, unsure as to the beneficial outcomes and costs of new policy.²²²

6.196 More importantly, these changes were ones which also required new thinking, new approaches by departmental officials and by government. It has been conceded by Departmental officials that many of the more institutional aspects of services for people with disabilities developed as a direct result of Commonwealth funding superseding the smaller services developed by parents and other groups.

The Handicapped Persons Assistance Act 1974 (HPAA) encouraged organisations to establish large institutional settings in order to take advantage of available Commonwealth funding . . . Many programs had been initiated by parents when no Commonwealth funding was available. Organisations and institutions became larger and more rigid

216. Ministerial Speech 'Human Rights – Beyond Welfare', *op. cit.*, p. 13.

217. *ibid.* See also *Transcript of Evidence*, p. 1179 (Professor T.R. Parmenter), p. 1469 (ACROD Limited).

218. Royal Commission on Human Relationships, as quoted in *Transcript of Evidence*, p. 1477 (DHH&CS).

219. *ibid.*

220. *Disability Services Act*; see also *Transcript of Evidence*, pp. 477-8 (Jobsupport Inc.).

221. See above, paragraphs 3.46-3.47, 3.128-3.129. See also *Transcript of Evidence*, p. 1520 (DHH&CS).

222. *Transcript of Evidence*, p. 4215 (Epic Employment Service, M.O.R.E. Inc.).

in order to qualify for funding. The form of assistance provided, i.e. capital, building maintenance, rental and 50% salary subsidy – encouraged this process.’²²³

6.197 The then Department of Community Services and Health acknowledged that ‘the individual person with a disability tended to get lost, despite the original intention of the HPA(A)’.²²⁴ A number of workshops have been able to change their services over a period of time, including through the process of reverse integration²²⁵, and others are also providers of new employment options. However, some organisations based on these more institutional principles believe that they could not move quickly enough to suit new Departmental policies, however much they might wish to²²⁶, while others were not convinced that the new philosophy was tenable.²²⁷

Funding

6.198 Central to the argument about transition is the amount of money available to move to new services as well as the disagreement about what a ‘new’ service comprises.²²⁸ While a proportion of the apparent non-acceptance of transition funding must be related to the belief that available funding would only be provided during a five-year period, the funding issue is more extensive. It raises a number of issues about past service provision and past funding levels, and about the perceived inequity of future funds distribution and consequent limited access of people with disabilities to services.

6.199 Again, the controversy over funding must be seen within the context of a series of complex changes which often means considerable uncertainty. In 1989 a representative of NCID noted:

People in the non-government sector tend to regard government statements with a fair amount of cynicism, so I think the government is going to have to demonstrate to the non-government sector that it is sincere about its more recent statements, that organisations will not close overnight, that organisations which make moves towards adoption of the principles and objectives, that take action furthering

223. *Transcript of Evidence*, p. 1477 (DHH&CS).

224. *Transcript of Evidence*, p. 1477 (DHH&CS).

225. See above Paragraphs 6.125-6.126 and below Paragraphs 6.233-6.234.

226. *Transcript of Evidence*, p. 345 (Phoenix Society Inc.), pp. 1469-70 (ACROD Limited).

227. *Transcript of Evidence*, p. 4801 (Disability Advisory Council of Australia).

228. See Paragraphs 6.185-6.186.

the principles and objectives, will continue as organisations and will work cooperatively.²²⁹

6.200 *Per se*, there is no correlation between the development of new services and the absence of services for a number of people with disabilities, and this fact was noted by the same group:

to be fair, we would have to say that not enough attempt was being made anyway to deal with that. It is not simply an issue of, say, the transfer of service models; that is the problem. We, government and society, were not making enough effort anyway to deal with the numbers of new people and it is our belief that we would be facing a real problem now, regardless of whether the Disability Services Act came in or not, or whether we were still under the old Handicapped Persons Assistance Act, and we would still be facing an enormous problem of being unable to meet the demand from new clients.²³⁰

6.201 The actual limits of service provision is a long-standing problem, one which has been compounded both by a lack of data and by the former dependence on a submission-based funding model rather than needs-based planning. However, while it is important not to attribute to the DSA itself all problems that exist in the disability services area, it is essential for effective operation of the Act that there be appropriate recognition both of numbers *per se* and of the actual growth in numbers. 'It needs a lot of money to ensure that the same number of people relatively are getting a service.'²³¹

6.202 Certainly, the Minister's and the Department's public statements support the principle of universal access to rights and opportunities.

I want everyone . . . to understand one simple fact: the Federal Government is fully committed to providing a better deal for people with disabilities and ensuring that they have the same rights and opportunities as other Australians. I want you to be clear that we will not back away from this commitment which is part of our approach to social justice. There will have to be measurable improvements to the life opportunities available to people with disabilities and this government will ensure that this happens.²³²

6.203 However, this is still to be distinguished from universal service *provision*. Even though the relationship between funding levels and a five-year transition period is less dramatic than previously thought for some organisations, the issue of

229. *Transcript of Evidence*, pp. 1322-3 (National Council on Intellectual Disability).

230. *Transcript of Evidence*, p. 1331 (National Council on Intellectual Disability).

231. *Transcript of Evidence*, p. 1462 (ACROD Limited).

232. Ministerial Statement *Human Rights – Beyond Welfare* (1990) p. 7.

funding is necessarily one that reflects the non-entitlement basis of service provision. In this scenario, sheltered workshops felt that they were at a disadvantage for two reasons. The first reason was that they had not been fully funded in the past and hence had used their excess funds to provide needed services²³³ leaving limited cash reserves. The second was that new service types were being extensively funded and that, had the same funds been available to workshops, they would have been able to provide the same outcomes.

The sheltered employment industry in the past was criticised for not having a high enough placement record, but it really boiled down to resources. For example, for the last few years my organisation received funding for one placement officer for 250 people in two facilities. Doing that kind of thing just required resources and we are very pleased that the funding model for CETP is now in place to provide these resources and facilitate a higher percentage of people going into open employment.²³⁴

6.204 Their argument, therefore, in this as in other respects, is that with the same funds and the same staff ratios as supported employment or CETP services they would also be able to provide a similar service.

I would have to look at the figures of our funding per client, which is well under \$2,000 a head. If you try to compare a program of under \$2,000 with another program that is getting, say, \$4,000 or \$5,000 a head, you are not comparing apples with apples. If Endeavour Foundation and its sheltered workshops doubled its staffing, I would guarantee that we could have at least as good an outcome as in this other service type, if not better. It is a matter of how many hours one can spend with each individual as regards the outcomes, and if you underfund one and overfund another one, you cannot say then that we must all be like this, unless you are prepared to put those dollars up front.²³⁵

6.205 Many people would oppose this view, saying that the attitude of service providers was also essential to effective outcomes; but the absence or poor use of resources clearly has been a problem for sheltered workshops. For this reason alone, earlier assistance, such as is to be provided under the NTAU, would have been invaluable.

233. See above Paragraphs 6.96, 6.162.

234. *Transcript of Evidence*, p. 1452 (ACROD Limited). See also pp. 1453-4 (ACROD Limited). See *Transcript of Evidence*, p. 4470 (Australian Red Cross Society, Queensland Division).

235. See *Transcript of Evidence*, p. 4265 (Endeavour Foundation).

6.206 Few organisations approached the funding and transition problem with the apparent equanimity of Bedford Industries.²³⁶ In 1989, the organisation did not see itself as being required to change drastically. If it did, it considered that the required costs would have to be met by Government, otherwise there would be no change.

I am not worried, for the simplistic reason that, if something needed major changes, whilst we are very large we are not an organisation with substantial resources. We work within a prudent cash flow bearing in mind the size of our operations, and that would be understood and perceived. Let us suppose that major changes were involved. I said that on our main site we have two of our major businesses; I and others would quite love to put our furniture manufacturing operation somewhere else but to move a machine shop or things of that nature is extremely expensive. The only way, in effect, that someone from the Government can come along to me and say, 'You should not have this product operation on this particular site. It should be elsewhere', is to say, 'Also here I have half a million dollars – or whatever it is – to achieve that particular objective'. Otherwise it is not really a discussion that we need to enter into.²³⁷

6.207 The emphasis by this organisation on funding was on the differences created by different disabilities and on the apparent preference for a 'universalist' or holistic approach being more of an ideological bias than a desirable or realistic end.

The Disability Services Act defines, by its terminology and by its aims and objectives, a broad set of principles which I think are entirely appropriate and entirely acceptable to all. The problem is that disability, of course, is as broad as humanity itself. Thus it is very difficult, except in those broad terms as evinced in the Disability Services Act, to be very specific about a type of service, service delivery or a cost of delivery of service, because those literally are as broad as humanity is.²³⁸

6.208 The basis of funding was perceived by this organisation to be potentially inequitable, and their objection was based on the fact that different types of services required different levels of funding.²³⁹ The cost of one supported employment

236. Bedford Industries did not see itself as operating a series of sheltered workshops (except perhaps for its furniture manufacturing unit) but as running a number of businesses (*Transcript of Evidence*, pp. 157-60 (Bedford Industries Rehabilitation Association Inc.)).

237. *Transcript of Evidence*, pp. 158-9 (Bedford Industries Rehabilitation Association Inc.).

238. *Transcript of Evidence*, p. 141 (Phoenix Society Inc.).

239. *Transcript of Evidence*, p. 142 (Phoenix Society Inc.).

service was estimated at \$16,000 or \$17,000 per person.²⁴⁰ At the other end of the spectrum a lower sum was available, even though people might require higher or lower amounts for a similar outcome.²⁴¹

6.209 More realistic organisations expressed considerable concern about the funding that would be available, and the basis on which such funding could be allocated.

There is an expectation made of service providers, most of which are fairly traditional providers, that they must really lift their game substantially with no real increase in funding. I think that is simply not possible.²⁴²

6.210 However, it is clear that some organisations misunderstood the basis of funding, and a clear distinction needs to be made between *per client* and *per capita*, and between costs of service and notional costs of service.²⁴³

6.211 Recurrent funding for sheltered workshops is indexed to retain real value, although organisations expressed a need for additional capital which was no longer available.²⁴⁴ The funding of the new DSA services is placed on a *per capita* basis in respect of additional funding, with recurrent funding being maintained in real terms for ongoing services.²⁴⁵ It is important to note that this *per capita* basis was a direct response to the inequitable service distribution that existed. Previously, there was considerable variation in funding between States which did not reflect a real difference within the population of people with disabilities, and was more likely to reflect different developments of services and the inequity of a submission-based model. Consequently, funding for new services was devised to overcome such inequity. In addition, the financing strategy also incorporates a 'per client' approach which:

provides a mechanism to meet these objectives by focussing on the needs of the individual client in a way which facilitates greater accountability and comparability across and within service types. This approach promotes increased access to services for all eligible persons

240. *Transcript of Evidence*, p. 141 (Phoenix Society Inc.).

241. *Transcript of Evidence*, p. 142 (Phoenix Society Inc.).

242. *Transcript of Evidence*, p. 696 (Centacare).

243. See also above, Paragraphs 5.202-5.218.

244. *Transcript of Evidence*, p. 4264 (Endeavour Foundation), p. 4467 (Australian Red Cross Society, Queensland Division).

245. *Financing Strategy*, p. 1.

and enables the generation of data that will reflect the true costs of a service for the individual.²⁴⁶

The per client approach will enable the Department to ensure that people with severe or profound disabilities receive adequate priority in the funding process. While the legislation rightly places emphasis on positive client outcomes, there will be clients whose support needs are resource intensive, and where obvious lifestyle improvements will be more difficult to identify.²⁴⁷

6.212 The emphasis by some organisations on *per capita* funding, therefore, is inaccurate insofar as it expects the same funding to be available per individual regardless of the level of disability. While each State is allocated funds for new services on a population basis, the funding appropriate for each type of service is based on a costing related to the type/level of disability of the client.

6.213 Notional costs are also an integral part of the DSA financing strategy and relate to the total cost of providing a client with a service.

To achieve some consistency in funding while recognising these sources of cost variation, a notional cost of delivering services to individual clients has been set. The notional cost represents a reasonable cost structure to provide a particular type of eligible service to a particular category of client.

Notional costs form the bench mark against which proposals for funding for new services will be assessed. Higher cost structures based on specific client needs may be accepted by DCSH, but only if supported by adequate information.²⁴⁸

6.214 The financing strategy also recognised that some organisations had substantial capital assets and other income, while other organisations could have very little.²⁴⁹ Consequently, its funding of new services in the area of rent and salaries was intended to be flexible rather than the fixed and perhaps over generous contribution of the past.²⁵⁰ As a part of the revised timetable for transition announced at the end of 1991, it is intended that the financing strategy will be reviewed.

246. *ibid.* However, such data are not readily available to the Department although hopefully they have been collected by the service provider.

247. *ibid.*, p. 2.

248. *Financing Strategy*, pp. 2-3.

249. *ibid.*, p. 3.

250. See above, Paragraph 6.153.

6.215 To the extent that some organisations appear to have misunderstood the financing strategy, it is important for them to recognise the operation of the strategy as a means of redirecting resources. However, it is also likely that organisations and consumers are expressing realistic concerns both about their funding levels and what this funding will produce in terms of service for their clients. This is particularly likely where the current funding was higher than the notional cost level, requiring graduated reduction.²⁵¹

6.216 Figures provided by the Association of Rehabilitation Facilities (ARF)²⁵² are based on a survey of a number of service providers (including sheltered workshops and Activity Therapy Centres), a coverage of some 61 per cent of those persons who had taken part in the Department of Community Services and Health's 1986 census of disability services. After taking a number of factors into account, and considering alternative scenarios, the ARF figures indicated that the least amount of money required on an annual basis for effective transition would be \$107 million; available annual funds for the whole program were stated to be \$56 million.

We are saying that there is very strong evidence that . . . there is a substantial shortfall of funding to meet the requirements of the DSA. We are left with two choices. Either we can convince or lobby the government to substantially increase the money to provide those services or, as is our major concern, and has been for the last four or five years – we have done the sums over that period – we could end up with three or four people out of 10 in an elitist service getting very good outcomes and the other six or seven people getting nothing. That includes even people coming into the system but more of our concern is the people that are already in the system, in sheltered workshops and ATCs and what have you. If we are forced to move into the new models and the money is not there to resource these costs, then we can only assume that six or seven of the people in the existing services must go home. They are the two alternatives as far as we are concerned.²⁵³

Recommendation

The Committee RECOMMENDS:

12. That an appropriate level of funding be provided to allow enhanced services for people with disabilities in sheltered workshops, including those workshops in transition.

251. *Financing Strategy*, p. 7.

252. Provided separately to the Committee, and available as: *A Survey of N.S.W. Vocational Facilities for People with Disabilities*, Executive Summary.

253. *Transcript of Evidence*, pp. 4975-6 (ACROD Limited).

6.217 For both service providers and consumers, there has been a real fear that the rate of transition and the limited funding available for transition would inevitably result in lack or loss of services. One consumer representative stated that:

The concept of deinstitutionalisation will cost money, and it will cost a lot to set up. In the long run we believe that it is a most desirable outcome, but it cannot be done cheaply. To look to achieve that in a very short period of time is also a concern because the individuals who have been within a segregated facility, whether accommodation, training or education, are not necessarily going to be able to move easily into an integrated setting because they have been institutionalised on a social scale, not just physically. That is a real concern: that those people be given the opportunity to learn how to live in the community and to learn to function in an open setting.²⁵⁴

This argument was also one expressed by service provider representatives:

It is our concern that if we move so far down this road on transition that it will then become apparent that the funding is not there and, since there is not a provision for sheltered workshops, what then will we have? I suggest the potential is for some elitist exceptional services achieving excellent outcomes but for a substantially reduced number of people with disabilities. You will be able to look very proudly at what you are achieving, but if you look over your shoulder there will be an increasing number lost in the community on the general unemployment list earning the dole.²⁵⁵

Acceptable models

The Department on occasions seems preoccupied with the view that smallness is a necessary and indeed the single criterion for integration.²⁵⁶

6.218 An integral part of the controversy concerning transition is the limit of the types of services which are considered acceptable. While the reason for opposition to the size of some sheltered workshops has not always been clear, it is apparent that the so-called factory model is not seen as appropriate by the current Minister.

6.219 'Factory model' sheltered workshops are considered to be too big, too impersonal, and as not being able to provide sufficient and appropriate support. They are also thought to be segregated from the ordinary world. Yet these

254. *Transcript of Evidence*, p. 1354 (Disabled Peoples' International).

255. *ibid.*

256. *Transcript of Evidence*, p. 345 (Phoenix Society Inc.).

arguments appear to be based on theories without sufficient support from research²⁵⁷, nor is there any indication that they have taken into account the expressed preferences of those people who are less concerned with size or segregation than with the benefits which they believe workshops to offer, including the benefit of employment.

6.220 It is essential that further work is done on the optimal size of a service relative to the needs of all those employed there, rather than close down organisations just on the grounds of size alone. Generally, sheltered workshops are gradually being reduced in size through the 'back-fill'²⁵⁸ rule whereby a new person may come into a service if another person has left that service for a job in open employment, but not if the individual left a service in transition and moved to a new service utilising Departmental funding. The issue is one of the availability of specific funds and whether funding is 'attached' to an individual for employment services.²⁵⁹ It also concerns the importance of creating change in the workshop and ensuring that funding is devoted to that.²⁶⁰

Recommendation

The Committee RECOMMENDS:

13. That terms such as 'backfill' not be used by the Department of Health, Housing and Community Services. Such words reduce the dignity of individual people.

6.221 Service providers argue that the size of the factory model of supported employment should be irrelevant, or if relevant, should be compared with the size of other factories.

I think it might be of benefit if we related size to the industry concerned. Some businesses are small. You can find printers with perhaps five people up to 25 or 50. Electronics is another area where you might have 25 people or 200-plus. We are not in car manufacture but we would certainly be talking about hundreds there, and the same with BHP. So, while it is a concern of size, since we are talking about vocation and training and work, is there not some advantage in

257. See Paragraphs 6.222-6.233.

258. See Glossary.

259. *Transcript of Evidence*, pp. 4757-8 (DHH&CS). See also *Transcript of Evidence*, p. 4761: 'It is not a blanket statement that if they [go to] open employment they can simply backfill, and if they are going anywhere else they cannot. That is an oversimplification' (DHH&CS); and also *Transcript of Evidence*, p. 4468 (Australian Red Cross Society, Queensland Division).

260. *Transcript of Evidence*, p. 4758 (DHH&CS).

looking at the industry in which the people with disabilities are engaged in work?²⁶¹

6.222 The Department's argument against a factory model is based on a belief that size limits effectiveness and does not enable required relationships to develop between disabled and non-disabled.

while it is not a perfect surrogate for ability to achieve outcomes, size is quite a good measure of the ability of the service to achieve individual outcomes.²⁶²

6.223 This argument, in the absence of support based on theories about the depersonalising effects of large institutions, has tended to become one concerned with size *per se*. Much of the Department's argument comes across simply as a concern with the absence of sufficient support staff to produce desired outcomes. This would mean that an appropriate number of staff would make the workshop size irrelevant. 'The number is usually a pretty accurate guide as to the ability of the organisation to deliver individual outcomes'.²⁶³ Successful outcomes, it was believed 'are achieved by smaller services where the outcomes for the individual can be focussed on'.²⁶⁴

6.224 If this was the basis of the argument it would confuse the outcomes of a large workshop that had a poor staff-to-employee ratio with the size of the workshop *per se*. As is indicated elsewhere, workshops, while not always sufficiently precise about the point they were making, suggested that if they had the same resources as supported employment services, they could also provide the same desired outcomes. In such cases, they believed, size was irrelevant: the crucial factor was the funding available to provide the resources required and improve the staff-to-employee ratio.²⁶⁵

6.225 In its evidence, the Department suggested that appropriate funding would be available to provide required staff ratios to an 'in transition' service

With transition each service at the moment will have a number of people in it of, say, 100. We would like to maintain that service providing support to 100 people. Those 100 people may be reallocated

261. *Transcript of Evidence*, pp. 1449-50 (ACROD Limited). See *Transcript of Evidence*, p. 4474 'The Department has said that it would be quite happy if we had around 30 people there, and that is the sort of figure that it has given us that we could possibly have' (Australian Red Cross Society, Queensland Division).

262. *Transcript of Evidence*, p. 4757 (DHH&CS).

263. *ibid.*

264. *ibid.*

265. See above, Paragraphs 6.203-6.204.

into four, five or six separate groups, but up to the level of 100. If the organisation sought to increase the level of people in that service, it is stretching its existing resources too far and the quality of service would decline. If a service can keep within its current number of clients that are being funded by the Commonwealth, and they might move to several enclaves or to different locations, there is no issue with that.²⁶⁶

6.226 In this statement, there is no *demonstration* that size is critical. What the Department has been doing is to attempt to demonstrate that size is important; workshops have suggested that it is the funding level which will, or will not, enable the required ratio to be provided. On the one hand the Department needs to continually relate its theory of size to underlying factors such as demonstrated benefits of smaller workplaces (irrespective of staffing ratios); on the other hand, workshops need to demonstrate more convincingly that their management skills and their treatment of workshop employees are not equally as important to good outcomes as a certain funding level in itself.

6.227 A factor related to size, and the emphasis on moving services from large to smaller ones, is the stated loss or decrease of capacity to generate revenue. Sheltered workshop representatives suggested that there were certain economies of scale which would be lost if the workshop were obliged to move to a number of smaller sites.

There are general concerns in the voluntary sector that we are moving away, or there appears to be a move away, from the income generation capacity which the sheltered employment industry has been in for some years. Just to give an illustration, in our organisation we generate 80 per cent of the operating costs of the services and the Government contributes 20 per cent. If we move it to the new supported employment models and we are moving away from the income generation capacity, given that you are servicing the same numbers, then there is going to be a significant increase in the funding level to service the same number of people.²⁶⁷

6.228 The increased number of services, it was suggested, could be in the range of two to three times as many.²⁶⁸ Furthermore, moving services off site could be both disruptive and expensive²⁶⁹, even assuming that the costs would be met²⁷⁰, or that appropriate funding would be available for all dispersed services.

266. *Transcript of Evidence*, p. 4760 (DHH&CS).

267. *Transcript of Evidence*, p. 1450 (ACROD Limited).

268. *Transcript of Evidence*, p. 1455 (ACROD Limited). See also p. 1459 (ACROD Limited).

269. *Transcript of Evidence*, pp. 1458-1459 (ACROD Limited).

270. *Transcript of Evidence*, p. 1567 (DHH&CS).

6.229 The Departmental viewpoint was that substantial assets could easily be disposed of:

... organisations can actually borrow against a particular asset that they have, where there is a Commonwealth equity – often a very substantial Commonwealth equity – and we will service the debt associated with that, which is fairly significant at this time, with interest rates being as they are. At the end of the process the organisation is able to dispose of the asset; in many instances, we would waive the Commonwealth equity, and the organisation would be able to retain that. So there is a lot of creative thinking going on in terms of how we can assist organisations where they have substantial assets, of which the Commonwealth has a significant part in terms of its interest.²⁷¹

6.230 This viewpoint does not reflect the considerable difficulties faced by organisations attempting to dispose of large services. Nor was there much recognition of the fact that an increased number of services would place substantial demands, both on service providers and on Departmental officers, as ACROD representatives pointed out.

In New South Wales there are about 205-plus sheltered workshops and ATCs. If that number were to treble, and the sheltered workshops and ATCs all took on the new services, whether they be CETPs or supported employment models, enclaves and so on, you would then find 600 services ... If the project officers are now fully engaged looking after 200 services, which I understand they are, how in the end will they all handle 600; to review the outcomes, to discuss the various aspects that they are all trying to achieve? I would suggest to you that there is a potential for an enormous blowout.²⁷²

6.231 However, many of the arguments of service providers are ineffective insofar as they do not challenge the basis of the Government's approach. If the latter's point is that large models are inherently detrimental to work skills and personal development, it becomes more important for this to be challenged by demonstrable evidence. Quite apart from the issue of funding (that is, whether there will be sufficient funds made available for effective transition) the benefits and disadvantages of a factory model should be made explicit, and demonstrated to be related to size rather than the staff-employee ratio.

6.232 Some service providers have attempted to do this, indicating that it is possible to provide a quality service in a large operation.

271. *Transcript of Evidence*, p. 1564 (DHH&CS).

272. *Transcript of Evidence*, pp. 1455-6 (ACROD Limited).

We say that in the range of options that are available, this particular one is a valid one. There has been an emphasis in debates on numbers. While the Department will say that a small business will cater for perhaps 20 to 30, without being terribly specific, we have given a particular model as an example of a very successful service . . . which caters for 120 people. We believe that that service provides excellent consumer outcomes in terms of work performed, wages, community integration, etcetera.²⁷³

6.233 The option of operating several different (but often related) services on the one large site needs to be considered further. If substantial size can be demonstrated to limit the chances of people with disabilities developing social and work skills, moving off-site is not necessarily the only solution. At this point in time, it would appear precipitate to close large organisations without sufficient investigation being done of the alternative services that could be developed in the future.²⁷⁴ This does not presuppose that any substantial operation would have the same people working in it, that is, that it would continue to employ only, or primarily, people with disabilities. Although reverse integration in itself is not a prescribed model, but rather a process, a mixture of people with disabilities and non-disabled people in the workforce may prove viable for many large organisations, depending on the type of work which they do.²⁷⁵ A more considered look at the services which can be provided to people with disabilities, and the options which might be developed for people with severe disabilities and those with special needs may demonstrate alternative services which can be operative in a larger workplace. The nature of the workforce, and the quality of service provided to people with disabilities in large services may be considerably more important than the size of the workplace.²⁷⁶

6.234 The process of reverse integration needs to be utilised further, especially given the other benefits which have been identified by service providers as emerging from the contact between disabled and non-disabled workers and this option was considered by one workshop.

. . . the reverse integration model . . . is an avenue that we certainly would be wanting to explore. We are devolving our operations as part of our plan, into a number of small business units . . . the size of which I really do not know at this point in time, and that is what worries me

273. *Transcript of Evidence*, p. 1438 (ACROD Limited).

274. The Red Cross in Brisbane suggested that a need for training still existed and that sheltered workshops could play an essential role in providing this training ' . . . we feel there is still that need for that training and assessment to decide whether they are ready for open employment or ready for supported employment. At present there is nothing really being offered in that vein', *Transcript of Evidence*, p. 4469 (Australian Red Cross Society, Queensland Division).

275. See above Paragraphs 6.125-6.126, 6.137 and below, Paragraph 6.234. See also *Transcript of Evidence*, pp. 4752-3 (DHH&CS).

276. *Transcript of Evidence*, p. 4475 (Australian Red Cross Society, Queensland Division).

about some of the noises from the Department saying that we are a bit prescriptive about size.²⁷⁷

6.235 In this respect an adequately funded NTAU may be of considerable assistance, and obviously the issue of the size of the workshops and the difficulty of restructuring substantial physical plant and other assets would be a major concern of this Unit.²⁷⁸

Choice

6.236 The problems of the rate of transition, what transition involves, and available approved models all relate to the issue of choice. That the *Disability Services Act* was set up to provide choice is true, up to a point, but such choice was intended to be available for access to limited service types; the 'traditional' sheltered workshop and the old activity therapy centres were not to be continued.²⁷⁹

6.237 Many organisations and consumer groups have no difficulty in accepting that many people with disabilities may well be *able* to work in open and other forms of employment. Their argument is that we cannot equate those who are *able* to do so, with those who *want* to do so and with all people with disabilities being both able and willing to do so. Because people with disabilities are not a single group and each must be considered as an individual, there are a number of other objectives that must be considered in the context of employment options. People may choose to continue to work in sheltered workshops for a number of reasons which cannot be dismissed easily through saying that such people and/or their advocates or family do not have enough information to make an informed decision. Others may find that either for a period of time or possibly for their working life, the issue of 'choice' does not really exist²⁸⁰; their disability may be severe enough to make working in other than sheltered or heavily supported employment impossible.

6.238 It is these issues of choice which also need to be addressed, and the benefits of such employment considered for current and future employees who are in these categories.

6.239 This point has been made by a number of organisations, which, incidentally, claim that the rhetoric of open versus 'sheltered' employment can have detrimental effects on the development and maintenance of a rational debate.

277. *Transcript of Evidence*, p. 362 (Phoenix Society Inc.).

278. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services at the official launch of NTAU, 5 July 1991, p. 6.

279. *Transcript of Evidence*, p. 4765 (DHH&CS).

280. *Transcript of Evidence*, p. 446 – the Spastic Society of New South Wales stated 'at least half our people do not have a choice. They have only the choice to work in the businesses that we create ...'.

We support the concept of open employment, enclaves, and other alternatives for those people able to cope with such situations. That there should be options available for disabled people is important, but we do not think the sheltered workshop format which caters well for the majority of intellectually disabled people should be discarded in the search for innovative alternatives.

When many of the existing sheltered workshops and former training centres were established, a condition of Commonwealth funding was a strong commitment to training, continuing education, social skills development and independence training. Many intellectually disabled people benefited markedly from these programmes.²⁸¹

6.240 A number of people with physical disabilities would support much of the above argument. In her submission, Ms Irene Kwong who described herself as 'a moderate to severely disabled cerebral palsy sufferer', and who at 46, had worked in sheltered employment for 23 years, made a number of important points. The first of these was that her work achievement would not have been possible without particular support services (transport, attendant care) and also the support of the workshop staff. Ms Kwong also made a telling point about intelligence/ability and making an informed decision not to be in other employment.

I am capable of many things and realistic enough to know that the employment option for me is and always will be in a sheltered work unit, it is not because aiming high isn't for me. But the physical and mental hurdles I have battled to get where I am today, have been huge.²⁸²

6.241 There is an acceptance that workshops should not be a total life package for many people with disabilities²⁸³ but this is quite different to their being seen as a marginally better alternative 'to doing nothing'.²⁸⁴

6.242 The Spastic Centre of New South Wales, though pointing out that its sheltered workshop services ('employment services') had undergone a number of changes over the years especially in terms of size and profitability²⁸⁵ believed that the needs of some of its employees might not be met in other types of employment.

281. Submission No. 23, p. 2 (Ms M. Stern). See *Transcript of Evidence*, p. 5292 'The factory model, the sheltered employment model, certainly meets the needs of a number of people. I think that is part of the continuum, part of the range that needs to be available' (Mr B. Blakeman).

282. Submission No. 29, p. 2 (Ms I. Kwong).

283. Submission No. 23, p. 2 (Ms M. Stern). See *Transcript of Evidence*, p. 5614 (DEAC - Disability Employment Action Centre).

284. Submission No. 17, p. 1 (Koomarri Association A.C.T. Inc.).

285. *Transcript of Evidence*, pp. 368-9 (Spastic Centre of New South Wales).

Our Employment Services were founded on philosophies that were in line with the objectives of the Disability Services Act and therefore we have no difficulty as an organisation in supporting the principles and objectives of the Act. Our concern is that the employment choices put forward by DCS&H may be too limited in the way they cater for the majority of our clients, many of whom are severely physically disabled and more than half of whom require attendant care to enable them to engage in any employment. We believe a factory model would be needed to employ the more severely disabled.²⁸⁶

6.243 Many persons cannot operate intellectually, physically or socially outside a heavily supported environment, or for a number of reasons chose not to do so. Sharpro Industries, operating two sheltered workshops for people with intellectual disabilities, note that they did encourage clients 'to enter open employment where possible'²⁸⁷ but believed sheltered employment should remain an option, either for those who were unsuccessful in obtaining open employment or who chose not to work in that environment.²⁸⁸ While the dichotomy of sheltered versus open does ignore the options in between, the organisation stated that their 'clients' needed two 'services', 'flexible human resources, trained personnel able to tailor appropriate interaction on an ongoing basis'²⁸⁹, and social activities. The first, they believed, was 'in danger of being stifled in the implementation of the DSA' although DHH&CS would believe that supported employment would also offer that option in general. The second, they considered, was also important:

Many of our clients rely on the workshop environment for peer support and use it as a springboard for social activities. If implementation forces people into the mainstream it will not mean automatic happy integration into the community. In fact non acceptance tends to be the norm and the disabled will be left without peers, without a social life and a quality of life which has been lowered.²⁹⁰

6.244 In giving evidence to the Committee in 1989, officers from the then DCSH conceded that the DSA may not be able to support particular people in individual jobs, although an appropriate level of support might be available in another supported service such as a mobile work crew.²⁹¹ The economies of scale would

286. *ibid.*, p. 368.

287. Submission No. 41, p. 1 (Sharpro Industries).

288. *ibid.*, pp. 1-2.

289. *ibid.*, p. 1.

290. *ibid.*, p. 1. This point is also made in *Transcript of Evidence*, pp. 4476-8 (Australian Red Cross Society, Queensland Division), p. 5277 (Developmental Disability Council of Western Australia (Inc.)). See also *Ronalds 2*, pp. 53-4.

291. *Transcript of Evidence*, pp. 1543-7 (DHH&CS).

account for the availability of support in some instances. However, there may well be other instances, especially for people with severe physical disabilities who are not mobile, where the required level of support cannot be provided at present and where a valid option must be to remain in a sheltered workshop.

6.245 The choice not to move when the cost may be too great is considered important; whether that choice is based on personal/friendship needs, awareness of service needs, or on an informed self-assessment that it is an option that the individual does not want, it must be retained.

6.246 The extent of real choice is also a factor which must be considered. The Spastic Centre of New South Wales, in its discussion of the reality of choice, noted that sometimes choice was something of an academic question.

There is the normal spread of temperament, drive, ability and intelligence amongst the majority of our disabled employees other than those with intellectual impairment . . . [but] many of our employees are simply unable to do work they would like to do because of their physical disabilities. This can be a great source of frustration to them and our staff in trying to match their abilities to the jobs available.²⁹²

6.247 A number of service users would believe, therefore, that some of the more important of the objectives of the DSA are already in place in some sheltered workshops. They also state quite clearly that as long as there is no proof or evidence of sufficient funds for places in other employment, support services to make these feasible, or guarantee of acceptance by hypothetical new work colleagues, the idea of moving from secure employment is unacceptable.

6.248 In many instances, the issue in the controversy about sheltered versus other forms of employment is not about the benefits of the latter as opposed to the disadvantages of the former. It is more about the need for a variety of choices or options to meet the needs of people with different types and levels of disability, and with other needs arising from their experience as people with disabilities.

6.249 It could be argued that the advice and information which many people in a similar situation have about wages and other options is inaccurate and/or out of date. To some extent this is true, since the majority of submissions were received by the Committee prior to the development of the 1990 Budget initiatives which came into operation in November 1991. In other instances, it appears from evidence of witnesses that some workshops have not provided information to employees/clients about changes in policy or details about the basis of wages, about the transition

292. *Transcript of Evidence*, p. 381 (The Spastic Centre of New South Wales).

process and the new employment options²⁹³, and it has been suggested that there have been some cases of deliberate misinformation.²⁹⁴

6.250 It is essential that the choice which is made by workers is one that is informed by all available information. It is apparent in many cases that workers were not aware of options or of the planned changes to reassessment-free income levels that were mentioned in the 1990/91 Budget, and which could have a considerable effect on their workforce participation; in some cases this might have influenced them more towards open employment. In many instances, they are clearly under a misapprehension regarding taxable income and marginal tax rates. While reprehensible, especially in that such lack of information may have contributed to uncertainty about change and a belief that workshops were all to close by a specific date, this approach by management of workshops is one that is gradually giving way.

6.251 However, it is apparent that people with disabilities are also realistic and are well aware of the limits to the opportunities which exist.²⁹⁵ Their opinion therefore has to be respected. It may change over time, and again, this may be a major reason why some workshops should be allowed to take a number of years to work through the transition process if workers would prefer this.

6.252 For example, it is possible that the preference for sheltered employment reflects the experiences of particular groups of people and may be less applicable to those in younger age groups, for instance, who have had greater experience of integration. Yet, many of the proponents of sheltered workshops or heavily supported employment would not argue against this *per se*; they would suggest, however, that it is *their* experience that has influenced and shaped them and to a considerable degree made them the person who does not want to, or cannot, work in more open environments. 'If acceptance doesn't come, how does one measure that disadvantage, and I speak from personal experience. The Government can't legislate on attitude.'²⁹⁶

Sheltered workshops – continuation of employment options

Flexibility of employment

6.253 Sheltered workshops, for all the major and minor problems that have been deemed characteristic of them, nonetheless offer a variety of employment options to people with disabilities. Some former and current workshop employees would argue that these options are limiting and do not allow the development of individual social and employment skills. This is likely to be true for large numbers of sheltered employment workers, especially those with mild disabilities. The actual employment

293. *Transcript of Evidence*, p. 4877-8 (DACA).

294. *Transcript of Evidence*, p. 5616 (DEAC – Disability Employment Action Centre).

295. See above, Paragraphs 6.237-6.243.

296. Submission No. 29, p. 2 (Ms I. Kwong).

benefits as opposed to training, social and other benefits of sheltered employment for people with other levels of disability may be quite different. While workshops in general may need to ensure more direct involvement by service users, and may need to improve both management skills and productivity and guarantee basic industrial and common law rights to workers, they may also be able to build on this capacity to provide employment for people who cannot fit easily into the normal workplace even with the assistance of specially targeted programs.

6.254 However, if this is to be the role of sheltered workshops in transition, it will be important for proper consideration to be given to both 'transition' services and supported employment services in order to determine whether the objectives of meaningful employment for people with disabilities can be effectively combined with commercially viable levels of productivity and with a 'reverse integration' process.

6.255 As was noted above, one of the major difficulties experienced by sheltered workshops has been the need to develop services which can be viable as well as to provide training which makes individuals capable of employment in the open market. Some workshops, quite apart from the question of poor management, have been caught in the difficult situation of having the better skilled workers with disabilities who are then retained, in order to carry people whose productivity is such that, by itself, it could seriously reduce the capacity of the workshop to have any economic viability at all. While cost is a problem, others have overcome this situation by means such as reverse integration.

6.256 The transition process, enabling the movement of more skilled workers into the open workforce, must necessarily create a greater, not a reduced demand for a good support staff ratio²⁹⁷, a viable workforce and a production process which can accommodate an even wider range of needs and workers with a higher degree of disability. Some organisations conceded that workshops employees in the future would be more likely to be people with severe disabilities.

The people that are seeking service tend to be people who have a greater level of disability than that reflected in our work force at the moment . . . Those that we are admitting now tend to be people who have a [major] intellectual disability or a [major] physical disability.²⁹⁸

Another witness stated in 1989:

. . . as the pools of the more capable people in the sheltered workshops dries up, the cost to the Government of placing people with more severe levels of disabilities is going to escalate.²⁹⁹

297. *Transcript of Evidence*, p. 355 'it would certainly require much higher ratio of supervisors to handicapped people than we currently really get away with' (Phoenix Society Inc.).

298. *Transcript of Evidence*, p. 355 (Phoenix Society Inc.).

299. *Transcript of Evidence*, p. 700 (Centacare).

6.257 Some organisations have expressed a concern that the effect of transition – that is, of a workshop becoming more of a commercial concern – will have a detrimental effect on people with disabilities.³⁰⁰

6.258 These are problems which sheltered workshops have been aware of for some time, and which have been the basis of their objection to the rate of transition and particularly the funding available to the transition process. It has to be assumed that these factors will be taken into account in the development of transition plans if the expectations of sheltered workshops – that they will be providing services more to people with severe disabilities – are maintained.

Benefits

6.259 One of the major benefits of both sheltered and supported employment options is the availability of part-time work. (This is to be distinguished from options such as so-called job-sharing which has often required full-time work for part-time or purely productivity-based pay.) While evidence on the variety of hours/days worked was minimal, some witnesses indicated that a 3-day work week was possible in workshops, and not uncommon. It is likely that one of the main reasons for flexibility in the past was the minimum effect of 5 days as opposed to 3 days work, on either the wage level or on the production process, given the apparently non-commercial nature of both.

6.260 Some workshops appeared to believe that it was important to instil a particular work ethic into employees/clients, and hence did insist on fairly regular attendance, punctuality, etc.³⁰¹, even within a system which did allow for a shorter working week. This attitude was seen as important to people with disabilities understanding that they had particular responsibilities, and was one maintained by an organisation providing a very flexible service for people with severe disabilities.

If a person got to the stage of saying, “I only want to come to work for one day a week”, we may well question that; we would be looking at three days a week as a minimum.³⁰²

6.261 Within this, however, this and other organisations recognised the importance of both noting the considerable effort which people with severe disabilities put into work, and their need for other types of activities as part of an integrated lifestyle.

Heather is currently with us two days – it has been three days a week . . . she has clearly indicated to us that she wants some time to do some shopping and to participate in other leisure-type activities, and that is fine with us. We encourage that. In discussion with those

300. See above, Paragraph 6.173.

301. See above, Paragraphs 6.99-6.100.

302. *Transcript of Evidence*, p. 107 (S.A. Group Enterprises Incorporated).

with physical disabilities earlier in the year, a number of them did indicate other interests that they wished to pursue, some of which were sporting; one or two wanted to engage in a swimming program to develop their abilities. We would encourage and support that. As their employer, we do not want to become involved as their total care giver; we wish them to maintain as much of their independence as possible. There are some who are attending TAFE courses in basic literacy and numeracy; we very much encourage and support that. In fact, currently we are providing transport for some of them to go on a Monday afternoon because it is nearby. So, within our limits we would encourage that. There are some sporting activities and we try to introduce them to those if they are interested, but that is basically their decision. It is not likely that we are going to say, "You cannot do that because employment is a priority".³⁰³

6.262 This view was also supported by a consultant in education issues.

At the other end of the continuum I believe there is also a need to develop, perhaps in a better and a more defined way, recreation options and further education options. Also, within that, there needs to be the capacity or the facility to mix and match. We offer largely a five-day placement or a five-day job and it seems to be very hard to look at an individual and work out with that individual an array of activity that will best meet their needs. The mix could be some further education, some part time employment, some recreation and various combinations of that, and that would bring some flexibility into it.³⁰⁴

6.263 Although this attitude may not have been characteristic of managers of sheltered workshops in the past, an appropriate funding level and a flexible production process may enable this type of 'work plus leisure' system to be operative in 'in transition' workshops as it is in some forms of supported employment. The difficulty will be to find a business which can accommodate this, and to determine if skills and effort-based wages are available to people in this type of employment.³⁰⁵

6.264 From this point of view, there will need to be an effective plan incorporating people with disabilities and non-disabled people in transition workshops, if the objective of providing a viable business operation remains a priority.

303. *Transcript of Evidence*, pp. 106-7 (S.A. Group Enterprises Incorporated).

304. *Transcript of Evidence*, p. 5292 (Mr B. Blakeman).

305. See the discussion on wages in Chapter 7.

Job-sharing

6.265 While job-sharing is an attractive idea, and may be one way of both in-transition and supported employment services being able to provide a flexible work option for employees, there are a number of difficulties involved for people with severe disabilities, including the payment of part-time wages for full-time work.

6.266 Job-sharing was suggested as one way of ensuring that full or standard productivity was maintained through utilising the services of, for example, two people.

Supposing a small company was prepared to take on someone who was disabled enough to never be able to reach a full 40-hour equivalent of productivity. Would it not be better then for that person at least to be employed in open employment, say, for half that equivalent? Could one job not be shared between two for instance, with the remuneration being the same.³⁰⁶

6.267 In terms of productivity, the appropriate wage would be the standard wage paid for a 40-hour week.³⁰⁷ In cases of this nature, one organisation suggested a slow worker's permit might be the best answer.³⁰⁸

I feel that it would be better to have a person contributing on a level – if that person was happy doing that and it was what they wanted. I do not think we have the right to deny them that opportunity. If work and employment are what they want and they are agreeable to that, fine.³⁰⁹

6.268 However, there was some uncertainty as to whether this type of arrangement was really fair to the person with a disability on the grounds that they worked as hard as they could, even though their productivity was less.³¹⁰ This is common enough in sheltered workshops, with people working up to a 35-hour week for pay based on productivity only rather than time spent working:

For the number of hours that a person would put into a job, I think that is exploitation.³¹¹

306. *Transcript of Evidence*, p. 4202 (Epic Employment Service, M.O.R.E. Inc.). See also *Transcript of Evidence*, pp. 572-3 (Mental Health Co-ordinating Council).

307. *Transcript of Evidence*, p. 4203 (Epic Employment Service, M.O.R.E. Inc.).

308. *Transcript of Evidence*, pp. 4304-5 (The Queensland Spastic Welfare League).

309. *Transcript of Evidence*, p. 4205 (Epic Employment Service, M.O.R.E. Inc.).

310. *Transcript of Evidence*, p. 5234 (The Disabled Workers' Union of Western Australia).

311. *Transcript of Evidence*, p. 699 (Centacare).

6.269 It is this situation which is the basis of the argument that a top-up wage is essential either to recognise effort or to ensure access to a living wage, or possibly both.³¹²

6.270 For a sheltered workshop in transition, with a need to demonstrate sound economic management, full-time job sharing of this type might be the only option. For supported employment where commercial viability appears to be less of a consideration, and the issue of 'real' wages not as much a point of contention yet, the more common form of job-sharing (that is, part-time work, with a job performed on a part-time basis) could be considered a means of reducing the amount of time at work to enable participation in other activities. However, for the sake of equity alone, this option should be available to all people in 'supported' employment. Where job-sharing means two or more people sharing one low wage, the issue of equity must be considered; otherwise, there is limited change from the situation found unacceptable in sheltered employment.

Support

6.271 A number of witnesses indicated that they found sheltered workshops to be beneficial in that some measure of support was available whether in terms of advice, emotional support, or support required to maintain employment.³¹³ It has also been clear from other evidence that the amount of support of this type, which includes support and encouragement in the development of job skills, depends not only on attitude, but more importantly on *resources*. If there are not sufficient funds available for staff, then any service 'in transition', or otherwise, is at a severe disadvantage because it has a limited chance of meeting the individual's needs.

6.272 The need for support is not easy to determine through making a simple correlation with level of disability. It is apparent, as witnesses have stated, that institutionalisation has meant a loss of confidence and this can often take a long time to overcome; working in open employment in itself is not a simple solution to this problem since the support need may continue well beyond the development of required work skills.³¹⁴ It is also obvious that a great deal of support is often required by people with more complex disabilities and that this level of support might be required during the individual's 'working' life.

Heather, for instance, will always want assistance with eating, with toileting and with training, and that needs to be available. The Department of Community Services and Health certainly can make that available through us. I would hope that in fact that assistance can be given to the employee, to Heather, rather than to us – not through the employer but as basic assistance and rights to the employee so she

312. See Chapter 7, Paragraphs 7.105-7.127.

313. See above, Paragraphs 6.237-6.247, 6.251-6.252.

314. *Transcript of Evidence*, p. 5273 (Developmental Disability Council of Western Australia (Inc.)). See also *Transcript of Evidence*, pp. 4176-7 (Dr M. Steinberg).

can dictate how she wants it. It may be that we need to say to the employer: "One of your staff is going to spend the equivalent of five hours or ten hours a week assisting Heather. That means that you need to be subsidised at this particular rate. We recognise that – that is fine. If you are prepared to take on Heather you will receive that assistance . . ." ³¹⁵

6.273 As the above quotation indicates, the support could theoretically be provided in any form of employment. The main issue, again, is the availability of funding and whether an in-transition workshop would be funded to meet the higher support needs of people with different types of disabilities.

Support and viable work options

6.274 While services were not detailed in their statements as to the correlation of needs and suitable work options, it is likely that the determining factor in the successful operation of work for people with severe disabilities or those requiring ongoing care is the availability of support and the recognition of variable productivity. As well as essential physical/technological support services, there would also need to be a productivity and wage structure which could maintain production.

6.275 This need is not currently required of a number of supported employment options which are therefore able to develop individuals without having to worry about paying 'proper' wages or about their commercial viability. Hence, although SA Group Enterprises stated that it needed to consolidate its 'business viability without taking too many risks' and thus could not undertake developing its own product at that stage, it was not under pressure to be viable *and* to pay award wages. ³¹⁶ While the managers of the project were theoretically in favour of productivity-based wages ³¹⁷, they were only too well aware that a number of individuals were able to survive financially because of the pension, not because of the wages they earned.

. . . we had initially to address the wage issue and our principle basically was that people would be paid a productivity wage. We have a minimum wage of \$1 a day at work just so there is some basic reward which, from an employer's point of view, we can carry if the productivity is minimal. Basically for each task that is undertaken we have a non-disabled production rate – the normal production rate you get on a factory floor. We may get that from the business for which we subcontract the work and/or we may have our own staff learn the task and we would do a time. So we would have a productivity of so many units per hour on any particular task.

315. *Transcript of Evidence*, pp. 110-111 (S.A. Group Enterprises Incorporated). See also *Transcript of Evidence*, p. 104 (S.A. Group Enterprises Incorporated).

316. *Transcript of Evidence*, p. 103 (S.A. Group Enterprises Incorporated).

317. *Transcript of Evidence*, p. 109 (S.A. Group Enterprises Incorporated).

Each person's daily output is measured and then that is related over a period of a week so that we would come up with a person's productivity rate. That may vary usually from as low as 5 per cent; in one case we had it at 80 per cent, but usually it is not more than, say, 30 to 50 per cent. The average productivity rate is going to be about 20 per cent, I guess, but it will vary.³¹⁸

6.276 A similar situation operated at Vitac Assembly in Perth where wages were extremely low, because of the level of disability of people employed. The latter service was not operating in the marketplace in the ordinary sense, and was dependent on a substantial subsidy from the Department; employees, while clearly receiving a high level of support and attention, and progressing in skills development, received low wages because of very low productivity.³¹⁹

6.277 This mixture of low wages and pension is, of course, essentially the same as the sheltered workshop arrangement, with the determining factor being value of work and productivity rate. While indeed it is possible that the skills of some individuals will increase in this situation, it is essential to note that skills will not improve for a number of people, and may in fact decrease; and that where this is the case, no service (whether in transition or 'supported employment') will be able to carry substantial numbers of individuals with severe disabilities without external funding. If this subsidy is available to supported employment projects, it should also be available to workshops which demonstrate that limited viability is related to levels of disability, rather than poor management practices.

Specific needs/work patterns

6.278 The specific difficulties of people with different types of disabilities were set out in a number of submissions, and briefly outlined in Chapter 5. Although the problems experienced by people vary considerably – thus making their employment skills quite different – the common factor is the difficulty a number of people with disabilities could have in working in the standard workplace.

6.279 A number of reports/comments etc. on the employment options of people with disabilities do not either consider the specific problems to be faced by people with different disabilities, or indicate that workers' skills, in fact, can decrease or vary noticeably. Hence, while there is an awareness that performance may vary from day to day, that workers may be less productive at the end of the week³²⁰, that productivity is not standard although wages may be³²¹, there is an implicit

318. *Transcript of Evidence*, p. 108 (S.A. Group Enterprises Incorporated).

319. See above, Paragraphs 6.53-6.60.

320. *Ronalds 2*, p. 21.

321. *ibid.*

assumption that skills will probably increase, or at the very least, stay the same. This is the basis of the skills-based wage system.³²²

6.280 Consequently, there is limited discussion on the need to fit the work to the individual, the difficulty of running a viable concern while accommodating a range of differing needs, or on the types of problems which managers are likely to face in trying to combine these two conditions.

6.281 That the most 'difficult' people were likely to be the people requiring services from sheltered workshops in the future was recognised by a number of organisations.³²³

Most of those that are in wheelchairs have multiple disabilities. We have had a significant increase in the number of intellectually disabled people that work for us now. We have traditionally had places for and provided places for people with epilepsy or schizophrenia and other physical and mental types of disorders. One of the challenges we have of course is to try to ensure that those people are able to be compatible with each other within the work force environment and that raises problems in itself.³²⁴

6.282 To some degree, the problem was one of attitude of employers and others.

For people with intellectual disability and medically related disabilities it is a little more difficult, because community attitudes have not yet changed towards them in the same way as they have towards people in wheelchairs.³²⁵

6.283 However, the real problem was the difficulty in identifying the type of work which people with the more 'difficult' disabilities could do, and presumably how this could be incorporated into a commercially sound business.

... it is not quite as easy to identify the kind of work that they can do in a normal work environment and that has a minimal impact on their productivity in the same way as ... with physically disabled people.³²⁶

322. See Chapter 7.

323. For example, *Transcript of Evidence*, p. 104 (S.A. Group Enterprises Incorporated), p. 354 (Phoenix Society Inc.). See also above, Paragraph 6.256.

324. *Transcript of Evidence*, p. 354 (Phoenix Society Inc.).

325. *ibid.*

326. *Transcript of Evidence*, p. 355 (Phoenix Society Inc.).

6.284 South Australian Group Enterprises had provided employment for a number of people with different types of disability, and were aware that these people had difficulties in confidence, in lack of social skills, that they could be 'fragile' and require attention, perhaps without much warning.³²⁷ However, the organisation was sceptical to some degree about taking on people with 'severe behaviour problems', not so much because of the nature of the problem but because of the likelihood of too much time being spent on addressing behaviour problems rather than on training/skills development.

We may, in fact, decide not to accept a person if we were going to spend more time in behaviour modification than we were in skill training. That is not to say that people with severe behaviour problems should not have the opportunity to learn work skills. But the decision that we made initially was that we did not want that to be the primary function that we were undertaking. We would certainly accept people with behaviour difficulties and social abnormalities, if I can use that term, but we would want that to be a sideline of the ongoing training program that we are running, rather than the mainstream function.³²⁸

6.285 The organisation described the process of identifying skills and abilities.

If a person is interested in working with us I interview him/her, and I am interested in the same sorts of issues as another employer would be interested in. What is the ability of such people? What is their capacity? What is their potential to learn? How can their ability and potential be related to work tasks that we have or could get for them? Are they interested in working? If they are not motivated in working at S.A. Group Enterprises we would encourage them but we certainly do not compel them. If they want to leave us at any time, then they are welcome to. Only one or two have done that. Most want to continue to work and, in fact, work longer hours. I would want to know what their long term interests in work are and at the end of that I would want to know some information about their disabilities with regard to what special equipment we need to design, or make, or purchase, or what particular training program we need to undertake, and then how we can best implement that.³²⁹

6.286 They considered that the greatest amount of work which they did was in skills training and the building of personal confidence.³³⁰

327. See *Transcript of Evidence*, pp. 104-5 (S.A. Group Enterprises Incorporated).

328. *Transcript of Evidence*, p. 105 (S.A. Group Enterprises Incorporated).

329. *Transcript of Evidence*, p. 102 (S.A. Group Enterprises Incorporated).

330. *Transcript of Evidence*, p. 104 (S.A. Group Enterprises Incorporated).

6.287 The type of work which was appropriate varied, in part because of available technology, in part because of the comprehension levels of the individual.

Some have learnt computer operating skills. Heather is one of them. There are two others who, when they are at work, are full time on computers and a couple of others who are learning. One of those uses a special Headmaster set. She is a quadriplegic. She has no hands on the keyboard at all. It is all controlled by head movement and a blow switch. Others are engaged in some similar tasks undertaken in the sheltered workshop – some basic packaging. We aim to get away from those tasks if we can. We recognise that for some of those with very severe intellectual disabilities or even severe physical disabilities, that may at this stage be their limit. We are delighted that at least one can, on a fairly simple packaging task, get up to about 25 to 30 per cent of the productivity rate of a non-disabled person doing the same job. He basically had very limited skills before working with us. Others are assembling architectural hardware – door handles. We assembled all the door handles in the Hyatt Regency Hotel. We are assembling those for a number of other hotels around Australia because we are doing contract work for a business across the road which is doing that work. We have successfully trained them in assembling some computer keyboards – not actually doing the soldering or the wiring but actually putting it together, testing it, programming and testing the chips, testing and packing the cables and then packaging it ready for export.³³¹

6.288 Another organisation, which also believed that people with severe disabilities could become more the standard in workshops, had identified particular groups as requiring services.

We are very conscious that there are a number of people with psychiatric and related disabilities who find it very difficult to get either into sheltered workshops, or anywhere for that matter. That causes us some concern and we are finding an increasing demand on us for those sorts of people.³³²

6.289 While people with psychiatric disabilities will have access to special units linked with the CRS, as announced in the 1990/91 Budget (1200 per year), it is likely that sheltered workshops in transition could continue to provide a service to people with psychiatric, and indeed other disabilities, providing that suitable funding is available.

331. *Transcript of Evidence*, p. 103 (S.A. Group Enterprises Incorporated).

332. *Transcript of Evidence*, p. 353 (Phoenix Society Inc.).

6.290 Other groups in particular need would appear to be people with head injuries (considered to increase by up to 4,000 per year) and people with multiple sclerosis and motor neurone disease.

6.291 In no case, apart from instances where 'work' is seen as having virtually no meaning for the individual, has there been a suggestion that *some* type or amount of work-related, meaningful activity was not possible, providing that sufficient funds were available for appropriately trained staff and, presumably, that there was no pressure to try to operate a commercial service and provide proper wages.

6.292 What this would suggest is that quite substantial numbers of people with varying or unpredictable skills/abilities/capacities to work could be involved in at least part-time work³³³ in a supported employment environment if adequate funds were available. To some degree, sheltered workshops would argue that this is the service they provide already, although appropriate support is not always available and 'meaningful' work cannot be guaranteed. The main issues for both supported employment services, and for workshops, are not only the degree of funding but the extent to which a living wage can be made available to employees, a suitable environment can be provided, and the issue of 'work plus other occupation'³³⁴, can be addressed.

Recommendation

The Committee RECOMMENDS:

14. That the Department of Health, Housing and Community Services provide a summary of research that has been done on the ways in which work, study, recreation, and other meaningful activities can be combined in order to provide a full life program at an acceptable wage for people with severe disabilities and those whose disabilities make it difficult for them to obtain regular full-time employment. If research on this subject is limited, the Committee recommends that it be undertaken by the Department either directly, or through funding of an individual or organisation.

6.293 Support for the traditional workshop is limited among both service providers and consumers and consumer advocates.³³⁵ Much evidence presented to the Committee was emphatic about the faults of the old workshops. However, this is not to say that there has not been support for the continuation of improved workshops by both consumers/consumer advocates and providers, both as an interim measure and as a permanent form of employment – possibly as a version of supported employment services. This is so especially because of the uncertainty about the

333. See below Paragraphs 6.333-6.348.

334. See above Paragraphs 5.47-5.58, and below 6.344-6.348.

335. Brotherhood of St Laurence representatives suggested that workshops could be 'a mid-point stop in the process of transition from special school or from adolescence into adulthood and into employment opportunity' (*Transcript of Evidence*, p. 5709).

numbers of people requiring a service and the relatively slow development of alternative employment services, as well as the need for proper evaluation of the effectiveness of these. In fact, apart from organisations which have not demonstrated a willingness to accept the principles of the *Disability Services Act* through undertaking to implement minimum outcome standards, it is expected that most sheltered workshops will be in a long transition phase, attempting to move towards a more viable economic base in an unwelcoming economy. This was suggested by the Minister in his 5 July 1991 speech.

Those services which have met minimum outcomes requirements, and have committed themselves to undergo the rest of the change process, need have no fears for their future . . . Nor will any services which are needed by people with disabilities close down.³³⁶

6.294 It has been reiterated in the Minister's speech of 14 November 1991 which also emphasises the need for organisations to accept minimum standards and commit themselves to change.

Amendments to the Act will permanently lay to rest the anxiety about services closing after June 1992. The government has agreed to remove from the Act the June 1992 deadline for transition. It has done so on the understanding that individual services will be asked to negotiate their own transition timeframes and strategies with the department, generally within a three year extension period.³³⁷

6.295 The proposed amendment to legislation which will introduce a new category of services called 'transition services'³³⁸ is a welcome measure, which acknowledges the efforts of some Section 13 services. This move acknowledges the difficulties involved in transition and should provide encouragement for the consideration of other, possibly less expensive, new service types over the next few years.

6.296 An administrative target date of 30 June 1995 will be established for services to generally complete their transition. Individual services will be able to negotiate their own transition timeframes around this date. The new group of services ('transition services') will be those which have taken 'significant steps along the transition path', and will be funded under a new section 14A of the DSA. It is expected that all services will be at this stage by 30 June 1994.

6.297 It is also intended, through amendments to the DSA, to ensure that sanctions are available to deal with non-compliant organisations. Such sanctions may include public notification, withholding of indexation, suspension of funding, reclassification

336. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services at the official launch of NTAU, 5 July 1991, p. 12.

337. *Australia and Disability – Where to Now?*, p. 7.

338. *ibid.*

of services, re-auspicings of services and, as a last resort, setting up alternative support services and defunding of the service.

Conclusions – future directions

6.298 It is a truism to say that in a period of high unemployment, and also in a time of workplace reform, the likelihood of many people with disabilities obtaining meaningful employment is minimal. If this *is* the case, then the Government's commitment to addressing the needs of all citizens must be reflected in a more proactive attitude. This does not necessarily mean the establishment of a quota system, although specific anti-discrimination legislation may be useful as a means of establishing community standards.³³⁹ What it does mean is that there is a need for much more intensive assessment of the precise needs of people with different types and levels of disability, the development of programs to meet such needs, and the provision of jobs (with appropriate support) for those people with a more severe level of disability. Beyond this, however, there is also a need to consider mixtures of work, study and recreation which could help to bring people with severe disabilities into the mainstream and make available to them the *benefits* of employment, if not necessarily full employment itself.

6.299 The Committee's study of both labour market programs and employment programs suggests that it is easier to provide services to people with relatively mild disabilities and that departments have concentrated more on the needs of such people to the possible detriment of those with severe disabilities.³⁴⁰

6.300 A number of witnesses suggested that it was essential to provide mainstream employment (including labour market training) programs through mainstream employment departments. One of the benefits of this would be to consider the needs of people with disabilities as a part of the needs of society as a whole, thus avoiding the 'special needs' categorisation of some members of society, and enabling people with disabilities to move away from the 'sickness' label they felt was placed on them by having services provided through health departments.³⁴¹

6.301 For some people with disabilities, this may be a desirable and achievable result, available in the short term. However, it is likely that some labour market factors will make this result more likely for people with relatively mild intellectual and physical disabilities. Even then, there is a likelihood that unless some of these programs and their use by DHH&CS funded services are guided much more by specific targets and performance indicators, they will not be able to provide the best training for getting and maintaining employment in a rapidly changing workforce. For people with severe disabilities, most generic employment programs appear to offer very little.

339. See above, Recommendations 1-3 of Chapter 3.

340. See, for example, Paragraphs 5.101, 5.123, 5.132, 5.216, 5.218.

341. See Paragraph 2.64.

6.302 This must necessarily affect the likelihood of a generic employment department being able to identify and meet the needs of a wide range of persons interested in obtaining employment. While it is both desirable and possible that people with mild to moderate disabilities will be able to move into the open workforce with some assistance, it is apparent that most generic training and employment programs, including those for people in the broad 'disadvantaged' category, cannot currently meet the needs of people with severe levels of disability.

6.303 In addition, it is also important to note that a range of other factors may have a limiting effect on the capacity of people with less severe disabilities to adjust to full-time open employment. A number of services have suggested that there are factors which contribute substantially to the capacity of the individual to benefit from new services, including positive support from family or other significant persons and the quality of service staff. Both age and gender may also be a factor, in that a number of CETP services appear to place workers only up to the age of 40; older women in particular are less likely to be using open employment services such as CETPs. A capacity to work full-time also appears to be important. In such circumstances, particularly taking into account the stress experienced by many workers, it is more than likely that some people with mild/moderate disabilities are disadvantaged in gaining access to open employment depending on their personality, background and previous experience. The placement success rate of CETPs in particular may depend on their capacity not only to take people with low apparent levels of disability but with no serious other disadvantaging factor. If so, then access to new services (already limited by funding) will be further limited by other factors beyond the individual's control.

6.304 In the absence of any systematic study and presumably the absence of detailed 'before' information, it may be difficult to utilise existing services data fully to identify gaps in an individual's background/experience and thereby develop strategies for overcoming these. Nonetheless, this should be a priority in program development if access is to be as wide as possible, even within the limits of a non-entitlement program.

6.305 The extent to which people with disabilities have access to a range of employment options or to a living wage is less obvious, and the degree to which the developments suggested under the wages working party of the Disability Task Force will also be applicable to such people is also a matter of concern.³⁴² With respect to the access issue, however, the opportunities of people of whatever level of disability to move through the system still needs to be demonstrated.

6.306 The major problem identified by witnesses, and which will need to be addressed by service providers such as CES, as well as by programs, will be the recognition of the individuality of the person with a disability, and the capacity to provide a service which addresses individual needs. There is no value in detailed individual assessment if officers do not have the capacity to put together a workable

342. See below Chapter 7.

package of services from existing programs, or if there is no recognition that a number of existing programs do not meet certain needs.

Labour market programs

6.307 As was stated above, 'the current array of [labour-market] programs lacks an overall strategy and rationale and this may have the effect of limiting access to training programs for people with disabilities'.³⁴³

6.308 The past evaluation by DEET of the success of training programs was somewhat tenuous. Firstly, data on 'disadvantaged' groups could not be broken down sufficiently to indicate the level or type of disability, and this was a serious data deficiency which is being addressed by recent developments in data collection and program monitoring.³⁴⁴ Secondly, the snapshot evaluation method ('three months after') does not indicate the problems experienced, the level of job satisfaction, the capacity for improvement, the appropriateness of the job, or the long-term security of the position. Again, the new emphasis on final outcomes, which excludes individuals still involved in DEET programs³⁴⁵, is a move in the right direction.

6.309 Both training and employment programs must accept the varied learning capacities of people with disabilities, resulting from the physical, intellectual or other disability and other disadvantaging factors. JobTrain can be extended for people with disabilities who cannot complete the course successfully within the usual time limits, and the provision of a fares subsidy, and employer access to leased equipment is commendable.³⁴⁶ However, the formal nature of JobTrain courses³⁴⁷ must necessarily preclude the participation of people with more severe disabilities, or those whose formal education has not provided them with the required level of skill or whose learning capacities have been affected by their disability.

6.310 JobStart can also address the specific needs of people with disabilities to the extent that the subsidy is payable for part-time work³⁴⁸ and it would appear that a number of people with disabilities in this program are working part-time. The participation rate of people with disabilities in JobStart³⁴⁹ again indicates that its benefits may be for people with relatively mild disabilities; those with more severe disabilities may be, at best, among those in part-time employment although possibly

343. See Paragraph 5.63.

344. See above, Paragraphs 5.72-5.75, and see also Appendix 7.

345. See above, Paragraph 5.73.

346. See Paragraph 5.99.

347. See Paragraph 5.101.

348. See Paragraph 5.103.

349. See Paragraphs 5.104-5.105.

greater availability of information about this and other programs could increase participation. The availability of leased equipment is important but the need to be virtually work-ready may adversely affect individuals with different types and levels of disability.

6.311 It is not possible to extrapolate further information from the available data; what would be of importance to know, however, is the extent to which not only relatively mild/moderate disabilities, but a reasonable education, absence of other disadvantaging factors and availability of any required support (for example, transport) are also distinguishing characteristics of successful JobStart participants. It is also important to be able to determine if participants moved from one job to another, and the reasons for this.

6.312 The further development of the Post Placement Support scheme³⁵⁰, and the subsidised work experience scheme³⁵¹ reflects an awareness of the inability of the mainstream programs abovementioned to meet specific needs, and reinforces the belief that service packages or units such as the Disability Access Support Units may be required to meet the needs of people with more than minimal disabilities. These services, plus others outlined above, suggest that the major 'generic' programs for disadvantaged groups have a reasonable success rate for people with mild disabilities, but cannot meet the needs of people with more serious levels of disability, unless disadvantage-specific components are added.

6.313 Previously existing specialist projects, such as those provided under SkillShare, were encouraged to provide integration opportunities, with other services being given the opportunity to continue as specialist projects under the *Disability Services Act*. While this may have been an administrative convenience, it indicates that a 'generic' department chose to avoid further involvement in specialist services, even though there is no necessary correlation between specialist services and lack of integration into the community. The second point is that, if it was intended to develop specialist services under the *Disability Services Act* and to determine if separate support was essential to integration in the open workforce, very detailed standardised information should have been required from the beginning.

6.314 The concern of a number of organisations³⁵² and the results of the review of SkillShare, suggest that generic programs often fail to meet the needs of people with disabilities, even those with mild disabilities. This does not suggest that DEET should not be involved in the provision of services, but rather that it should undertake not only the specialist services referred to above, but a detailed investigation of the multiple factors influencing successful outcomes. Such factors

350. See Paragraphs 5.68, 5.112.

351. See Paragraph 5.113.

352. See, for example, *Transcript of Evidence*, p. 4421 (Queensland Association for Mental Health).

may include level of disability, education, socio-economic background, availability of transport and level of family or other, support.³⁵³

6.315 Specialised services are a welcome development insofar as they recognise that treating people with disabilities as a homogeneous group cannot lead to beneficial outcomes for a number of individuals. They also suggest that a generic 'employment' department *can* develop services which are outside the mainstream in themselves, but which may assist people with severe disabilities to access mainstream employment *in time*.

6.316 The extent to which pressure from groups representing people with disabilities, including mild disabilities, has led to a belief that generic services can meet all needs would be difficult to measure. It is likely that additional influence in this direction has come from the need to provide a good success rate which is often achieved by taking into programs those people most likely to succeed. That such people may have already benefitted through greater access to education and to other services, and through greater recent emphasis on the needs of people with intellectual disabilities are also factors which need to be considered in assessing the meaning of 'appropriate' services.

DHH&CS employment services

6.317 The development of employment services under the *Disability Services Act* was a major, if controversial, step. The benefits of these services have been extolled by a number of witnesses; adverse criticism has been directed at them by others, including on the grounds of financial cost per individual and lack of availability to the majority of people with disabilities. The social benefits, however, must also be recognised, as has been indicated above. Quality of life factors are important as well as financial costs.³⁵⁴

6.318 A major difficulty with the new service types, is that they have been established in an evaluative vacuum. Given the considerable opposition to sheltered workshops, and their relative lack of accountability, it is astonishing that a Department committed to positive results for individuals and intent to avoid past mistakes failed to set up a systematic data collection *in the Department*, failed to establish guidelines to services³⁵⁵, developed no proper financing strategy which took a range of funding needs into account, provided no manuals, and undertook no systematic evaluations of new services. A total of \$51,252,930 has been allocated to new service types between 1988/89-1991/92, in the absence of any systematic quantifiable or quantitative evidence readily available to the Department from service providers to justify continued funding.

353. See, for example, Recommendation 1 of Chapter 2. See also Paragraphs 2.70-2.71.

354. See in particular, Paragraphs 3.131-3.133, 5.191, 5.222.

355. See above Paragraphs 5.171-5.172, 5.219, *passim*. The Committee acknowledges that the Department wished to introduce flexible systems, but notes that it is possible to have flexible service models *and* clear guidelines, including evaluation/monitoring of outcomes, for services.

6.319 The reaction against specific 'inputs' which were considered to result, at best, in a calculated measurement of services to people without giving them choice or allowing them to become more independent, has been important in the development of a range of user-oriented services in the community services area – notably, in the aged care area. A similar model appears to have been developed in respect of services for people with disabilities; however, whether through intention or otherwise, this model has lacked some of the specific parameters of other services which have been guided by strict financial strategies at the very least, and based on much more precise information about the target population.

6.320 The Department has argued that flexibility in developing and funding services has been more important³⁵⁶ than setting firm parameters to service types – an argument, which, as noted above, has been supported to some extent by service providers.³⁵⁷ However, the provision of 'key' documents – such as the outline of service types and of a 'flexible' financing strategy – while understandable in the context of moving away from the seemingly monolithic workshop employment system, have not been an adequate replacement for more concrete information. In addition, the limited experience of Departmental staff in the planning, establishment and operation of viable commercial concerns must necessarily limit their own capacity to understand and evaluate the likely viability of a range of new service types. This limits their ability to predict the extent of need for developing variations to these and allowing for variable costs, service development and increasing 'professionalisation' of 'new service' staff.³⁵⁸

6.321 What this has meant for the development of disability services is that a belief in flexibility and in pilot schemes has dominated at the expense of careful assessment of financial costs versus benefits. The problems of existing services, that is, sheltered workshops, have been stated, but have not been addressed systematically in the past; the benefits of anything new seem to have been deemed automatically to be self-evident and as not requiring detailed consideration. While the Committee does not deny the importance of less tangible benefits of new services, it believes that it still remains essential for any department to undertake required and adequate training for its staff in order for them to be aware of the multiple costs of 'new' services and of the vital importance of establishing and maintaining effective data collection. This would at least enable staff to be aware of the benefits and the problems of services, so as to profit from the former and deal with the latter as they occur.

6.322 In its consideration of new services, the Committee has paid particular attention to the extent to which a wide range of needs can be met by these services. These needs include both the tangible and the less obvious – the latter being greater independence, capacity to function within the open community, freedom of

356. See above 5.165-5.168, 5.171-5.172.

357. See Paragraph 5.173.

358. See Paragraph 5.193, 5.212-5.245.

expression and action, having a choice, and being treated as an individual. The former needs include employment which is meaningful to the individual, appropriate to their capacities or abilities, provides reasonable security and advancement opportunities and an income which allows a reasonable standard of living. Within this broad range of needs, attention was also directed to the extent to which new services meet specific needs, including those of people with severe disabilities and those of people experiencing other disadvantaging factors.

Access

6.323 Some evidence given to the Committee suggested that access to services would continue to be a problem, especially given both the current non-entitlement basis of service provision and the uncertainty about the actual size and need of the target population.

6.324 Access to new services will depend on availability of places. This has been a fact stressed continually by people with disabilities and/or their families, by consumer groups and service providers in arguing against what was seen as the closing down of sheltered workshops with no alternatives being available. Hopefully, greater awareness of the longer transition time available will reduce some of these concerns. Nonetheless, people who require services to move into open employment or to a non-sheltered workshop environment will have their access to such services limited by the amount of funding available and by the rate at which others move through existing and future services such as CETPs and Supported Employment. The issue of funding and the equitable distribution of resources is discussed further below.³⁵⁹ The rate of movement through services is discussed in the following paragraphs.

6.325 There is an assumption that there will be a gradual transition through a support system such as CETPs leaving a continual series of places for others.³⁶⁰ This may be true for people with mild disabilities, especially considering the fact that a substantial number of people with disabilities are in the open workforce without having been through the system at all. Nonetheless, in the absence of information about the factors which may contribute to the success of people moving into open employment through CETPs, this transition rate may vary. Some people will require very high support levels³⁶¹ which, quite apart from the question of whether they really need a CETP or Supported Employment service, indicates that levels of support will vary widely depending on the individual's emotional needs as opposed to their skills and abilities.

6.326 One of the key features of success in employment was considered to be the availability of a high level of support. For many services, this support was a mixture

359. See Paragraphs 6.349-6.357.

360. Noted above, for example, at Paragraphs 5.177, 5.179.

361. See above, Paragraphs 5.9-5.11, 5.181-5.183, 6.1-6.4.

of family/carer and the service providing organisation³⁶², with some services not taking on clients who did not receive family support. In itself, this factor could lead to a discrimination against people because of established family circumstances; and, while these might be overcome through the individual's leaving home, such a step might only be possible for a person with milder disabilities and then only if other support were forthcoming. Certainly, no *general* conclusions can be drawn relating to socio-economic background, ethnicity, gender or age in such considerations of availability of support; but these are factors that do need to be considered when evaluating the reasons for the success of some clients as opposed to simply suggesting reasons for the limited opportunities of those who are either not accepted by services or are more difficult to maintain because of their need for higher levels or more extended periods of support.³⁶³ More detailed information both on numbers and on background, on level and type of disability is essential in order to determine the real success of CETP services and therefore the validity of the claim that funding can be continually directed to new clients.³⁶⁴

6.327 Insofar as support is often required at work³⁶⁵ it would also be important to determine the factors which may influence the availability of this, for example the level or type of disability, the individual's previous work experience, their experience in dealing with others, their expectations of paid employment.

6.328 By definition, supported employment requires ongoing support at different levels and is targeted at people who are unlikely to work in competitive employment.³⁶⁶ DHH&CS stated that the service was for people with more severe disabilities than the current client group of sheltered workshops.³⁶⁷ However, many sheltered workshop clients are people with severe disabilities and some supported employment services represent a transition from sheltered workshops and hence include in their clientele people with severe disabilities (even though it is true that a substantial proportion of people in sheltered workshops had a mild or moderate disability).³⁶⁸

6.329 The major characteristic of supported employment is the continuing nature of support; however, variations may occur in the amount of support required, and it is this which may allow for some additional clients to be placed with a service.

362. *ibid.*

363. See Recommendation 1, Chapter 2.

364. See Recommendations 4 and 5, Chapter 1.

365. See, for example, Paragraphs 5.182, 5.199-5.200, 6.1-6.4. See also Chapter 7, Paragraphs 7.181-7.186.

366. People with quite high levels of disability, including intellectual, are catered for in supported employment. Need may also relate to emotional support, as well as actual disability.

367. See Paragraph 6.4. However, see also Paragraphs 6.256, 6.281-6.283.

368. See *Transcript of Evidence*, p. 1500 (DHH&CS), and Paragraphs 6.256, 6.281-6.283.

Unlike CETPs, however, it is difficult to see considerable numbers of new clients coming through a service, and growth will presumably depend on the relatively high level of funding required becoming available. Again, lack of knowledge of the target population, and limited information available about specific service users, makes it difficult to determine the success factors in projects. While it is apparent that supported employment clients have a higher level of disability, in some cases it is also possible that unevenness in funding guidelines (such as they are) may result in people with low disability levels but high emotional/support needs also receiving supported employment funding. Assumptions about level of 'obvious' disability therefore cannot be made easily.

6.330 Data on the client population (both in the community as a whole and specific clients currently receiving services) is essential. Until further information of this type is available, it is difficult to see the 'success' factors and to determine if some clients might continue to receive support they do not need, simply because the nature of the service is to provide a continuing level of 'care'. The same information should be collected for supported employment clients as for CETP clients, as outlined above.³⁶⁹

6.331 While the quality and amount of support available to people in sheltered workshops obviously varied, the reasons for this are numerous. Workshop representatives have stated that the issue was one of a lack of funds (affecting training, capital expenditure, etc.) rather than a lack of interest or concern, and that with the same resources as are available to new services, they would be able to provide the same results.³⁷⁰ In some cases this appears to be so, given that some sheltered workshops in transition are running supported employment services. Nonetheless, size, attitude and changes in the 'traditional' operation patterns of sheltered workshops would also be essential components of a 'transition' service.

6.332 The issue of whether sufficient support is or was available in sheltered workshops is difficult to determine, and, insofar as workshops must undergo substantial change (if needed) in a range of areas³⁷¹, support levels remain relevant only if the same funding for support is not available for transition service as for new supported employment services.

Flexibility of employment

6.333 A further indication of both the current job market and the nature of CETP services is the fact that most CETP places theoretically are for people able to undertake full-time work. This fact in itself suggests that this type of service cannot easily meet the needs of people with severe disabilities, and this is supported by the fact that most CETP jobs are in 'regular businesses . . . which primarily employ

369. See Recommendations 12 and 13 in Chapter 5, and Paragraph 5.193.

370. See for example, Paragraphs 6.96, 6.203-6.205.

371. As outlined in the Minimum Outcome Standards book.

non-disabled people'.³⁷² Unless the specific workplace needs of people with severe disabilities, including technology, workplace restructure and personal care (quite apart from transport needs) can be addressed by CETP services, they must continue to meet the needs of a clearly defined group only – those who are relatively easy to place.

6.334 The types of jobs which are available to CETP clients vary, but are primarily of a fairly basic nature.³⁷³ Some types of jobs suggest that an able-bodied person is required, and hence may be catering for people with a mild intellectual disability. Others require a higher or average intellectual capacity, although they may be able to accommodate some physical disability.³⁷⁴

6.335 Opportunities for training and promotion may vary depending on the type of position and whether a career structure is generally available or desired by workers with disabilities.³⁷⁵ While noting the importance of people with disabilities integrating into the community and thereby accepting its and their own limitations, it is also essential to ensure that people with disabilities (especially those with intellectual disabilities), are not permanently placed in repetitive or 'menial' work if their abilities enable them to undertake more interesting tasks.³⁷⁶ Otherwise, a major objective of new services cannot be met.

6.336 Information about full or part-time work for people in supported employment was derived indirectly from examining the types of work done. In many cases it appears that employment was full-time, in terms of hours/days worked, and that workers were regularly employed (that is, on a continual basis) unless the job was a time-limited contract. However, full-time work did not mean full productivity, and hence full award wages were not paid in a number of instances.³⁷⁷

6.337 There is a certain amount of variety in hours of employment³⁷⁸, and this may result from the nature of the work available and/or appropriate for the individual. Because of this, supported employment does offer scope to people either with severe disabilities or to those whose needs for different types of employment patterns or for extensive support may effectively preclude them from full-time open employment.³⁷⁹

372. See Paragraphs 5.198-5.199.

373. See Paragraphs 5.252-5.256.

374. See Paragraphs 5.255-5.256.

375. See Paragraphs 5.251-5.252, 5.257.

376. See above Paragraph 3.67.

377. For example, see Paragraphs 6.23, 6.31, 6.33, 6.44.

378. See Paragraphs 6.31, 6.33.

379. See Paragraph 6.38.

6.338 Variety is also obvious in the types of employment that have been developed, ranging from computer work, gardening, catering, arts/crafts to garment manufacture and electronics assembly. For people with severe physical disabilities, the opportunity exists for increasing skills and hence income, as well as moving into similar work in other companies, *if required support is available*. For people with intellectual disabilities, some variety and movement is obviously possible although this will no doubt vary according to opportunity, abilities and availability of required support.

6.339 Sheltered workshops did offer some flexibility in terms of hours/days worked, in that clients could work three rather than five days. To this extent they did provide a choice, although this choice may have been utilised because the level of wages was so low that full-time employment was not considered worthwhile. The number of people who worked fewer hours because of physical or other limitations is not known, but could have been considerable depending on the level of disability.

6.340 If sheltered workshops 'in transition' are able to offer the same choice of days or hours worked, as a form of supported employment, this could be an important means of providing employment options for those with more severe disabilities, or those whose needs for irregular work may make them difficult to fit into the ordinary workplace. This factor was recognised by one organisation which noted the difficulty of providing employment for people with very severe disabilities but with an interest in, and a need for, the involvement which 'employment' provided.³⁸⁰

6.341 The range of work available in sheltered workshops varies, and much of it offers opportunities to develop work skills and increase earning capacity. This capacity to provide a valued and appropriate service to people with disabilities, particularly those with severe disabilities, in an integrated environment, should be maintained.

6.342 The financial operation of sheltered workshops in transition will be the subject of considerable discussion. The Committee has noted the difficulties under which workshops operated in the past and emphasises the new difficulties which will exist if sheltered workshop employees are likely to be in the higher disability group. There is a need to match the variable productivity rates of people with severe disabilities to both a mixture of staffing and an appropriate funding level, if serious inequity is not to be maintained between forms of supported employment.

6.343 While there is a certain amount of flexibility in the various services currently available, sufficiently detailed information is not available to indicate clearly whether all or some service types can adequately meet the needs both of the numbers of people with severe disabilities, and of those people who do not easily fit into standard work patterns.

380. *Transcript of Evidence*, p. 381 (Spastic Society of New South Wales).

6.344 For some people with severe disabilities, particularly physical disabilities, technological assistance³⁸¹, a modified workplace, and transport and personal care assistance may make 'open' employment of particular types possible. For the same reasons, supported employment may also meet a number of such needs.

6.345 Supported employment also appears to be appropriate for some people with more severe disabilities, including people who cannot work full-time or who need a period of time before they are able to work at closer to standard rates. Yet, without more detailed information, it is not easy to see if supported employment can provide a service for people with more severe psychiatric disabilities, people with head injuries, those whose motor skills may decrease over time, or people with 'behaviour' problems.

6.346 Given the numbers of people in these categories (insofar as it has been possible to estimate such numbers) it is important that appropriate services be developed in order to meet such specialised needs. To a point, ATCs and Independent Living services do address the needs of some people in these groups, but these are not necessarily the best services for all people with such disabilities. Sheltered workshops also have provided services to people with these disabilities, and there is no reason to suppose that they might not continue to do so insofar as employment is meaningful and indeed essential to some people with these disabilities.

6.347 In the 'transition' period of sheltered workshops it should be possible, as part of the development of these services to more modern, more effective service provision, to undertake a study of the particular 'work' and other needs of people in these high need groups and relate these needs to a more effective use of existing resources. This is not to suggest that the 'traditional' workshops be renewed, but rather that where it is possible to develop real work programs for those with non-standard needs the extent to which these can be met in a fully integrated work setting should be carefully assessed.

6.348 Viable employment options in the area of part-time work or irregular employment, or work which can be provided for people whose skills are decreasing, are required. What is needed in this area is a funded commitment to identify appropriate jobs and job arrangements and give priority to those people whose needs are high.

381. See for example *Data Bases of Accommodative Aids for Computer Users with Disabilities*, Human Factors 32:4, 1990, pp. 407-22, and *Computer Accessibility for Federal Workers with Disabilities: It's the Law*, Social Aspects of Computing, 32:8, 1989, pp. 952-6.

Recommendation

The Committee RECOMMENDS:

15. That the Department of Health, Housing and Community Services provide a summary of research that has been done on the identification of suitable types of employment for people who are unable to work full-time, or whose skills will decrease rather than increase. If such research is limited, or the results are not easily applicable to Australian society, the Committee recommends that the Department of Health, Housing and Community Services, in conjunction with the Departments of Industrial Relations and of Employment, Education and Training, undertake such research, including the development of a strategy to assist departments and other employers to restructure existing employment options to meet these needs.

Funding

6.349 Criticism of the financing strategy applicable to both old and new services was widespread. Two issues arise out of this. The first is the extent to which specialist services (especially supported employment) will use extensive resources thus limiting the quality of services available to others. The second is the implication that inadequate funding has for the successful operation of services.

6.350 The cost of supported employment, in dollar terms, is high. Subsidies can be provided for staff salaries, rent and purchase/repair of equipment/machinery, but not all services will be able to run a viable business in the sense of being able to take over these costs, as well as pay wages. If this is the case, it is essential that this fact be acknowledged and a decision be made as to the costs versus the other benefits of such services; this is especially the case if the nature of the service or the client group is such that there will be no transition, or very little transition, through the service, thereby creating places for others.

6.351 As far as the second point is concerned – the appropriateness of the level of funding – there are a number of different views. While many of the traditional services felt that funding for new services was excessive, the new services themselves believed that funding was unrealistically low.³⁸² The Department was seen not to have taken into account a wide range of factors, such as travelling and report writing, or to be aware of basic differences between rural and urban areas in terms of varying costs.

6.352 Both traditional and new services are saying much the same thing; in fact they are both making statements about the cost of providing a quality service and the components that cannot be provided (and have not in the past) if there is not sufficient funding.

382. See Paragraphs 5.202-5.218.

6.353 The funding process and the amount of money that will be available for transition still requires greater clarification. In 1991-92, an estimated \$47,351,818 will be spent on 267 sheltered workshops and, during 1990-91, transition funding alone totalled \$12.3 million. This in itself may support the theory that extremely inefficient business practices and out of date equipment³⁸³ (as well as the economic situation) have held back sheltered workshops to the point where the move towards new service types can only be achieved at a very high cost. It does suggest, also, that very high levels of funding will be required to effect the transition to the standard of new services expected. It would be appropriate for a clear statement to be made on the amount of money that will be available for transition.

6.354 Similarly, it is unlikely that existing and future supported employment services will all become viable business operations. It is necessary, therefore, to determine the amount of money that will need to be expended in order to maintain these, and the number of people they will be able to provide meaningful employment for (including those people currently employed in sheltered workshops).

6.355 The extent of past neglect and the results of this in terms of poor management practices, poor administration, and uneconomic work practices have been conceded in the setting up of the National Technical Assistance Unit. It is essential for the Department of Health, Housing and Community Services to consider the philosophy behind the approach to funding of new services and to determine the damage that may be caused by the somewhat random funding of services, operated in some instances by people who do not have the requisite skills, or who cannot get funds to attract highly qualified staff.

6.356 This somewhat *laissez-faire* approach to new service development is also evident in the non-funding of training to service providers, especially in CETPs. There are at least two inferences that could be drawn from this – that people with (mild) disabilities do not really require specialised services, and that transition to open employment is considered easier if ‘specialist’ staff work with limited contact with other similar service providers.

6.357 Such approaches neither value clients nor staff. In reality, witnesses stated, highly trained staff were required and this needed to be recognised. While witnesses did not specifically link the seemingly casual approach to qualifications with the belief that transition itself should be seen as ‘natural’, it is possible that this correlation is one which influenced Departmental attitudes. Yet a Department which had condemned sheltered workshops for failing to establish viable commercial operations despite reasonable funding levels, and for not treating clients in an appropriate fashion, should have been concerned that proper financial systems were in place and properly trained staff were both available and appropriately funded for on-going training, to ensure the success of the new services.

383. See above, Paragraphs 6.152-6.175.

Recommendation

The Committee has made related recommendations at Chapter 5, Recommendations 12 and 13 on the need for evaluation of 'new' services and need for staff training.

The Committee RECOMMENDS:

16. That funding be provided to all service types to ensure that staff have access to required training. Services are to ensure that funding is used appropriately, and in particular that training is undertaken to ensure that services are based on sound business principles and that staff have requisite expertise, particularly in managerial and administrative procedures and personnel development.

Accountability

6.358 That the Department has not made sufficient provision for responsible accounting by new services is apparent in a number of ways, including the limits of reporting and monitoring requirements, data collection, and individual costs reports. Again this suggests that the same mistakes have been made in respect of new services as were made regarding the accountability of workshops. Accountability is a two-way process, with services reporting to the Department and the Department having the responsibility of reporting to the Minister and Parliament, to the taxpayer and to people with disabilities, on the effectiveness of its programs.

Recommendation

The Committee has made related recommendations at Chapter 5, Recommendations 12 and 14, and Chapter 6, Recommendations 1, 6, 10, and 11.

The Committee RECOMMENDS:

17. That appropriate evaluation and monitoring processes be established for program funding and program outcomes, and that reports on the operation of all services be produced in 1992 and at regular intervals thereafter. These reports are not expected to cover each individual service, but should be sufficiently representative to provide a realistic assessment of benefits, costs and problems, and strategies for any required change.

'Employment'

6.359 The Committee's terms of reference concern only current employment programs and the extent to which these meet current needs and can be expected to meet future needs. They do not allow for detailed study of options in employment which embrace wider ideas of productivity, or activities which are valued by the community and for which people with disabilities, and others, could be paid a living wage.

6.360 Nonetheless, as was indicated at the beginning of these two chapters on employment³⁸⁴, there is a need to look outside of the usual concepts of employment if the needs of people with disabilities, especially people with severe disabilities, are to be met in the future. This is so for a number of reasons. The work/employment needs of some people with high levels of disability may be met by workplace reform, by a systematic policy of training and employment, by employers spending money on equipment, or equipment grants being made available to meet individual needs. Yet, because the needs of people vary so widely it is unlikely that the needs of all those with high levels of disability can be met within the ordinary workplace. It is possible that alternative employment models (for example, home-based work) can be established and linked into mainstream employment which will offer additional options that overcome some of the greatest work-related problems such as transport and personal care³⁸⁵, of people with disabilities who have or can obtain skills which can be used in these settings. These options need to be considered as a matter of priority.

6.361 Up to a point, the development of new employment options will be facilitated through inter-departmental projects. These include workplace reforms, DIR participation in management of the DHH&CS program 'Employer and Union Education Strategies', and joint departmental involvement in production of publications/promotional material, and co-operation in projects of mutual interest.

6.362 The greater involvement of key departments such as Industrial Relations in the work of reform of disability services is essential. In 1991 the Department of Industrial Relations was particularly involved in the Wages Sub-Committee of the Disability Task Force, including a consultancy on assessment, and its Workplace Equity Unit (WEU) in the Development Division (IRDD) was beginning to develop a number of ideas relating to work options for people with more severe disabilities.

6.363 Progress in areas such as these, especially in conjunction with pilot programs such as the two-year job placement program for people with disabilities conducted by the Labor Council of New South Wales³⁸⁶, will give greater meaning to the moves for DHH&CS to become more closely involved in the general business and union world.

6.364 This point was emphasised by the Minister for Health, Housing and Community Services in launching the National Technical Assistance Unit in July 1991. The unit, he said:

also signals that disability issues in general, and especially employment opportunities for people with disabilities, are no longer the narrow preserve of the "welfare" sector and the consumer movement, but

384. See especially Paragraphs 5.13-5.58.

385. See below, Chapter 7, Paragraphs 7.140, 7.147-7.150, 7.156-7.160, 7.181-7.186.

386. This project resulted from a recommendation of the *Ronalds Report*.

demand and receive the best input that mainstream business and the trade union movement has to offer.³⁸⁷

Recommendation

The Committee RECOMMENDS:

18. That an integrated interdepartmental approach to the development of employment options be continued, particularly where the skills and experience of different departments can provide assistance in the development of cost-effective and viable businesses.

6.365 People with severe intellectual disabilities, and those with multiple severe disabilities, may require an entirely different service or series of services from those currently available. At present it is expected that the 'employment' needs of some people will be met under the *Disability Services Act* by supported employment (although a number will utilise other services rather than employment ones). This expectation appears to be based on the belief that everyone can contribute to society in employment if enough resources are devoted to them. Hence, there has been the development of intensive supported employment services such as Vitec Assembly in Perth which are intended to demonstrate that severely intellectually disabled people can be involved in 'mainstream' employment, albeit in a separate workplace. However, it would be necessary to examine the basis of such services carefully in order to determine whether this form of employment is one which, while it may financially benefit service providers and some people in Government departments committed to a particular ideology, in fact has little appreciable benefit, *through its work component*, for participants.

6.366 The productivity level of Vitec is minimal and the business, in a highly competitive market, especially during a recession, is non-viable without substantial subsidy. In itself, this is sufficient cause for concern. The real concern however, is that there is no program evaluation established which could demonstrate that the work involved (as distinct from the contact with others and the individual attention necessary from staff) is productive of any benefit to the participants *which could not be achieved through other means*. To evaluate the individual benefits would be difficult (especially because of the communication problem of some participants). To relate these to an objective assessment of the factors which enhance individual participation in society would also be difficult but essential, if any result is to be demonstrated. Without this research as a basis, there is a serious likelihood that 'employment' programs of this type could be established and continually funded which would do what sheltered workshops have been accused of doing – exploiting some of the most vulnerable members of society. Such exploitation could occur if there is no awareness of, or appreciation by, the individual participant of the value or meaning of 'work' in its usual sense.

387. Speech by the Hon. Brian Howe, Minister for Health, Housing and Community Services at the official launch of NTAU, 5 July 1991, p. 4.

6.367 If there is a possibility of such exploitation it becomes increasingly important to develop a much more integrated series of services for people with severe disabilities which can build on available services but not be confined to these. To do this it is necessary to expand the concept of employment to include all meaningful activities which lead to individual development.

6.368 The Committee has made recommendations on this concern — see Chapter 6, Recommendations 5 and 14, and Chapter 5, Recommendations 1 and 2.

CHAPTER 7

WAGES, INCOME SUPPORT, AND COSTS OF DISABILITY

7.1 In the previous chapters, a number of factors, ranging from gender, socio-economic background, and culture, to location and age, were identified as probably having a considerable effect on the capacity of many people with disabilities to participate in programs and to become as independent as possible. This chapter examines the myths and realities of perceived economic constraints, and also identifies those areas where change is occurring (or needs to occur) in order to make it financially feasible for individuals to operate as independently as possible.

7.2 In the immediately preceding chapters on training and employment, a number of economic constraints were identified which affect the opportunities of people with disabilities to participate fully in society. In particular, these included:

- limits to the funding of labour market programs and employment options (as well as other limits to effective access to these services);
- the considerable funding available to some service types, but neither previously available nor proposed to be fully extended to, other services such as sheltered workshops and the probable consequent limitation of these services; and
- the level of wages available to people in 'open' employment, some supported employment services and generally in sheltered workshops. All of these financial barriers have contributed over a considerable period of time to placing effective barriers to opportunities for people with disabilities to become as financially independent as possible.

7.3 In this chapter, consideration is given to the structure of, and changes to, the income support system; to factors affecting general wage rates for people with disabilities and to new ideas regarding a skills-based wage structure for some people with disabilities; and to the costs of disabilities. In this, as in other chapters, the Committee's concern is to identify factors which have in the past affected, or may continue in the future to affect, the extent to which disability marginalises people. It is also concerned to examine the extent to which disability is used, directly or indirectly, as the basis for exclusion from the benefits of society. While the Committee's basic concern is the operation and nature of employment programs, these programs are inextricably linked not only to education systems but to an economic and social structure in which value is often equated directly with income. While a number of suggestions have been made about the limitations of a purely 'work' related living environment, and about the need to link a living wage to a wider understanding of employment¹, the issues of income support, of available

1. See above, Chapter 5, Paragraphs 5.42-5.58 and Chapter 6, Paragraphs 6.340-6.348.

wage levels, and of the costs of having a disability are of direct and immediate concern to people with disabilities.

INCOME SUPPORT

7.4 Disability Support Pension (DSP) and Sickness Allowance (SA)², which are paid by the Department of Social Security (DSS), are the main means of income support for people of working age who, because of sickness or a disability, are unable to support themselves fully through employment. People who have a permanent incapacity or disability will now receive Disability Support Pension and those people who are temporarily unable to work because of illness or some other disabling condition receive Sickness Allowance. In addition a relatively small group of people with disabilities received a Sheltered Employment Allowance (SEA) which, while similar in its rates and conditions to DSP, was paid to people with disabilities in sheltered employment, or Rehabilitation Allowance (RA) which is paid to participants in DHH&CS rehabilitation programs.³

7.5 The number of people on the Invalid, now the Disability Support Pension is considered to have increased dramatically in recent years because previous eligibility criteria included a number of factors which were not 'medical' – such as age, education, language.⁴ However, it has been considered that these factors relate more to difficulty in obtaining employment, and that people should be placed on unemployment benefits rather than a disability pension. At 30 June 1991 there were 422,819 invalid pensioners⁵, of whom 234,359 were males aged 16-64. There were 71,397 sickness beneficiaries, 9,886 sheltered employment allowees and 3,574 rehabilitation allowees. At November/December 1991 when the new pension arrangements had been in operation for a few weeks, the figures for recipients were:

Sickness Allowance	53,100	(November 1991)
DSP	364,000	(December)
DSP including wives/carers	469,000	(December)
SEA (at time of transition)	9,800	(includes wives/carers)

2. Amendments to the *Social Security Act* through the *Social Security (Disability and Sickness Support) Amendment Bill 1991*, brought these changes to the Invalid Pension and Sickness Benefit, effective from 12 November 1991.

3. Basic eligibility requirements and the main features of the previous income support system are outlined in Appendix 14.

4. *Transcript of Evidence*, pp. 5833-5 (DSS). See below Paragraph 7.17 for changes to the criteria and an outline of the main features of the Disability Support Pension.

5. Including wives/carers.

7.6 Since the Committee received this reference, the Government has announced and introduced wide ranging reforms to disability income support as part of the Disability Reform package announced in the 1990/91 Budget. Other components of the reform package such as the expansion of labour market programs and rehabilitation services were discussed above in Chapter 5.

7.7 The legislation introducing the changes to disability income support, was referred by the Senate Selection of Bills Committee to this Committee in June 1991 for consideration and report.⁶ At its public hearing on 12 August 1991, the Committee heard from a number of witnesses on the impact of these changes. Witnesses expressed concern about many aspects of the proposed legislation, including restricted access to income support and reduced youth payments and had considerable reservations about some of the proposed more punitive aspects such as the changes which would impose penalties for non-compliance.

7.8 Amendments were not made by the Government to the proposed reductions in payment for under 21-year olds, and the effect of these measures is to reduce the amount of income support available to people with disabilities aged 16-20 years. As there is no reduction in costs of disability because of age, a number of organisations believed there should be no reduction in income available to young people with disabilities.⁷

7.9 One unexpected effect of this was that people aged 16-20 in nursing homes would be at a disadvantage, since the nursing home fee was based on the adult rate of pension plus rent allowance. The issue was raised in Senate Estimates in September 1991⁸ and action was subsequently taken by the Minister to ensure that individuals concerned were not disadvantaged.

7.10 Over one hundred amendments were made to the Bill, many as a result of consultations with community groups and organisations. Penalties for non-compliance were removed from the legislation, which was passed by the Senate on 9 September 1991; amendments were accepted by the House of Representatives on 12 September 1991.

7.11 The majority of the submissions and evidence received by the Committee in its inquiry into employment for people with disabilities addressed issues relating to the income support system in place in 1989 and 1990, and in many cases endorsed the recommendations which had been made by the Social Security Review in 1988. Particular emphasis was placed on the perceived cut-off points of benefits and full pension, and most witnesses indicated that employment options were not viable, even if available, because of financial penalties.

6. The *Social Security (Disability and Sickness Support) Amendment Bill 1991*. The Committee reported on this Bill in August 1991.

7. Senate Standing Committee on Community Affairs Report on the *Social Security (Disability and Sickness Support) Amendment Bill 1991* (August 1991), p. 8.

8. Senate *Hansard* Estimates Committee C, 11 September 1991, pp. C227-28.

7.12 Given the focus of this inquiry on the implementation of the DSA, much of the evidence received by the Committee focussed on employment opportunities for the relatively small group of about 15,000 DSS clients in whom DHH&CS also has a significant interest, that is, those who are in sheltered employment or in the new vocational services funded under the DSA. However, it is important to recognise that income support for people with disabilities is extended to a large and diverse group of people with disabilities, many of whom it is anticipated will benefit from the reform of income support.

Reform of Disability Income Support 1990/91

We have seen a gradual shift in attitudes about disability worldwide. The heritage of the Invalid Pension is very much underpinned by the concept of providing for, in the words of the 1908 legislative debates, "nature's most unfortunate children". . . Change in the social security system is often seen as very threatening and the existing arrangements as secure. However, this security may be both illusion and prison. If the security is for all your lifetime, then the cost of that security is very high.⁹

7.13 DSS has been heavily involved in the development of policies to assist people with disabilities in recent years. A major concern with the existing arrangements¹⁰ was that they created additional barriers to employment and did not adequately encourage or support access to programs which would enhance employability. The eligibility conditions for invalid pension were seen as discouraging recipients from testing and expanding their potential for gainful employment in the mainstream labour market. Only 2 per cent of invalid pensioners went off pension because of their return to employment.¹¹ In 1988, the then Minister for Social Security the Hon. Brian Howe MP, highlighted the effect of the eligibility requirements on the self-perception of many people with disabilities:

The 85 per cent 'incapacity for work' approach is seen as itself producing handicap, in the sense that it is a social construction which inhibits a person with disabilities from exercising his or her full potential. It requires a person to prove and maintain almost total exclusion from the workforce.

9. Speech by the Minister for Social Security, Hon. Brian Howe MP *Income Support for People with Disabilities: New Directions, New Vision*, 1988 ACROD Convention, Melbourne, hereafter cited 1988 ACROD Speech, pp. 5-9.

10. That is, those in place prior to November 1991.

11. Second Reading Speech *Social Security (Disability and Sickness Support) Amendment Bill 1991*, *Hansard*, 5 June 1991, p. 4405.

The meaning of the word 'incapacity' itself has always been a problem. For most recipients, it requires that they demonstrate unemployability.¹²

7.14 In 1988 the Issues Paper, *Income Support for People with Disabilities: Towards Enabling Policies*¹³ was published as part of the Social Security Review led by Professor Bettina Cass. The Issues Paper identified directions for the reform of income support for people who were sick or had a disability and was the basis of wide consultation in the community. It focussed on two issues: the equity and adequacy of income support; and restructuring income support to minimise disincentives and to support opportunities for participation in education, and in labour market programs, for employment in a variety of work settings; and other community activities.

7.15 The Disability Task Force, an interdepartmental body which included DCSH (now DHH&CS), DSS, Finance and DEET, was subsequently established to consider how to provide income support for people with disabilities which would encourage active participation in rehabilitation and labour market programs, education, employment and other community activities.

A central concern of the Government's social justice strategy is to ensure equal access to education and training . . . There has been a strong focus on these goals in many of the Disability Service Act demonstration projects, and the Department of Employment, Education and Training SkillShare projects. Reform of the income support system to reflect these changes is an important adjunct to efforts in these other portfolios.¹⁴

7.16 As a result of this process, significant changes to income support for those who are sick or have a disability were announced in 1990/91 Budget. Based in part on the recommendations made in the Social Security Review, the reform package has as its main aim the introduction of a more active system of payment and support. The reforms, which came into effect on 12 November 1991, aim to increase the participation of people with disabilities in employment, education and training activities. They also aim to facilitate participation in, and contribution to, the life and work of the community. A further objective is to ensure that people with severe disabilities and limited job prospects get adequate and secure income support.

7.17 The Invalid Pension has been replaced by the Disability Support Pension (DSP). The major changes to the previous structure include:

12. Minister for Social Security, ACROD Speech 1988, p. 4.

13. Social Security Review Issues Paper No 5: *Income Support for People with Disabilities: Towards Enabling Policies*, AGPS, Canberra, 1988.

14. Minister for Social Security ACROD Speech, 1988, p. 8.

- The existing invalid pension eligibility criteria have been changed by introducing a minimum impairment threshold of 20%, together with a reduced range of non-medical factors to target the payment more clearly to those with significant disability.
- impairment tables include those relating to psychiatric, and drug and alcohol related disabilities.
- The assessment of 85 per cent permanent incapacity for work was replaced by an assessment of an inability to work for at least 30 hours per week at award wages or above in the foreseeable future (at least two years) due wholly or substantially to a physical, intellectual or psychiatric impairment.
- People considered likely to benefit from training or other assistance can be placed in the 'active' category of disability support pension where they will have access to rehabilitation and training opportunities.
- The level of weekly income which an pensioner can earn before a medical review of their entitlement for pension is necessary has increased from \$50 to \$250 a week.
- The rates of Disability Support Pension for those under 21 has been aligned with the rates of the Common Youth Allowance structure from November 1991 but the equivalent of child disability allowance is included. Part of this payment is also be subject to the parental income test for 16 and 17 year olds. Existing recipients were not transferred to the 'youth' rates.

From November 1991 workforce transition measures to assist people with disabilities to enter or re-enter the workforce have included:

- the extension of eligibility for the pensioner health benefit (PHB) card for 12 months to disability support pensioners whose earnings exceed the fringe benefit income test;
- an employment entry payment of \$200;
- Mobility Allowance for people with disabilities unable to use public transport will be increased from \$11 to \$20 per week.¹⁵ It is payable to people who are engaged in vocational training or employment for at least eight hours per week.

15. The previous low level of Mobility Allowance was criticised by several witnesses; see below, Paragraphs 7.161-7.162.

Recommendations

The Committee RECOMMENDS:

1. That the Government consider the payment of a Disability Allowance, based on need.
2. That eligibility for income support should not be based solely on medical impairment, and other factors such as language and education level must be taken into consideration.

[Note: Recommendations 1 and 2 were made by the Social Security Review led by Professor Bettina Cass.]

7.18 In recognition of the concerns or reservations held by those who are moving off invalid pension into open employment about the loss of their financial security, people with disabilities will be able to return to DSP if their employment attempt is unsuccessful. People attempting full-time work who cease to be eligible for the pension will be able to go back on the pension, without having to undergo a further medical review of their eligibility, any time within a review cycle.

7.19 From November 1991, SEA and Rehabilitation Allowance (RA) were replaced by the Disability Support Pension. New entrants to sheltered employment will receive the DSP while 'existing' recipients have their entitlements 'saved' and receive DSP under the previous SEA guidelines until their entitlement ceases. Those receiving the Incentive Allowance continue to receive it while they remain on the DSP and in sheltered workshops/activity therapy centres. Incentive Allowance will not be paid to new recipients of DSP, although such recipients may be eligible for rent assistance.

7.20 Under the new arrangements, assessment procedures will be improved, and, in consultation with the individual client, will be used to determine an applicant's capacity to participate in employment and their need for education, training or rehabilitation programs. Clients who already have some employment potential or who may require assistance to prepare for the workforce can be placed in the 'active' category, and will be targeted for special assistance such as access to training and rehabilitation and employment assistance.

7.21 Sickness Benefit, now Sickness Allowance (SA) is limited to 12 months (24 months in some exceptional circumstances) to avoid both long-term dependency on the payment and the weakening of links with the labour market. At the same time, opportunities for early rehabilitation for people on Sickness Allowance have been increased and account taken of chronic conditions, worsening of the same condition, or the development of a different one, and the need for participation in drug or alcohol treatment programs. All persons who were receiving Sickness Benefit on 12 November 1991 were transferred to Sickness Allowance without having to meet the new conditions.

7.22 The income test for pensions remains unchanged. Changes to the income test will be considered further by the interdepartmental Disability Task Force. Calls for the liberalisation of the income test for those in sheltered, supported or open employment¹⁶ must be balanced against the potential of extensive changes to introduce serious inequity. This would occur through advantaging one group of DSS pensioners with disabilities over all other pensioners with disabilities, and over all other DSS clients subject to the same income test (for example, age pensioners and sole parents). Liberalisation of the income test would have ramifications for the entire income support system. While many would concede such liberalisation is desirable, it would clearly involve massive increases in Commonwealth expenditure.

Barriers to employment

7.23 Many of the reform measures outlined above will address, either in part or in full, the criticisms and concerns of those who made submissions to this inquiry. While the majority of the evidence received on the question of income is now somewhat dated evidence it provides a valuable yardstick against which to measure the extent and scope of the reforms and the shortcomings of the previous system which they are intended to overcome.

7.24 Evidence taken during the inquiry frequently focussed on the ways in which structure of the income support system for people with disabilities acted as a disincentive to work, or, for those who were already in employment, as a disincentive to increase their incomes.¹⁷ The major problems in this respect were the operation of the income test and the impact of effective marginal tax rates, and the availability of assistance to ensure a successful transition to the workforce. For example, a number of witnesses and submissions stated that retention of the Pensioner Health Benefit (PHB) card and assistance to meet the costs of disability (such as a disability allowance) were essential for effective transition.¹⁸

16. See for example *Transcript of Evidence*, pp. 376-77 (The Spastic Centre of New South Wales), p. 4630 (DHH&CS, p. 5391 (Messrs Rodwell & Smith, Cumberland College of Health Sciences), p. 5852 (Human Rights and Equal Opportunity Commission) and Submission No. 149 (Victorian Mental Illness Awareness Council) and Submission No. 162 (Mental Health Co-ordinating Council).

17. Given the time lapse between the calling for submissions and the finalising of the inquiry some of the information provided in evidence on the relevant cut-off points is outdated due to subsequent indexation increases or, in some cases, the reforms outlined above.

18. When announcing the Disability Reform package the Government indicated that it was still considering the introduction of a disability allowance, particularly for people with disabilities participating in employment. This issue is discussed below. The PHB card may be retained for 12 months by those whose earnings exceed the fringe benefit income test – see Paragraph 7.53.

Income test

7.25 The pensions income test enables all pensioners to supplement their pension through earnings or other income. The pensions income test has two components, the 'free area' which attracts no tax and the 'taper', which affects 50 per cent of all income above the free area. A single pensioner with no dependants could earn up to \$40 per week of private income free of the income test (the 'free area') and also does not incur tax on this private income because a single pensioner qualifies for a tax rebate which was set at \$40 per week for 1990/91. Further, the general exemption from income tax applied to income of \$98 per week or less in 1990/91. The free area was set at \$40 per week in 1987; however, from 1 July 1991 this limit has been indexed in line with the CPI. Therefore from 1 July 1991 a single invalid pensioner with no dependents could have a combined income from pension and earnings of \$385.60 per fortnight before his/her income is affected by the pension income test or taxation; if the individual was eligible for maximum rent assistance or incentive allowance, this combined income could be \$505 per fortnight.

7.26 Beyond this free area, the income test taper applies. For every \$1.00 of private income earned, a pensioner loses 50 cents of his/her pension. Entitlement to part pension ceases when private income exceeds either \$697.20 per fortnight or \$817.20 (where maximum rent assistance is paid).

Effective marginal tax rates

7.27 High effective marginal tax rates are generated by the overlap of the income test (which reduces pension entitlement as private income increases) and tax on taxable income. Effective marginal tax rates are widely recognised as a very significant disincentive for many groups of pensioners to increase their private incomes (for example, sole parents attempting employment). However, both invalid pensioners and people on Sheltered Employment Allowance were shielded from the full impact of the effective marginal tax rates as, unlike other pensioners, their DSS entitlements were not subject to income tax. In addition, the earnings of most people on SEA are too low to incur income tax liabilities. The Committee notes the Government's decision to index the free area of the pensions income test and believes that over time this will help to maintain the real value of the free area.

Perceptions of those still in sheltered employment

7.28 Many submissions expressed the concern of workshop management, parents and advocates that the impact of the income taper and the loss of fringe benefits discourage workers from seeking open employment or from striving to increase their earnings in sheltered or supported employment. Submissions highlighted the lack of understanding of workers and their families about the operation of the income test and the role of targeted income support payments. Summit Industries, a sheltered workshop in transition, which was paying relatively high wages to its employees, commented:

They find it very difficult to understand the connection between the benefit and the wage that we pay, and we often find that either they or their parents request the forgoing of pay increases.¹⁹

A CETP agency made a similar point:

Fear of loss of pension or benefits entitlements is one of the major fears of disabled persons. Because of their disability they and their parents see the pension system as a highly desirable secure form of income which should be protected at all costs. The fear of loss of pension at times [overrides] the other advantages disabled persons may gain through employment.²⁰

Wirrawee, an organisation in South Australia undergoing transition, suggested that:

Assistance should be available from the DSS to counsel people with intellectual disabilities to a greater understanding of how employment will affect their pension and benefits.²¹

7.29 The Challenge Foundation at Coff's Harbour pointed to another factor which, if validated, would indicate an alarmingly low level of financial independence for some people with disabilities.

The high unemployment rate of this area is such that the possession of an invalid pension gives some greater security. Support for 'open employment' is significantly hampered when parents believe the loss of pension and benefits will be at least one negative outcome for the employee . . . We believe that most families budget the pension into total family funds, therefore there is pressure not to change given the family's own perceptions of the individual's chances.²²

7.30 The financial security of the person was considered by another organisation to be one of the major reasons why hearing disabled people might not become part of the employment market.

19. *Transcript of Evidence*, p. 5390 (Jobmatch).

20. Submission No. 114, p. 1 (Vocational Training Service).

21. Submission No. 35, p. (Wirrawee Inc.).

22. Submission No. 139 (Challenge Foundation, Coffs Harbour & District Branch). This attitude may limit the opportunities of people with disabilities and affect the extent of support which a family will give to efforts to achieve other employment. As indicated above (see Paragraphs 6.326-6.332), this can profoundly affect the chances of some individuals to obtain greater independence and extend their skills, especially if lack of support means lack of access to some programs.

While deafness itself is not sufficient qualification for a pension, when combined with social/emotional problems, other disabling factors, anxious parents, and the like – a considerable number of deaf people and their families prefer the security of steady income to the uncertainty of the employment market.²³

7.31 Sheltered employment services were particularly critical of the operation of the income test on pension entitlements and net incomes. However these arguments are largely academic, due to the low level of wages traditionally paid in sheltered employment.²⁴ In June 1990, 81 per cent of people receiving Sheltered Employment Allowance were earning \$40 or less per week.²⁵ This low wage was acknowledged by the Spastic Society of NSW. The organisation argued that as effective marginal tax rates and the loss of fringe benefits affected only ‘something like 2 to 3 per cent’ of people with disabilities in employment, such disincentives could and should be ‘addressed as a matter of urgency’, presumably because the effect would be minimal on government but appreciable for individuals. The organisation believed that the problem could be overcome by people with a disability paying tax on the same basis as non-disabled workers – PAYE.²⁶ However, this solution to the problem does not directly address the major concern which others had – the fact of the low level of wages available in sheltered workshops.

7.32 The Office of Disability, and others, suggested that an unintended consequence of the income test arrangements was that:

... the ceiling level set on earnings, in combination with the risk of loss of fringe benefits, is used by service providers to justify the payment of low nominal ‘wages’ to people attending sheltered workshops.²⁷

7.33 A further difficulty, possibly resulting from the long association of low wages with sheltered employment, was the lack of understanding about the effect of tax rates on pensions or allowances. During the consultations following the release of the Ronalds Report, it was found that a ‘significant proportion of sheltered workers were under the (incorrect) impression’ that if their earnings exceeded \$40 per week they would lose their pension immediately.²⁸ The report concluded that further action was necessary to correct such a widespread misunderstanding of the income test:

23. *ibid.*

24. See above, Paragraphs 6.94-6.114.

25. Appendix 14, Table 2.

26. *Transcript of Evidence*, p. 430 (The Spastic Centre of New South Wales).

27. *Transcript of Evidence*, p. 4618 (DHH&CS). See Paragraph 6.97.

28. *Ronalds 2*, p. 47.

It is recognised that the publicity proposed for the disability reform package will explain the rules for income testing and their real effect on a pensioner's net income. However, part of that publicity needs to be specifically directed toward people with an intellectual disability.²⁹

7.34 Evidence from Summit Industries in Tasmania demonstrated that those workshops which have tied wages to increased productivity had found that the lack of understanding of the operation of the income test had given rise to a level of apprehension on the part of employees:

We find that it is always extremely difficult for people to understand what is happening to them. It has become more apparent to us because two-thirds of our people are now on that limit [\$40 per week] or over it, so it is affecting quite a lot of our workers, who find that they are losing some of their benefit because we are paying them over the limit. Most of them feel penalised for trying harder. They find it very difficult to understand the connection between the benefit and the wage that we pay, and we often find that either they or their parents request the forgoing of pay increases.³⁰

7.35 Summit had also found that the local DSS offices had difficulty explaining the operation of the income test to their clients. Clearly, a worker with a disability is better off in terms of net income if they are receiving an award wage rather than an income support payment (the costs of disability and loss of access to PHB card fringe benefits aside). However, the impact of the effective marginal tax rates is most severe for those in transition to a full wage – as their earnings increase they may feel that they are actually losing ground. This is likely to be the case if the total wage received is not seen as compensating them for the extra costs of employment (travel, clothing, etc.) or to meet medical expenses (once eligibility for the PHB card ceases). This situation is likely to continue in spite of the recent changes to disability support arrangements.

7.36 There appears to be considerable resistance by some people with disabilities to losing a proportion of their income support even when they are compensated by a net increase in income, and this difficult issue will not be resolved easily.

It seems to me that people who need the \$40 a week limit are still in an impoverished situation . . . I believe that the reductions should be more realistic and should allow people to reach a higher level of income before they become too vicious.³¹

29. *ibid.*

30. *Transcript of Evidence*, p. 5390 (Summit Industries).

31. *Transcript of Evidence*, p. 5392 (Summit Industries).

7.37 The issue needs to be addressed in the context of the disadvantages, as well as the benefits, of a fuller participation in society. Some people indicated there was a need to be compensated for having a disability³², either through quite generous taxation arrangements or through the payment of a disability allowance. It is possible that others believe the poor wages they have received in the past should be acknowledged by at least more generous concessions for the foreseeable future.

7.38 In itself, the situation in which people with high disability-related costs on moderate to high incomes find themselves is no different to that of people who, for whatever reason, have always been in receipt of low income, or do not qualify for a range of benefits. Clearly a number of people with disabilities experience some difficulty in accepting that a transition to improved wages and employment opportunities can be beneficial, and this is understandable. The new income support arrangements may go some way towards acknowledging their particular needs while also offering increased access to employment.

7.39 For some people with disabilities, as suggested above, the perceived loss of income security may be a factor which inhibits their ability to move towards open employment and increased wages. In other cases, pensioners may believe that they are being penalised for increasing their work capacity. Summit argued that if 'a person has come so far that he or she deserves a \$10 rise',³³ to give that person the full benefit of the rise they had to actually pay them \$20. This would suggest that there is quite a widespread belief that the efforts of people with a disability should be more explicitly acknowledged.

7.40 However, wage rises to non-disabled people are not usually exempt from income tax and such considerations may be beyond the scope of the employer. Generally the discussion by individuals and organisations of the income test appears to overlook the fact that income support is intended to act as a safety net for those unable to support themselves by their own efforts and that the income test taper is one mechanism by which this objective is achieved.

7.41 The perceptions of some people with disabilities and their families/carers that the income test is inequitable is not likely to change. Recognition by government and the community of substantial effort and costs has increased in the past years but is not likely to be acknowledged through substantial financial changes. Compensation for lack of access in the past and present to well paid employment would seem remote, especially in view of the inequity experienced in this area by other groups in the community. While there may continue to be dissatisfaction because of perceived inequity, it is possible that some changes in attitude of people with disabilities will occur simply through people moving from the low wages associated with sheltered employment to an open wage system.

32. *Transcript of Evidence*, pp. 5580-81 (National Multiple Sclerosis Society of Australia). Disability Allowance is referred to below in Paragraphs 7.143-7.146, and see Recommendation 1 of this Chapter.

33. *Transcript of Evidence*, p. 5390 (Summit Industries).

Perceptions of those in other forms of employment

7.42 People with disabilities who have moved from non-employment or sheltered employment to open employment appear to have had fewer reservations about the impact of the effective marginal tax rates. An Office of Disability survey of new vocational services undertaken for this inquiry found that almost all respondents, when asked which they preferred, wages or an income support benefit, said that they would prefer a wage. They preferred wages for a variety of reasons; the increased income; the fact that wages seemed more socially desirable (for example 'not living off society', 'rather put in than take out of the tax system'); and convenience and independence.³⁴

7.43 While this may reflect social pressure to be independent and the value which is placed on 'work', it is clearly a significant factor in the attitude of some people with disabilities. The independence and greater sense of self-worth expressed by others in open employment suggests that in the longer term, these experiences may override initial reluctance.

From my experience, I know that people with disabilities who work in sheltered workshops want better working conditions, a safer place to work in, better variety in jobs that they get given. They also want more options in the sort of employment that they get, and they want better education so that they can get a better job, and they want a real pay for a real job.³⁵

7.44 In the short term, however, more effective and appropriate information should be made available to people with disabilities and their families about the operation of the pensions income test when considering a move from income support to a salary or wage based income.

7.45 Such information/education packages should have at least two objectives. The first is to make available practical and understandable information on the range of effects of moving from full to part, or no, income support. The second objective should be a long-term one, to develop an awareness that the social security system was developed on the basis that those who are able to contribute to their own support have less need of the 'safety net' and their payment is adjusted accordingly. Because people who have worked in sheltered employment may have limited knowledge of the philosophy of income support they may be less aware of the principles governing targeting.

34. Office of Disability survey, *op.cit.*, p.8.

35. *Transcript of Evidence*, p. 4873 (Disability Advisory Council of Australia).

Recommendations

The Committee RECOMMENDS:

3. That relevant Departments provide appropriate information on income support, wages and taxation to people with disabilities who either have little work experience or whose main work experience has been in sheltered employment. Such information should be presented in 'plain English' and in an accessible format. Regional departmental offices should ensure that there is a nominated contact officer able to deal with queries about the income test from sheltered employees and particularly people with intellectual disabilities.
4. That access to counselling and advocacy services should also be available to assist people with disabilities to understand the principles of income support, and the ways in which increased income affects income support levels.

Fringe Benefits

7.46 All pensioners qualify for medical and hospital benefits under Medicare. Additional benefits are provided for eligible pensioners and their dependants by the pensioner health benefits (PHB) card. The card entitles the holder to a range of non-cash benefits from Commonwealth and State governments as well as from the private sector. Commonwealth concessions include:

- pharmaceutical benefits scheme (PBS) products at the concessional cost of \$2.60³⁶;
- free optometrist consultations and hearing aids; and
- telephone rental concessions, reduced fares on Australian National Rail and postal redirection concessions.

Many medical practitioners also bulk bill card holders.

7.47 State, Territory and Local Government services may offer concessions on payments for gas, electricity, water rates, public transport, public housing, health and welfare service. Concessions offered by the private sector may include concessional rates on admission charges, for example, to movies, theatre or other recreational activities. Reduced travel costs were one of the most important fringe benefits for those involved in the consultations on the Ronalds report.³⁷ Concessional entry to entertainment events was also valued by some participants. Most did not have their

36. Until 1 November 1990 a PHB card entitled pensioners to receive PBS items free of charge. However pensioners receive a supplement to their pension payment to offset the changes to the PBS scheme, including concessional cost increases.

37. *Ronalds 2*, p. 48 'An analysis of those parts of the fringe benefits used most frequently by participants indicates that the travel concessions represent a real saving'.

own households and were either living with their parents or in group accommodation³⁸, therefore the rates and telephone rebates were not regarded as important.

Housing

7.48 While there has been little consideration of the effects of increased income on housing and other costs, it is important to ensure that there is some period of grace or longer term consideration in respect of housing arrangements if these are subject to income tests.³⁹ As was noted above, a number of factors can contribute to make access to open employment difficult. If an increased income jeopardises the subsidised housing that a person with disabilities may have obtained, it may be necessary for relevant authorities to consider the benefits of the person retaining such accommodation, especially if relocation would mean additional travel to employment.

Recommendations

The Committee RECOMMENDS:

5. That State and local authorities allow people with disabilities, whose financial circumstances have improved, to retain access to public housing.
6. That rental assistance be maintained for 12 months for people with disabilities who have moved into employment which increases their income beyond the usual rent assistance limit.
7. That in planning housing, the relevant governments and authorities should take into account the needs of people with disabilities for appropriate design and location of housing. Relevant location factors should include access to transport and required services, and access to employment. Design factors should include one-level housing, ramps etc.

Health Care Costs

7.49 While eligibility for a PHB card is subject to both an income and assets test, it is the income test which acts as a disincentive to workforce participation. At 31 December 1990 eligibility for a PHB card ceased when non-pension income exceeded \$99 per week (single) or \$170 per week (married combined).⁴⁰ Special conditions governed the eligibility for PHB card when an increase in non-pension income exceeded the income limit by less than 25 per cent of that income limit over

38. As noted above, one of the reasons why people with disabilities have been able to survive financially is because of indirect housing or other subsidies from parents/family; group home rent/payment may also not reflect market rates. See above, Paragraph 2.17.

39. *ibid.*

40. Add \$20 per week for each dependent child/student.

a short period. Eligibility for PHB card ceases when income exceeds 125 per cent of the income limit.⁴¹ This clearly has been a disincentive for those undertaking part time work or those in a sheltered or supported employment environment whose earnings exceed the PHB income test threshold. However some relief is provided for pensioners whose entitlement to pensions or allowance ceases because of income from employment. Some fringe benefits were maintained by the retention of a card for 12 months following commencement of employment. The recent changes to legislation⁴² enable the retention of the PHB card for twelve months by those previously on the pension, who have now moved into employment. This should assist people in establishing themselves and adjusting to different budgeting arrangements.

7.50 A number of submissions argued that the move from the pension to full employment may leave former pensioners in a worse position financially, partly because of the loss of fringe benefits – particularly the loss of access to free health care.

The present Social Security limits on people receiving benefits earning extra money are very definite disincentives. People with mental health problems need the time to test out how feasible work is for them, without the fear of losing the security of their pension, or the very important ancillary benefits. It must be understood that the nature of psychiatric disability is basically episodic and that it would be a very brave person indeed who gave up their pension for paid employment when in fact they may experience debilitating health problems within a few months.⁴³

People with disabilities who have high medical needs can believe it is too much of a risk to go into open employment with the possibility of losing health benefits after 12 months of open employment.⁴⁴

7.51 While the loss of fringe benefits is widely recognised as a disincentive for all pensioners when testing their workforce potential, the major problem which emerged from submissions to this inquiry is that people with disabilities were fearful of losing their access to pharmaceuticals under the PBS scheme (now supplied at a concessional rate) and to the various State and other private schemes which provide aids and appliances either at no cost or subsidised to people with disabilities. Many people with disabilities are concerned that either the level of health care maintenance required for their condition is such that they could not meet the unsubsidised cost, or that, should their health deteriorate after gaining open

41. See above, Paragraph 7.26.

42. Outlined above at Paragraphs 7.17-7.22.

43. Submission No. 149 p. 2 (Victorian Mental Illness Awareness Council).

44. *Transcript of Evidence*, p. 5195 (PE Personnel). See also the Report of the Senate Standing Committee on Community Affairs on the *Social Security (Disability and Sickness Support) Amendment Bill 1991* August 1991, Appendix 3, p. 6.

employment or as a result of age (or premature ageing because of disability), they may not be able to meet their health costs. PBS items, specialist and therapeutic consultations and aids and appliances were considered as the major likely costs.

7.52 During the consultations on the Ronalds Report it was found that the fear of the loss of fringe benefits was often a greater disincentive than the loss of income support itself.⁴⁵

Many participants agreed that they used the fringe benefits marginally or irregularly, but it was the threat of their possible loss which deterred them from exploring other opportunities.⁴⁶

7.53 As noted above, from 12 November 1991 former pensioners retain their eligibility for the PHB card for 12 months from commencement of employment, and this should address many of the concerns noted. However, although the PHB card may be a form of security rather than a real need⁴⁷, it is important that constant monitoring of health costs for people with disabilities be established. There could be a considerable degree of variation in health and health-related costs depending on type and level of disability. Some of the persons commenting on the first Ronalds report appeared to use the Pensioner Health Benefit card infrequently unless there was a need for specific medication.

Use of the pensioner health benefit card was minimal amongst most people with an intellectual disability, except where they had uncontrolled or minimally controlled epilepsy which required constant monitoring by a medical practitioner. Also, a few participants indicated that they took regular medication for "behavioural problems", and these required regular medical visits. Otherwise, they had the needs of the majority of the community. For some people with a physical disability also, visits to a medical practitioner may be more frequent, depending on the nature of their disability.⁴⁸

7.54 Health cost monitoring on a consistent basis would assist in determining the real costs of employment and would be an important aid in determining separate components of any disability allowance, should this be agreed to.

45. *Ronalds 2*, p. 48.

46. *ibid.* See *Transcript of Evidence*, p. 377 – the Spastic Centre of New South Wales recommended that there be no loss of fringe benefits at all for all people earning less than award wages, that is those on SEA, slow workers permit or productivity based pay.

47. See above, Paragraph 2.22. See also *Ronalds 2*, p. 48.

48. *ibid.*

Recommendation

The Committee RECOMMENDS:

8. That the Department of Social Security and the Department of Health, Housing and Community Services establish a research project (based on the DSS *Costs of Disability* Study) to determine health care costs for people with disabilities. A select group of people with disabilities should be studied over a 5-year period, with reports being made at the end of each year, including at the end of the 5-year research period.

Transition measures

7.55 A number of measures existed in the previous system to assist pensioners⁴⁹ in transition to the workforce and these have been enhanced (and in some instances, replaced) by the disability reforms. What emerged from the evidence submitted over 1989-1991 is that there has been a very low level of awareness of these measures and the take-up rates appear to have been quite low. A DSS survey⁵⁰ in 1987 found that the transition measures were largely unknown and that there was a 'clear need for more effective publicity of these forms of assistance.'⁵¹ Submissions to this inquiry have further demonstrated that many people were unaware of these provisions.

From our observations, the changes which were implemented from the beginning of 1988 [sic] which relaxed work force entry requirements and encouraged a trial period of up to a year's full-time work, have not been known, let alone fully understood by many people. For others this change was not satisfactory because it failed to recognise that some people can only manage part-time work.⁵²

7.56 Again, this suggests that information on available services may not be reaching particular groups or may not be formulated sufficiently clearly or adequately communicated. As with other recommendations concerning the development of appropriate information packages, it should be noted by relevant Departments that both the content of information services and their effective delivery may require greater research which takes into account the factors outlined in previous chapters.

49. Unless otherwise stated 'pensioners' includes sheltered employment allowees.

50. M. Newey (1987), *An Examination of Invalid Pensioners in Transition to the Workforce*, Background/Discussion Paper No 15, Social Security Review, AGPS, Canberra, p. 36 and cited in *Transcript of Evidence*, p. 4805 (Disability Advisory Council of Australia).

51. Newey, *op.cit.*, p.36.

52. From Yooralla Society of Victoria submission (in response to SSR Issues Paper No 5). See Submission 107, p. 5 of response to issues paper.

7.57 It is also important to note that there could have been limited access to such transition measures because of the emphasis on full-time work.⁵³ While there is an increasing awareness of the fact that people with disabilities have a wide range of work needs including part-time work, it may also be necessary for some training to be provided to departmental officers responsible for developing services to ensure that this awareness is common to all staff. This point was made in the Social Security Review Issues Paper No. 5, which noted the importance of part-time work in meeting employment opportunities for those unable to undertake full-time work.⁵⁴

7.58 At the beginning of 1983 special arrangements were established for invalid pensioners and Sheltered Employment Allowance and Rehabilitation Allowance recipients re-entering the workforce, in recognition of the particular medical and other barriers to their employment. These measures were designed to counter the reluctance of pensioners to test their workforce potential because of their fear that, given the emphasis on 'permanent incapacity', they would be disqualified from receiving the invalid pension should their work attempt fail. SEA recipients have been allowed a longer period to test their workforce potential than have persons on the invalid pension.

7.59 Normally when a pensioner's private income exceeded the income test limits for eligibility his/her pension was cancelled. However, if an invalid pensioner had private income from employment, the transition measures allowed for the pension to be suspended initially for a period of three months. If the work attempt failed in the first three months, the pension was restored without the need for a medical examination. Sheltered employment allowees were initially suspended for 12 months before their entitlement was cancelled. If the allowee had to give up his/her job within this period and was placed in a sheltered workshop, the Sheltered Employment Allowance was restored without the need for a medical examination.

7.60 However, there were some problems with this system, which did not cover people who had not been assessed for the invalid pension. This was noted by the Epic Employment Service of Queensland:

... the problem arises when a client is placed in open employment and they fail (due to varying factors). The client is often not accepted back in Sheltered Employment and we do not recommend it as we provide greater resources to hopefully replace the client in open employment as soon as possible. But the client within this stagnant period is not eligible for Sheltered Employment Allowance, cannot receive the Invalid Pension as they have never been assessed and must apply for Unemployment Benefit.

53. See above, Paragraph 7.55.

54. See *Toward Enabling Policies: Income Support for People with Disabilities*, Chapter 8.

Unfortunately, it can take up to 3 months to process application for the Invalid Pension and this delay coupled with the financial drain of being on Unemployment Benefits with no side benefits is very stressing.⁵⁵

7.61 Where pensioners were aware of the transitional provisions, these were often considered not as providing sufficient incentives to test workforce potential. The DSS survey⁵⁶ had found that ex-pensioners believed it was essential that there should be some assurance of the resumption of income support should their attempts at working not succeed. Even among those survey respondents who were aware of the provisions 'a number felt that these provisions were inadequate to provide the necessary sense of security'.⁵⁷ This finding was endorsed by the Disability Advisory Council of Australia in their evidence to the Committee in late 1990:

Security in resuming pension if open market employment is forgone can be central to deciding whether to enter the workforce. Council [DACA] is aware of the current invalid pension provisions that exist to cover this situation. However, we believe that the 3 month period should be extended to 2 or 3 years. This would enable a person with a disability to make a realistic and positive assessment of their job potential. It would also allow sufficient time to obtain suitable job experience.⁵⁸

7.62 This need for a sense of security may be quite widespread, reflecting the importance of providing a sufficiently long period of time for people to gain assurance. To some extent this need has been met by the new DSS arrangements which allow for a return to the pension. Nonetheless, it may also be necessary for individuals or people with specific types of disability to have access to a longer transitional period. This was seen as particularly important for people with psychiatric disabilities:

Those people who are on invalid pensions should be able to feel secure in the knowledge that if they undertake employment which fails, they can revert to the pension without going through a protracted re-assessment for the pension. The fear of losing the pension is often an inhibiting factor which prevents some individuals seeking employment.⁵⁹

55. *Transcript of Evidence*, p. 4189 (Epic Employment Service, M.O.R.E. Inc.).

56. See above, Footnote No. 50.

57. Newey, *op.cit.*, p. 36.

58. *Transcript of Evidence*, pp. 4805-6 (Disability Advisory Council of Australia).

59. Submission No. 56, p. 2 (Department of Health Mental Health Services, North Coast Region, Lismore, NSW).

7.63 Some services criticised the policies on cancellation and/or the reinstatement of the invalid pension because there was no consideration of a person's initial support need or the time it may take to ascertain if the individuals could cope on their own; 'immediate cancellation assumes that a person's disability has ceased, this is not the case'.⁶⁰ It was also stated that the interpretation of the guidelines governing transition to the workforce had been, on occasion, inconsistent.

Each office of the DSS has a different policy on amount of time after employment is obtained that the pension is cancelled and the person must be reassessed before it can be reinstated. Often this creates too great a risk for some to consider getting work and going off the pension.⁶¹

7.64 Vocational services reported that their clients have sometimes encountered a lack of understanding on the part of DSS officers of the role and objectives of DSA services which has had the potential to adversely affect their pension entitlement.⁶²

One of the problems associated with lack of knowledge about, or understanding of, the aims of CETP services, is the criteria applied by officers of the DSS with regard to continued eligibility to the Invalid Pension. Many CETP clients who have not achieved long term success in a placement have had to argue strongly that they were only able to achieve a period of employment because of the additional, intensive support offered by CETP staff. Their intellectual disability has not changed over time. It has often been only after extensive advocacy on behalf of CETP workers that a client's IP status has been recognised.⁶³

7.65 During its demonstration phase Jobsupport had encountered some difficulties in ensuring that their clients retained their eligibility for the Invalid Pension on medical grounds, until it was recognised by the DSS State administration that they were in supported rather than open employment.⁶⁴ JobMatch in Tasmania had also encountered problems with the rigorous administration of the Work Efforts Test for people with intellectual disabilities on unemployment benefit, who, while they were highly motivated to work, were unable to meet the Work Efforts Test in full due to

60. *Transcript of Evidence*, p. 5664 (Western Vocational Association).

61. *ibid.*

62. See Submission No. 120, p. 3 (Competitive Employment Interagency of NSW).

63. *ibid.*

64. *Transcript of Evidence*, p. 520 (Jobsupport Inc.).

a 'lack of skills in undertaking their own job search.'⁶⁵ These problems appear to have been largely overcome by negotiation with DSS at a local level.⁶⁶

7.66 Clearly, with an increased emphasis on an active income support system for people with disabilities in the future, it will be essential to its success that all concerned – the clients, the support services and officers from DSS and other Commonwealth departments – have a comprehensive understanding of the range of programs providing assistance to people with disabilities and their interaction with the income support system.

Recommendation

The Committee RECOMMENDS:

9. That departments ensure that clients and their support services, and departmental officers have a comprehensive understanding of the range of programs and services providing assistance to people with disabilities and the interaction of these with the income support system.

WAGES

7.67 The issue of wages for people with disabilities is one which has aroused controversy, particularly with respect to the wages paid to people in sheltered workshops, and with respect to the proposals advanced for increasing wages paid in open employment in order to provide an income more equivalent to that earned by non-disabled workers.

7.68 The wages paid in sheltered workshops have been discussed above.⁶⁷ What is clear is that the wages paid have been inequitable for a number of reasons, and have provided minimal incentives to more skilled workers. Such wages could only measure productivity not effort.

... if one were simply to look at those figures on face value, we would say that there is enormous discrimination from the point of view that a worker may be participating to this utmost ability, notwithstanding that it may be somewhat slower, and be only receiving somewhere between nought and \$40 a week for those 40 hours of work that he is producing.⁶⁸

7.69 Whether such wages could have been increased substantially because of productivity is difficult to determine, although workshops with high numbers of

65. *Transcript of Evidence*, p. 5347 (JobMatch).

66. *ibid.*

67. See Paragraphs 6.94-6.114.

68. *Transcript of Evidence*, pp. 5510-11 (Australian Council of Trade Unions).

people with minimal disabilities were probably in an advantageous financial situation in this respect. Offset against this, however, is the likelihood of poor management skills and production techniques which could have contributed to a low overall income⁶⁹, especially through contracting work at low levels of return. Desired changes are unlikely to occur rapidly even as workshops move into transition, because productivity is unlikely to increase, or business administration improve dramatically, in the immediate future.

7.70 People working in sheltered workshops traditionally have been more dependent on the receipt of a pension than on wages to survive. Subsidisation (through obtaining accommodation with their family or through other forms of shared housing) is likely to have been a major factor in the pension plus low wage being a viable means of support for large numbers of people working in sheltered employment. This is likely to have been the case also for those working in open employment on low wages.

7.71 The issue of wages has not been considered in any great detail for people with disabilities who are outside sheltered employment, with the exception of the relatively recent studies on skills-based wages. As discussed below⁷⁰, these skills-based wage schemes are specifically directed at a distinct group of people with disabilities. It is not clear precisely how they might assist a range of people whose disabilities might not be considered severe, but who would have difficulty meeting the demands of a five-day working week, year after year.⁷¹ It is likely, however, that the variable productivity of people with some forms of disability, cannot easily be accommodated in most forms of open employment.

7.72 The wages available in other forms of employment services at present do not suggest a drastic change to the living standards of people with disabilities, although to some extent those available to people obtaining open employment through CETP services are a distinct improvement on sheltered workshops' payment.⁷² However, it is important to consider the extent to which part-pension payments continue to form a part of the overall income, which appears to be the case for a percentage of open employment workers⁷³ and for some people in supported employment.⁷⁴

7.73 It is also important to determine whether increased income has affected other items of expenditure (for example, housing⁷⁵) or required additional expenditure

69. See Paragraphs 6.152-6.177 above.

70. See Paragraphs 7.88-7.104.

71. See Paragraphs 5.22-5.58.

72. See, for example, Paragraph 5.190.

73. *ibid.*

74. See, for example, Paragraphs 6.18, 6.32, 6.43-6.44.

75. See above, Paragraph 7.48.

(for example, travel, clothing, union subscriptions). On this latter point, little detailed information was given to the Committee. However, the Department of Social Security study, *Costs of Disability* (October 1991) set some of these out in greater detail. Some of the issues of increased costs are considered in more detail below. In the context of wages, such costs suggest the importance of making available to people with disabilities a wage level more commensurate with the costs which are integral to working.

7.74 A fairly simplistic correlation has been made by some services of the amount of money saved by governments⁷⁶ when an individual moves into full award wages with minimal support costs; the conclusion has been to assume that the transition itself produces a net rather than a gross income. Quite apart from the fact that such outcomes may be available only to those whose expenditure does not include, for example, personal care, expensive transport, aids/appliances, and work-related equipment, there is little consideration of the possible need for increased expenditure in ordinary living expenses resulting from the individual moving off pension status. While it is accepted that such increases may mean integration into the community, they must still be considered when evaluating the 'before' and 'after' situation of people who have moved from one system to another.

7.75 The situation is much the same for people in supported employment services. The actual wage component, based on productivity, of such services is still very low, and many participants are still in receipt of the pension or part pension. In so far as such workers continue to receive the pension, or part pension payment, they are in effect receiving a wage subsidy. While no detailed study appears to have been carried out on these less direct forms of subsidy, it is important to note that they should also include components of the cost of any service provided. In other words, the full financial cost of the wage 'subsidy' may include the pension and a percentage of administrative costs of the relevant organisation, since it is these costs which make the 'earned' wage feasible.

7.76 Details of such costs would vary from one organisation to another. As an illustration, the approximate costs of maintaining Jobsupport clients⁷⁷ on a per annum basis would include not only the direct hours of support, but also any initial or ongoing costs such as training, administration, etc. Such costs, divided on a pro-rata basis or on an individual basis, should be added to any pension payment, to obtain the full 'cost' of employment. Similarly, the costs of the work crew referred to above⁷⁸ would need to include the wage of the full-time supervisor, possibly on a continuing basis.

7.77 To note these points is not to suggest that such costs are not worthwhile; it is, however, to insist that full costing occur. If this is not the case, the comparison

76. See Paragraph 5.224.

77. See Paragraphs 6.27-6.33.

78. See Paragraphs 6.38-6.40.

with sheltered workshops (including workshops in transition) does not compare like with like. This is particularly the case when other factors are overlooked. For example, the total infrastructure costs of workshops are related to the individual employees/clients, but the infrastructure costs of both large and small open employment companies are not added in when costing occurs for people with disabilities in open employment.

7.78 In effect, wage subsidies have been in operation directly/indirectly for some considerable period. The issue at present is the degree to which such subsidies should be directed specifically towards enhancing the income of people with disabilities as opposed to helping maintain their participation in the workforce *per se*.

Productivity-based wages

7.79 In general, wages available to people with disabilities (outside of some sheltered workshops) are broadly linked to productivity levels within particular areas of skills. However, as one witness acknowledged, standard productivity (and hence standard wages) was not always found in the average workplace.

I think it is well known in any workplace there are those who are so-called non-disabled who earn more in terms of their productivity and they produce more than the so-called award wage, and there are some obviously who produce less.⁷⁹

7.80 As has been noted in the discussions on skills-based wages⁸⁰, it is easier to measure some forms of productivity (such as those involving tangible goods) than others which require less tangible outcomes.

One concern was that whatever the name of the system, it would really only be capable of measuring productivity and so would not be applicable in "ideas" areas or those where output was difficult to measure. This would mean that some people with more severe levels of disability who were not able to work on production lines would be disadvantaged.⁸¹

7.81 Productivity is assumed up to a particular level in award wages, and the usual payment of wages for people with disabilities in most forms of employment discussed related their individual productivity level to the norm, and hence resulted in payment of a percentage of the award wage. People consulted on the Ronalds report indicated that care would need to be taken in ensuring that award rather than over award wages were used as the basis of assessment.

79. *Transcript of Evidence*, p. 5650 (Westwork (Wesley Central Mission)).

80. See below, Paragraphs 7.88-7.120 and *Ronalds 2*, p. 21.

81. *Ronalds 2*, p. 21.

The basis of comparison was seen as a major impediment, especially where overaward payments were an integral part of the wages of workers. It was considered that this could mean that the worker with a disability could be measured against that higher level of skill and not against the level of skill required to be paid the award wage. The distinction between various wage levels was seen as needing to be addressed in the development of an assessment system.⁸²

Slow worker permits and equivalent arrangements

7.82 It is not surprising then that a number of witnesses indicated to the Committee that there could be some difficulties with productivity-based wages as they operated, either because of the operation of an informal assessment or through the use of slow worker's permits. There were mixed feelings among witnesses about slow worker permits and these reflected concerns similar to those expressed about assessment of skills.

7.83 In general, slow worker permits were difficult to obtain, partly because of union reluctance⁸³ to countenance special arrangements, or to undertake a proper assessment. Where they were used, they were seen as a useful stepping stone. People with disabilities could enter a job on a slow worker permit gradually build up skills and confidence, and then make the transition to a full award wage if their abilities allowed for this.⁸⁴ In this way permits were especially useful for people in supported employment who were less likely to obtain award wages at the beginning of their employment but who might increase their skills over a period of time. With careful supervision and access to any required training or support, individuals could become more independent, especially financially.

Rates of pay

7.84 The ACTU also stated that:

The long term objective of the trade union movement is to ensure that no worker with a disability should receive a total income package which is less than the minimum rate of pay set by the Australian Industrial Relations Commission. We believe that to enable us to reach that position a new system based on wages subsidies needs to be looked at.⁸⁵

7.85 Opposition to the slow worker permit expressed by witnesses was similar to that expressed by some people with disabilities commenting on the Ronalds report.

82. *ibid.*

83. *Transcript of Evidence*, p. 5515 (Australian Council of Trade Unions).

84. Jobsupport, Burwood – see above, Paragraph 6.31.

85. *Transcript of Evidence*, pp. 5505-6 (Australian Council of Trade Unions).

In both cases, the idea of a special arrangement whereby individual abilities were assessed, was seen as based on the premise that a person with a disability would automatically not be able to be as productive as a person who was not disabled.⁸⁶ It was suggested that the correlation of being disabled and being under standard productivity levels could tie individuals inappropriately to a lower wage.

I think there are several considerations that need to be made about slow worker permits. I think that it is very dangerous to negotiate a job for a person with a disability on the basis that they are not able to do that job 100 per cent from the outset. We do not know that because we do not know that a person is able to do or not do a job until that person is tried out in a job. I believe that all people with disabilities should enter employment, given the support of an agency to provide on the job support and training, and perhaps enter that job with the full support of a labour market program offered through the Department of Employment, Education and Training. At the moment the Jobstart program, for example, provides a wage subsidy to the employer for a period of up to six months.

In that six-month period, the agency providing the on the job support can bring to bear all the technology and resources to teach that person to do the job. If as that period draws to a close it appears that that person is very satisfied in his job and the family desires that that person maintain employment, but the employer is very concerned about that person's ability to do that job to a 100 per cent industry standard, then, and only then, do I think that a slow worker permit or some productivity based wage needs to be negotiated.⁸⁷

7.86 Another witness suggested that it was possible for people with slow worker permits to be exploited by employers.

A range of employers in New South Wales engage people under slow worker permits, where clearly those people are performing tasks that are helping to increase the employers' productivity by virtue of the low cost in the wage component of engaging these people.⁸⁸

7.87 The major objection to the slow worker permit by this witness was that it could be utilised to avoid a proper consideration of the individual's abilities, and would continue to make distinction between individuals that might not be valid. A way of overcoming this was through the introduction of wage clauses by unions:

86. *Transcript of Evidence*, pp. 4881-2 (Disability Advisory Council of Australia).

87. *Transcript of Evidence*, pp. 4881-2 (Disability Advisory Council of Australia). See also p. 4204 (Epic Employment Service, M.O.R.E. Inc.), pp. 4464-6 (Australian Red Cross Society, Queensland Division).

88. *Transcript of Evidence*, p. 5514 (Australian Council of Trade Unions).

... if unions are capable of actually introducing a wages clause that has some system and process to it that can measure an individual's skills, and is not just about allowing the employer to pick and choose what rate they pay, then we certainly propose putting in wages clauses, even in the short term.⁸⁹

Skills-based wages

7.88 The background to the consideration of a different system of wages is set out in other works, most notably the discussion paper *National Employment Initiatives for People with Disabilities* and the follow-up report to this paper.⁹⁰

7.89 The particular benefit of a skills based wage system as considered by the Disability Task Force is that it is likely to be the major means by which some people with severe disabilities are able to obtain full award wages. However, there are a number of difficulties with this type of skills-based wage, particularly in the area of access.

Access

7.90 The Ronalds report⁹¹ indicated that such a system would be directed only to 'a small sub-group'⁹² of people with disabilities, basically, those with severe disabilities working in 'integrated' employment.

The target group to potentially benefit from such a policy is only those workers who, because of the nature or extent of their disability, are unable to operate competitively in the labour market as their level of skills is not the same as their co-workers. Their level of skills may be limited or restricted by a variety of factors, including the effects of their disability, job design, job duties, access and training. The level of skills may increase over a variety of times, depending on the same range of factors. There will be some people with more severe disabilities who need a skills based wage for a limited period only, while they are trained to perform the full range of job duties. Others may need such a wage for the entire time they work in that job, as the limiting or restricting factors may result in their level of skills not being able to be increased to the level of their co-workers.⁹³

89. *Transcript of Evidence*, p. 5517 (Australian Council of Trade Unions).

90. *Ronalds 2*.

91. *National Employment Initiatives for People with Disabilities* (1990).

92. *ibid.*, p. 69 (4.6).

93. *ibid.*, p. 24 (3.2).

7.91 There are some problems with this limitation, in that the term 'integrated' theoretically could cover more than 'open' employment, and yet in reality is unlikely to do so. This would have a considerable effect on the operation of some supported employment services, and could also mean that a number of people with severe disabilities who cannot get into open employment because of lack of opportunity are excluded from an equitable wage system because of these factors and their disability. People with other than standard needs, such as those referred to above in the chapters on employment⁹⁴, and others who require a mixture of services, may still continue to be dependent on the pension as a main source of income support. Any limitation on the extension of a top-up wage supplement to people in 'open' employment would mean that people working in an 'in transition' sheltered workshop and those in non-open supported employment, could be excluded from this wage benefit.⁹⁵ Unless some arrangement can be agreed whereby certain types of transition services are classified as 'open', some of the groups most in need of this change in wages policy could not obtain access to its benefits. However, it is possible that a less restrictive interpretation of employment may be used in any supportive wages scheme.⁹⁶

7.92 The Ronalds follow-up report considered that in time it was likely that some forms of supported employment might become eligible for inclusion in the proposed skills-based wage scheme. The principles of this scheme may be able to be applied to supported employment services such as enclaves, crews, individual supported jobs and small businesses operating in the general labour market. However, the particular eligibility limitations of this version of the scheme⁹⁷ could mean that the most productive members of a team or enclave, or those in older age groups, are effectively excluded from participation.

7.93 While 'integrated' employment could conceivably include a wide range of employment types, the development of plans for introducing skills-based wages by the Wages Sub-Committee of the Disability Task Force⁹⁸ had previously been restricted to extending this scheme to open employment only, and had as an objective the promotion of 'integration of people with disabilities into mainstream working life'.⁹⁹ If 'open' employment meant only areas of employment covered by specific awards, this could effectively rule out certain types of small business which are not covered by awards, as well as sheltered employment. Beyond this the

94. See Paragraphs 5.22-5.88, 6.253-6.292.

95. However, see below, Paragraph 7.93.

96. *ibid.*

97. See below, Paragraphs 7.93-7.94.

98. Chaired by the Department of Industrial Relations; other members were the Department of Health, Housing and Community Services, and the Departments of Social Security, Employment, Education and Training, and Finance. The first report of the Sub-Committee was completed late in 1991.

99. Letter to the Committee dated 26 March 1991, p. 2.

wages sub-committee had further suggested that its target group would be those people with severe disabilities who will *never* be able to obtain a full award wage, even though their skills may increase over time.¹⁰⁰ It therefore appeared more restrictive than the Ronalds report. However, it is likely that the target group and the employment type in which this group could work will be broader than first considered.

7.94 The definition of 'open' employment in itself may lead to problems, especially if young people are a major target of the skills-based wage, as was suggested in the Ronalds report. The basis of this assumption, as outlined in that report, is one which effectively discriminates on the basis of age through postulating a number of unsupported generalisations.

First, it is desirable to focus on a younger group after education and training as that is when people without disabilities generally initially enter the labour market. Consequently, the entry pattern of people with disabilities would reflect that of people without disabilities.

Also, this means that the benefits of the education and training system are available in a broader community sense. A young person who has finished education recently is more likely to respond positively to further training and be more successful in obtaining employment.

There are general community expectations related to the age of workers also. There is some evidence which suggests that older workers find it more difficult to re-enter the labour market and that the longer a person is unemployed, the lower the chances of re-entry.

Younger people are more motivated to obtain employment. Many older people on invalid pension are discouraged workers or consider themselves early retirees . . . of the potential target group. Younger people present a more attractive alternative to employers as they will provide a longer-term, stable workforce as their potential employment period is greater than a worker over age 50 and even over age 40.¹⁰¹

7.95 These types of generalisations are unacceptable. While indeed it is not desirable for young people to go into any form of sheltered or supported employment, older people with disabilities may have considerable skills and enthusiasm and should also have the opportunity to obtain access to a reasonable wage for at least part of their working life. A number of reasons why older people have been discriminated against have been mentioned in earlier chapters.¹⁰² Certainly, older groups are not specifically excluded from consideration in the report,

100. Discussion between Committee Secretariat and DIR staff, July 1991.

101. *Ronalds Report*, pp. 71-2.

102. See above Paragraphs 2.43-2.48.

but the comments made about them may effectively lead to their exclusion in practice from many reforms.

7.96 It would be more appropriate to offer such people new opportunities rather than classify them as unlikely to succeed, or as automatically requiring 'significant training and support'¹⁰³ in order to move into open employment.

7.97 Such generalisations also do little to consider the problems faced by younger people with disabilities – that is, those up to 30 and to some extent, 30-40. Making assumptions about 'younger' people may be to ignore the wide range of individual needs which affect the capacity to undertake employment. While some of these factors/needs are referred to briefly by Ronalds¹⁰⁴ they are important in an assessment of access to services and should be considered in greater detail.

7.98 The discussion paper on the Ronalds report¹⁰⁵ raised a number of objections to the eligibility criteria proposed, and the means of determining the potential target group, particularly through the report's dependence on ABS data of people with disabilities and handicapped persons.

Some participants considered that this criteria was too restrictive, and a more simple method based on access or potential access to the social security system would be suitable. It was considered that the ABS was not measuring disability in relation to employment potential or capability and so should not be used for employment-based proposals.

Participants argued that the vital factor to be considered was whether the person had the requisite skill level and hence whether they could work competitively. If they could not, then it had to be determined whether this was because of their disability or for some other factor such as lack of appropriate training.¹⁰⁶

7.99 The target group, in this case, could be considerably larger. However, it is not clear if this would be because the 'disability' criteria would become less strict. The suggestion that participation should be based on an inability to work competitively because of disability, rather than any other reason (such as lack of training), might in fact reduce the target group.

7.100 Were this criterion to be followed, it could promote a demand for more intensive training in other programs so that people could enter the labour market at a competitive rate. This might place a greater demand on labour market programs than could be met. On the other hand, the capacity to determine that non-

103. *Ronalds Report*, p. 72, and see also pp. 7-13.

104. *ibid.*, pp. 74-5.

105. *Ronalds 2*, pp. 20-21.

106. *ibid.*

competitive productivity is caused wholly by a disability is no doubt difficult to establish. To use this factor as a basis for access may again be to favour younger people simply because they are considered less likely to have been adversely affected by previous employment experience. Hence, it may be thought their capacities are more easily measurable and more clearly related to the level of disability.

7.101 If this is the criterion to be used – and there are indications that this would be part of the assessment process¹⁰⁷ – this could be not only to discriminate against older workers but to ignore the influence of other factors which determine those young people who obtain access more easily to services.¹⁰⁸ This could mean that those already in receipt of support and having better access than others to education and other training, would continue to improve their access to available services. Others, without such support, could continue to be disadvantaged.

7.102 As far as the Disability Task Force Wages Sub-Committee's original target group¹⁰⁹ is concerned, it is difficult to assert that some people with disabilities usually considered not compatible with the ability to obtain work/employment will never be able to attain award wages unassisted. The Committee has referred above to the fact that some people are so severely disabled that they will never be able to work; this is not to say that other people with severe disabilities will not be able to obtain productive and well paid employment. In fact, it may be quite destructive to tell a young person that he or she may be unemployable, especially because future technological change may help people with severe physical disabilities to increase productivity/skills in ways not currently considered possible.

7.103 To impose such limitations may also restrict the range of work available, thus locking people into a very limited choice; this may further exclude people from entry into the scheme, especially if they believe that their capacities could increase over time and hence that they do not meet the basic criterion of 'never being able to work at award wages'. However, while the Wages Sub-Committee has based its target group on the definitions now utilised by the Department of Social Security in respect of persons applying for Disability Support Pension¹¹⁰, it is likely also to include, in its early stages of the new wages, scheme some people with severe disabilities who might eventually be able to earn award wages (that is, without any wage subsidy).

7.104 It is also possible that those people currently working in sheltered workshops would be eligible for inclusion in the supported wages scheme because of the transition arrangements for sheltered workshops and the development of more

107. Discussion between the Committee Secretariat and Department of Industrial Relations, 17 July 1991.

108. For example, those referred to above in Paragraphs 2.8-2.13.

109. That is, people who will never be able to obtain award wages.

110. That is, the impairment tables, and 20 per cent or more impairment, unable to work at or above award wages for the foreseeable future.

viable business operations in this area which may qualify them to be seen as open employment.

Views of organisations/individuals on skills-based wages

7.105 In referring to the Ronalds report, the ACTU stated that the option it preferred was a wage-based on skills/abilities with a top-up wage subsidy.

... we want to move towards a wages subsidy so that a person can be remunerated by the employer in terms of his skills and abilities, with the wages subsidy being paid to top up his wages to a minimum award rate of pay.¹¹¹

7.106 This did not refer specifically to an income support component, and hence appeared to favour one suggestion made in the Ronalds report.¹¹² However, reference was also made to 'pensions', and in fact the ACTU preference was for that option¹¹³ which would combine skills-based wage, income support and employment subsidy¹¹⁴ leading to a total income equivalent to the appropriate award wage. Part-time workers would be better off under this choice than under other options, which excluded access to income support payments.

7.107 This approach would suggest that there was support for general top up of wages for all workers. This option is therefore considerably more extensive in its application ('all workers with a disability') than the skills-based wage options which are restricted to people with more severe disabilities.

7.108 A number of other organisations put forward views on a wages policy.¹¹⁵ It was suggested by one witness that award wages should be available for people with disabilities 'for working a full week's work'.¹¹⁶

Wage systems should be introduced to allow people with disabilities to gain access to award wages. That is associated within the skills based wages system that were promoted.¹¹⁷

111. *Transcript of Evidence*, p. 5511 (Australian Council of Trade Unions).

112. *Ronalds Report*, p. 64.

113. *ibid.*, p. 66.

114. See also *Transcript of Evidence*, p. 5517 (Australian Council of Trade Unions).

115. See for example, *Transcript of Evidence*, pp. 5688-9 (Western Vocational Association), pp. 5724-6 (Confederation of Australian Industry).

116. *Transcript of Evidence*, p. 5617 (DEAC – Disability Employment Action Centre). See also pp. 5603-4.

117. *Transcript of Evidence*, p. 5618 (DEAC – Disability Employment Action Centre).

7.109 This option, while theoretically broad in that it supports award wages, also relates those to standard hours (if not necessarily productivity); this would logically cut out those persons unable to work a standard time and could thereby disadvantage persons most in need of a supported wage system.

7.110 Other witnesses believed that a minimum or an award wage package should be available to people with disabilities who were working in open employment at under standard productivity rates but according to a skills assessment. The issue of productivity wages being paid to people in supported employment was raised with one organisation which had just begun a work crew service, doing 'continuous piecework', and at that time all members were paid the same amount.

There are some problems associated with paying individuals unequal amounts as members of a work crew, and equally there are problems in trying to decide how much productivity work crew member X is able to manage rather than crew member Y.¹¹⁸

7.111 Implicit in some of this evidence was an expectation of a graduated skills-based wage, presumably to provide an incentive.

... if unions are capable of actually introducing a wages clause that has some system and process to it that can measure an individual's skills, and is not just about allowing the employer to pick and choose what rate they pay, then we certainly propose putting in wages clauses, even in the short term.¹¹⁹

This point was elaborated on by an early paper of the Wages Sub-Committee, which stated that:

It needs to be recognised that workers in certain jobs, because of their disability, may be unable to fulfil the full requirements of the position – either because of insufficient skills, (eg. due to a particular intellectual or psychiatric disability) or an inability to apply certain skills (eg. due to a particular physical disability).¹²⁰

118. *Transcript of Evidence*, p. 5649 (Westwork Industries (Wesley Central Mission)).

119. *Transcript of Evidence*, p. 5517 (Australian Council of Trade Unions). See also the evidence of DEAC, *Transcript of Evidence*, p. 5603 (DEAC – Disability Employment Action Centre). Another organisation stated that 'you would always be looking for people to be increasing their productivity' (*Transcript of Evidence*, p. 5689 (Western Vocational Association)).

120. Letter to the Committee, 26 March 1991, p. 3:

- the skill "shortfall" in practice may significantly affect the range of duties that can be performed or the pace at which a given set of duties may reasonably be executed

- where this arises, the work value (eg. the scope of duties) of the job in question may be affected directly and/or the productiveness of the employee is unavoidably constrained

The Wages Sub-Committee also stated that:

Wage rates under a supportive wage system must be established on equitable, consistent and sustainable bases to ensure that they are attractive to both employers and people with disabilities

- since the incentives which they generate are important factors influencing the pattern of employment options available to people with disabilities given prevailing income support arrangements.¹²¹

7.112 The Sub-Committee also believed that:

it needs to be recognised that skills/competence can improve from the entry point of a job through time as a consequence of experience and training (both on and off-the-job).¹²²

Consequently it was prepared to consider that:

a supportive wage arrangement should have a dynamic dimension which would reflect such changes to provide appropriate incentives and ensure equity.

It also suggested the need for:

access to periodic wage increments but subject to a review mechanism related to skills acquired (for example, training completed) and general work experience relative to the requirements of the job, with scope to access the full award rate as appropriate.

7.113 At the end of 1991, the Wages-Sub Committee had completed two reports on a wages scheme and a consultant's report on an assessment process was due to be presented early in 1992. Consultations with relevant groups had been carried out on the basis of an earlier draft report. It is likely that the numbers of people in the Supportive Wages group will be quite small initially, and obviously a number of aspects of the wage arrangements will require Government consideration.

7.114 In the discussion of skills-based wages, Brotherhood of St Laurence representatives emphasised a concern that had been raised in the Ronalds report and by other submissions to this Committee, that employers not use the scheme to the detriment of the employee.

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- in such instances there is a *prima facie* case for departure from the award rate prescribed for a particular existing classification to which a disabled person may be appointed.

121. *ibid.*, p. 4.

122. *ibid.*

The concern that we have with the emphasis in the Ronalds paper is that if the skills based wage was the main focus of change and of government initiative in this particular area, that would have inappropriate impact on the entire field. We would urge the Committee to look quite seriously at creating a much broader awareness, particularly on the part of employers, of the capacities and abilities and rights to employment that this particular group has.¹²³

7.115 This concern is similar to that expressed by other witnesses. However, it does not explicitly take into account the fact that substantial numbers of people with disabilities could not easily gain employment, and would have limited, if any, access to award wages without Government intervention or support.

7.116 Some of those responding to the Ronalds report were totally opposed to the concept of a skills-based wage on the grounds that 'it was inherently discriminatory'¹²⁴ particularly in that it could subject workers with a disability 'to a level of scrutiny not undertaken for other workers'.¹²⁵ While, in the consultations that formed the basis of the second Ronalds report, there appeared to be support for the general direction of the proposals, people with disabilities were keen to ensure that it was not used as a means of avoiding proper training or as leading to another form of discrimination. It was suggested that:

... the system be used only as a last resort mechanism, after the worker has been adequately trained for the job and all support mechanisms, including the use of aids or special equipment, have been investigated and implemented where necessary ... the system be carefully designed to ensure that it does not entrench or promote further discrimination against workers with a disability.¹²⁶

7.117 In itself, this type of opposition is similar to the opposition to slow worker permits and other below award wage payments; the implication that disability must automatically mean lower productivity is one which is challenged by a number of groups and individuals.¹²⁷

7.118 However, some evidence suggested that although employers might consider a wage top-up for people with disabilities (paid by the Government) this would not necessarily be the award wage. Productivity could still be the determining factor.

123. *Transcript of Evidence*, p. 5708 (The Brotherhood of St Laurence). See also p. 5717.

124. *Ronalds 2*, p. 19.

125. *ibid.*, p. 21.

126. *Ronalds 2*, pp. 18-19 (4.3).

127. See above, Paragraph 7.85.

There would need to be a minimum figure fixed, I think. In other words, if the award wage was \$350 a week but it was accepted by everybody that the disabled person was not fully productive and should therefore not be paid that \$350, it seems to me there needs to be another wage fixed which may be \$250, \$280 or \$300, which is seen to be the minimum income which that person should receive for participating in the work force. The assessment should be made of the productivity of that person and therefore that person's worth to the employer. The employer should pay that amount, and the difference should be made up by Social Security. As to the mechanism for that to be done, I think my preference would be for the employer to make the total payment and to be reimbursed by the difference between productivity and the total payment. I think, technically, that is a better way of doing it than the person being dependent on Social Security for part of his or her income.¹²⁸

7.119 The Wages Sub-Committee noted that any supportive wages system should:

- 'desirably be consistent with current industrial practice and reforms . . . ;
- ensure that people with disabilities have access to the same conditions of employment as their co-workers . . . ; and
- not provide disincentives for employers to offer employment; and provide opportunities for employees to increase their skills and wages'.¹²⁹

7.120 By maintaining these principles, it should be possible to avoid or minimise this type of discrimination. However, it may also be necessary for relevant departments to monitor any initiatives carefully to further limit discrimination, intended or otherwise.

Top-up wages – source of funding

7.121 There was limited detailed consideration of the source of funding of additional wages, with a general expectation of the 'government' being the primary source, whether for specific skills-based wages or for wages in general. However, a number of people argued that the Government would be saving money and therefore should be willing to outlay other funds in order to ensure wage equity:

For people with an intellectual disability, about 75 per cent of participants considered that a person should be paid the same wage as other workers, even if their skill level was lower, as they were working as hard as they could and should not be further penalised because of

128. *Transcript of Evidence*, p. 5726 (Confederation of Australian Industry).

129. DIR letter to Committee, 26 March 1991, p. 3. See also *Transcript of Evidence*, pp. 5725-6 (Confederation of Australian Industry).

their disability. These participants considered that if there was a gap, then the government should pay the other part. They considered that the government would be saving money by not paying the person a pension, and so paying some of their wages was only 'fair' and seen as assistance needed for a person with a disability.¹³⁰

7.122 This argument ignores the fact that while the 'government' might not be paying a pension directly, part of such pension 'savings' would presumably be used to pay top-up wages.

7.123 One witness indicated that employers should be responsible for providing 'appropriate wages' and that this would result from legislation that provided employers with incentives, and imposed sanctions on those that did not comply.¹³¹

I think the legislative framework is very important. For example, critical to any system of wage subsidy in looking at providing adequate wages for workers with disabilities is the delivery of incentives to employers to provide appropriate wages and some sort of legislative framework that provides incentives and sanctions for those that do and do not comply.¹³²

7.124 In this context, appropriate wages were not specified but appeared to be award wages (though a specific linking of these to a skills-based system was not apparent).

We are not talking about charity here, we are talking about people doing a fair day's work for a fair day's pay, being successful in their employment and getting access to the opportunities to do just that. Nobody is doing anybody any favours. That would have to be considered as a real danger in that sort of proposal.¹³³

7.125 As is noted above¹³⁴, the introduction of 'quotas' is not the ideal solution; if the responsibility for full award wages was also passed to employers, it is likely that they would prefer to pay the penalty imposed for not meeting quotas, rather than be involved in a complex assessment process. There is some evidence that this has been the response to the introduction of quotas in some overseas countries.

7.126 Most witnesses who discussed the issue considered that the Federal Government should hold the major responsibility for a proper wage being available,

130. *Ronalds 2*, p. 25 (4.10).

131. *Transcript of Evidence*, pp. 5610, 5611 (DEAC – Disability employment Action Centre).

132. *Transcript of Evidence*, p. 5610 (DEAC – Disability Employment Action Centre).

133. *Transcript of Evidence*, p. 5612 (DEAC – Disability Employment Action Centre).

134. See Chapter 3, Paragraphs 3.24-3.29.

in that the additional amount paid for top up would in fact 'replace' the pension and would be seen as a wage supplement.¹³⁵

7.127 This supplement could be paid by the employer and reclaimed from DSS.¹³⁶

Mr Noakes – There then needs to be some guaranteed income which the disabled person can secure. I do not think that ought to be the full award wage in all cases. I think it is clear that, if the disabled person is performing fully productive work, then he or she should receive the full award wage. If he or she is not performing fully productive work, then I think there needs to be some other wage fixed, a minimum wage or a minimum figure which can be received by the disabled person in the work force. That will obviously require in many circumstances a topping up, a supplementary payment, to be made.

Senator Walters – By whom?

Mr Noakes – By government – by Social Security, I would think, in these cases.¹³⁷

Part-time work/variable work patterns

7.128 In discussion of skills-based wages, there was little specific indication that this type of wage arrangement could accommodate variable work patterns, including a decrease in skills. It may do so to some extent, if it is able to provide both part-time work on an appropriate pro-rata basis of payment, or if it can provide jobs in areas where non-standard work patterns are acceptable. It is likely, however, that this would require detailed negotiation which may not be possible at the early stages of development and implementation. The benefits of any accepted skills-based wage of this type, then, would be limited to select groups.

7.129 One of the most important requirements of either income support or a revised wages system, is that it is able to address the varying circumstances of people with disabilities. Insofar as a number of people with variable work patterns and decreasing work skills may not be considered as severely disabled, aspects of the proposed new wages options may not be applicable to their needs. While in no way indicating that people with more obviously severe disabilities should not have access to an enhanced income, the Committee nonetheless considers it important that the particular problems of a number of groups should be considered in developing wage systems.

135. *Transcript of Evidence*, pp. 5689, 5690 (Western Vocational Association). See also p. 5725 (Confederation of Australian Industry).

136. *Transcript of Evidence*, p. 5726 (Confederation of Australian Industry).

137. *Transcript of Evidence*, p. 5725 (Confederation of Australian Industry). See also *Transcript of Evidence*, pp. 5689-90 (Western Vocational Association).

7.130 The Ronalds report discussed the possibility of part-time work and job sharing¹³⁸ and the report on the follow-up consultations also revealed that people with disabilities assume that part-time work would be available under a skills-based wage scheme.¹³⁹ As part-time work would only be paid part-time rates a total award wage for full-time work may be expected (either through wages supplementation or pension payment).

7.131 As was considered above in Chapter 6, it is essential that changes occur to employment patterns, so as to accommodate a variety of needs.¹⁴⁰ Some individuals and organisations suggested solutions to the 'productivity level' problem through strategies such as job-sharing.¹⁴¹ This often differed from the sharing of a job between (usually) two people, with each working half time and receiving half salary/wage. The option of a 'continually maintained productivity' job-sharing emphasised (generally) full-time employment for two or more people, so that the productivity of a job was standard. This would usually mean that the wage was shared between all participants.

Job-sharing as it is interpreted now is usually two people to a job. Our experience, and certainly the experience in New York, for example, is that if that model was extended perhaps to three or more people sharing the one job, the rationale behind that is that if one person has an acute episode, the remaining two can still make sure that job is done.¹⁴²

7.132 This concept of job-sharing may appear detrimental to the individual workers concerned, but need not necessarily be so. In the first place, the level of wage obtained would usually not preclude access to a pension payment, or another form of indirect subsidy. Secondly, and more importantly, it is possible that this type of security of employment might be the most effective means of assisting the person with a disability to gain confidence in his/her employability. If so, what may appear to be exploitation could be a means of encouraging people to participate in the workforce. Averaged out over six months or a year (depending on the extent of absences from employment) standard or above standard productivity could well be maintained and wages varied accordingly.

7.133 This may be one means of accommodating either a gradual return to employment for people with some types of disabilities, or a gradual moving away from full-time employment for others where skills are decreasing.

138. *Ronalds Report*, pp. 36, 38, 63.

139. *Ronalds 2*, p. 25 (4.10).

140. See Paragraphs 6.333-6.348.

141. Paragraphs 6.265-6.270.

142. *Transcript of Evidence*, pp. 4432-3 (Queensland Association for Mental Health).

7.134 In itself, this will not ensure access to a 'full' or award wage, or to an income sufficiently above the pension level to meet daily needs. It may be necessary, therefore, for various benefits (such as the PHB card) to be continued so as to reduce the stress on those people with disabilities who may never be able to work full-time but who benefit from working at their own rate.

7.135 In general, it is important that a number of wage options be developed to meet the needs of people with severe disabilities. The Committee has noted that present systems either cannot accommodate a range of 'awkward' or 'difficult' disabilities in terms of specific services, or cannot do so without substantial subsidies.¹⁴³ While it considers that some aspects of proposed skills-based wage systems may be beneficial to people with severe disabilities, it is concerned that persons with different 'severe' disabilities obtain greater access both to appropriate services (including employment where feasible) and to an appropriate level of income.

7.136 The Committee believes that additional research should be done on wage systems that are broader than the models that have been proposed so far. In particular, it considers that the needs of people with irregular work patterns, as well as those of people with severe disabilities, should be studied to determine the best ways in which to ensure they have access to a higher income as well as to more satisfying employment options.

Recommendations

The Committee RECOMMENDS:

10. That the Commonwealth government fund research which determines the amount of a viable income for people with disabilities who are unable to work full-time at or above award wages.
11. That the Commonwealth government implements a wage system to meet the income needs of people with disabilities unable to work full-time at or above award wages.
12. That the Commonwealth government direct resources towards ensuring that at least a living wage, which may be made up of part-pension and part-wage, should be the basis of pay received by people with disabilities in paid employment, even though this may not be an award wage.

Costs of disability

7.137 In previous chapters the Committee has considered some of the difficulties that can substantially limit access to employment or affect the individual once

143. See above, Paragraphs 5.22-5.44.

employment has begun.¹⁴⁴ They comprise what might be termed the 'extra costs' of disability, or what must be expended, in terms of money, time and psychological energy, in order for people with disabilities to remain in employment. These extra costs include those involved with transportation to and from work (including parking) the costs of relevant technological aids and appliances (for example, wheelchairs and special computers) and of workplace modifications. They also include medicines, time off work for medical and related appointments, and those costs associated with necessary personal care and home help. Most of these expenses are usually borne by workers with disabilities, and are hence a personal cost.

7.138 Very detailed submissions were made, listing all costs and relating these to specific types of disability.¹⁴⁵ The Committee considered these submissions and while conceding that various types of disability may well involve a wide range of costs, including clothing, furniture, etc., believes that there are a number of costs which are substantial for a large number of people with disabilities and which are quite inhibiting to employment.

7.139 It was argued to the Committee that many costs can make working difficult for any but the most highly paid professionals. One submission to the inquiry¹⁴⁶ specified that weekly expenditures for people with severe physical disabilities can be as high as \$175 for transportation, and \$100 for the cost of assistance to prepare for work. On the basis of these figures, it was argued that a person with disabilities would need to earn a minimum of \$25,000 before such costs could be met. Hence, although claiming costs as tax deductions could be a desirable outcome, such a solution would not be available to a substantial number of people who are liable for little or no tax. It is important to note that some people with disabilities may earn low wages, and that it could take a considerable period of time before they had an income sufficient to pay transport and personal care costs directly.

7.140 To a degree, the problem of personal care and transport could be overcome by the development of home-based work which could reduce the need for personal care assistance at peak hour periods and remove the need for transport at these hours. However, it would be important to ensure that home-based employment was not exploitative and that it did not isolate people with disabilities from the community.

7.141 Many people with disabilities who do work are seen as being worse off financially for doing so.

144. See for example, Chapter 2, Chapter 3, Paragraphs 3.46-3.51, Chapter 4, Paragraphs 4.102, Chapter 5, Paragraphs 5.17-5.19.

145. For example, see *Transcript of Evidence*, p. 452 (Messrs Rothwell & Smith, Cumberland College of Health Sciences). See also report by the Office of Disability, *Transcript of Evidence*, pp. 4638-4654.

146. The Paraplegic and Quadriplegic Association of South Australia Inc., *Transcript of Evidence*, p. 5097 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

Many indicated that they worked for a range of factors which did not include their wage, as the extra costs of their disability meant that they ended up in the same or a worse financial position than if they were in receipt of income support.¹⁴⁷

7.142 If employment is to be truly accessible to all people with disabilities, individuals must be relieved of some of these extra costs and society must assume part of them. As one submission stated: 'Accessible transportation to work, an accessible work environment, and accessible high technology aids are an unavoidable cost of disability which should be covered by the community as a means of equalizing employment opportunity'.¹⁴⁸

Disability Allowance

7.143 The appropriate mechanism for the provision of financial assistance for the unavoidable costs of disability may well be a type of Disability Allowance, such as foreshadowed by the Social Security Review Team in 1988. However, while such an allowance might be the ideal way of recompensing disability-related expenses, groups such as ACROD point out that 'the reality is that achievement of such an allowance on a realistic scale will not be done in the short term'.¹⁴⁹ There is merit in the view that 'there should be a variety of means to assist people with disabilities financially . . .'¹⁵⁰, and not only through a special allowance.

7.144 The Committee notes the Department of Social Security report on the costs of disability survey which was completed at the end of 1991.¹⁵¹ The survey 'focused on the collection of "out of pocket" costs incurred by respondents that were caused by their disability'¹⁵², and the questionnaire isolated the costs that were 'incurred directly from their participation in a particular labour force related activity (LFRA)'.¹⁵³ These activities included employment, looking for work, rehabilitation training and education.

7.145 The report on the survey did not support the introduction of a universal disability allowance, since not all those participating in the study incurred LFRA costs. The report suggests instead that assistance should be directed specifically to those requiring it. For some people 'the severity of their handicap would be so great

147. *Ronalds 2*, p. 15.

148. *Transcript of Evidence*, p. 1343 (Disabled Peoples' International (Australia)).

149. *ibid.*

150. *Transcript of Evidence*, p. 1403 (ACROD Limited).

151. DSS, *Costs of Disability* (Social Policy, Policy Research Paper No. 59), October 1991.

152. *Costs of Disability*, p. ix.

153. *ibid.*, p. x.

that no allowance would be sufficient to enable them to seek entry into the workforce'.¹⁵⁴

7.146 The study states that additional issues, such as extra effort, discomfort and inconvenience faced by people with disabilities who undertake LFRA activities was not costed and that, if it were, this might support the introduction of an allowance as this could be seen as a means of recognising the disadvantage of people with disabilities as opposed to costs actually incurred.¹⁵⁵ However, the report suggests that the adoption of this approval 'would . . . sit uncomfortably alongside the carefully targeted nature of social security payments that has evolved in Australia . . .'.¹⁵⁶

The Committee has made a recommendation on a Disability Allowance at Paragraph 7.17.

Transport

7.147 Transport must be recognised as the *major barrier to accessibility* that it is: all programs/services should include *realistic* funding to provide for transport arrangements *appropriate to the clients and the geography* of the area.

- for some people in isolated areas, accommodation near the place of work or training may be an appropriate alternative to long distance travel;
- also for regions with low population density it may be appropriate in some cases to provide sufficient funding for the staff/supervisors *to travel to the workers*.¹⁵⁷

7.148 Referring to the results of a 1986 survey, the Social Security Review's Background Paper Number 15 stated that 'it was in the area of transport that there was most evidence of extra costs for people with disabilities'.¹⁵⁸ As the Ronalds report noted, one of the most useful and valued fringe benefits of the invalid pension was the provision for concessional taxis, which represented a real saving for people with disabilities. Those who are able to move into employment and lose the fringe benefits because of their level of income may be required to pay the full costs of

154. *ibid.*

155. *ibid.*, p. xi.

156. *ibid.*

157. *Transcript of Evidence*, p. 5041 (Southern Regional Planning Groups for People with Disabilities). See also p. 5053.

158. The Social Security Review Background Paper No. 15: *An Examination of Invalid Pensioners in Transition to the Labour Force*, Department of Social Security, February 1987, p. 33.

transport to and from work which are considerable.¹⁵⁹ Evidence taken in this inquiry confirms that the availability and cost of transportation is a major source of difficulty for people with disabilities. A submission from the Western Australian Society for Crippled Children, for example, referred to a 1989 survey which showed that, of those people surveyed who wanted open employment, over one half nominated transport as the most significant barrier to employment.¹⁶⁰ One organisation claimed that . . . 'The public transport system is totally inaccessible and inadequate'.¹⁶¹ Issues repeatedly raised during the course of the inquiry concerned the expense and difficulty associated with the use of several transport modes including public transportation, private cars, and taxis.¹⁶²

7.149 While there is no doubt that the nature of some disabilities is such that it will rule out public transportation as a viable transport option, it is apparent that there is much that could be done to improve the accessibility of public transport. The simple provision of extra steps onto buses, carriage space for wheelchairs, and extra ramps and assistance at train and bus stations, which have become standard in some States, go some way towards making the public transport system more accessible for people with disabilities, particularly those with severe physical disabilities.

7.150 Even if transport is available, there are many factors which may make access less easy for some people with disabilities.

Almost 100 of Westwork's clients rely on public transport. In Melbourne's western and north western suburbs, public transport is often unreliable. Many suburbs are inaccessible or accessible only by circuitous, time-consuming routes.

New bus routes are needed to connect existing train/tram/bus routes with industrial areas where jobs are available. A simple, uniform ticketing system must be implemented. Public transport employees must be educated about what (if any), how much and when support should be offered to people with disabilities.¹⁶³

7.151 There are other difficulties associated with utilising public transport. Such facilities are limited or even non-existent in certain areas, for example, in rural areas¹⁶⁴, and the location of appropriate employment and educational agencies is

159. *Ronalds Report*, p. 48. See *Senate Hansard*, 6 November 1991, p. 2522 when it was stated that Tasmania had withdrawn subsidised transport services for people with disabilities who were in employment.

160. Submission No. 75, p. 3 (The Western Australian Society for Crippled Children (Inc)).

161. See *Transcript of Evidence*, pp. 430-1 (The Spastic Centre of New South Wales).

162. *ibid.*

163. *Transcript of Evidence*, p. 5636 (Westwork Industries (Wesley Central Mission)).

164. Submission No. 1, pp. 1-2 (Mr W.H. Griffiths).

not always convenient to public transport. As the Disabled Peoples International submission stated, 'public and special transport services to some centres for the disabled are inadequate'.¹⁶⁵ Furthermore, 'public transport becomes infrequent after peak hours . . .'.¹⁶⁶ Clearly, as is the case for many people without disabilities, there are many occasions when public transport is unavailable, inconvenient or undesirable, and when other modes of transportation would be preferable. Safety, and in particular, the fear of assault, is a concern for able-bodied members of the public, but it is a major issue for some people with disabilities, especially those with intellectual disabilities, who may suffer emotional and physical abuse when travelling on public transport.

One major issue for people with an intellectual disability is the amount of verbal abuse and harassment they suffer when travelling on public transport. Many reported abusive fellow travellers, usually young men, who in some instances assaulted them. A number reported only using public transport when they can travel in a group to provide safety and back-up support.¹⁶⁷

7.152 People with disabilities who are unable to use public transport because of certain physical disabilities and who are 'gainfully employed' are eligible for a sales tax exemption on the purchase of a new motor vehicle, according to the provisions of Item 135A(1) of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*.¹⁶⁸ The sales tax exemption on the purchase of a new car relates to the use of the vehicle (this being for the transport of a person with a disability to and from work) and is therefore available to people without disabilities who claim they will use the vehicle for the work related transport of people with disabilities.¹⁶⁹

7.153 Item 42C of this same Act provides for sales tax exemptions on goods used to modify either new or second-hand motor vehicles. ACROD has argued that the eligibility criteria for sales tax exemption on the purchase of a new car is discriminatory, because such criteria 'do not cover all impairments which result in a person being unable to use public transport'.¹⁷⁰ Recent amendments have

165. *Transcript of Evidence*, p. 4157 (Dr M. Steinberg).

166. Submission No. 23, p. 2 (Ms M. Stern).

167. *Ronalds 2*, p. 12.

168. Industry Commission, *Aids and Appliances for People with Disabilities: Report No. 3*, AGPS, Canberra, 18 July 1990, p. 135. Item 135(A) is now Item S.135A(1). The Act was amended by the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991*.

169. Industry Commission, *Aids and Appliances for People with Disabilities*, p. 137. The point was also raised as an issue in *Transcript of Evidence*, pp. 5811-5812, p. 5818 (Australian Taxation Office).

170. *Transcript of Evidence*, p. 1381 (ACROD Limited).

extended exemptions to include goods used in the modification of a vehicle solely for transporting a person with a physical disability.¹⁷¹

7.154 In October 1991 the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991* introduced changes effective from 20 August 1991 which should improve the access of people with disabilities to less expensive cars. As far as goods used in the modification of motor vehicles is concerned, the second reading speech noted:

Under the current sales tax law, exemption is only available for goods used to modify a motor vehicle to adapt it for driving by a person suffering from a physical disability. The Bill will significantly widen this exemption to include goods used to modify new or second-hand motor vehicles to transport a person suffering from a physical disability.

This exemption will assist those who are required to modify their vehicles solely for the purpose of transporting a family member, relative or friend who is suffering from a physical disability.¹⁷²

7.155 It was argued in evidence presented to the Committee that the then existing sales tax exemption provisions relating to new motor vehicles favoured people with disabilities who were relatively well off (employed, and able to afford a new vehicle) and that they were 'of no assistance to those not able to work, to those who work but cannot afford a new vehicle, or to those who use other forms of transport'.¹⁷³ This view was echoed in several submissions put to the Committee in its inquiry.¹⁷⁴ The Queensland Spastic Welfare League, for example, said that most people could not avail themselves of the sales tax exemption for the purchase of a new car, and argued that 'financial assistance should be provided to people with disabilities who cannot use public transport and who buy a used car in order to get to and from their workplace'.¹⁷⁵ While no sales tax is payable on second-hand goods, second-hand goods nevertheless reflect the cost of new goods (including sales tax); it is argued that it is inconsistent that purchasers of new goods can avail themselves of a sizeable deduction which is not passed on to purchasers of second-hand goods.¹⁷⁶ Because it is difficult to access the sales tax component of older vehicles, an alternative way of assisting people with disabilities who own second-hand vehicles could be to provide concessional rates on registration and insurance.

171. See Senate *Hansard*, 9 September 1991, p. 1297.

172. *ibid.*

173. Industry Commission, *op. cit.*, p. 137.

174. For example, in Submission No. 27 (ACROD Limited), Submission No. 28 (Mr I. Dalwood), and Submission No. 44 (The Queensland Spastic Welfare League). The issue was raised in a public hearing also, *Transcript of Evidence*, pp. 5813-4 (Australian Taxation Office).

175. *Transcript of Evidence*, p. 4283 (The Queensland Spastic Welfare League).

176. Industry Commission, *op. cit.*, p. 136.

Recommendations

The Committee RECOMMENDS:

13. That the eligibility criteria for sales tax exemptions relating to cars for transporting people with disabilities should be reviewed regularly so as not to disadvantage some people with disabilities.
14. That employed people with disabilities and those people with disabilities undertaking approved training be eligible for means-tested concessions in compulsory car registration and insurance.

7.156 Even if a person with disabilities has been able to purchase a new vehicle, or adapt a second-hand one, parking remains a major hurdle to workplace access. Parking is an occasional problem for most people, but for people with disabilities it is of real importance. People with severe physical disabilities, who are those most likely to be driving private, specially adapted motor vehicles, require parking places near to their places of employment. Submissions indicated, however, that 'many offices do not have, or do not wish to provide, off street parking for private vehicles'¹⁷⁷, and private car parking is generally scarce and expensive¹⁷⁸. Several submissions¹⁷⁹ suggested that people with disabilities should be reimbursed for the cost of parking fees; the South Australian government provides this service.¹⁸⁰ It should also be possible to introduce more reserved parking spaces, and to allow people with disabilities to park their cars for longer periods of time.

Recommendation

The Committee RECOMMENDS:

15. That relevant authorities make more reserved parking spaces available for people with disabilities. That these spaces be level and of sufficient size to cater for wheelchairs. That longer time periods be available to people with disabilities using reserved parking spaces.

7.157 Many people with disabilities cannot use public transportation because of the specific nature of their disability; people with severe physical disabilities may not be able to manage getting on and off buses and trains, and people with severe intellectual disabilities, or with brain injury, may not have the ability required to make use of public transportation, if it involves more than one simple journey. People with such disabilities will be restricted to using more expensive means of

177. Submission No. 154, p. 9 (Ms M. Duckworth & Ms L. Pettersson).

178. *Transcript of Evidence* p. 5863 (Human Rights and Equal Opportunity Commission).

179. Submission No. 44 (The Queensland Spastic Welfare League).

180. Submission No. 155, p. 14 (South Australian Government).

transportation, which in most cases means taxis. Some people with disabilities are able to access taxi subsidy schemes, and all States and Territories have some form of this scheme although it is not available in all areas. There is also some variation in what is offered and in the eligibility criteria. Generally the schemes are available to people with disabilities who cannot use public transportation, and offer clients concessional fares (usually half-price), sometimes up to a maximum fare, and up to a certain number of trips per annum; however, some States offer an unlimited number of concessional taxi trips.

7.158 Despite the praise which such taxi schemes received¹⁸¹, there were numerous criticisms of them. It was noted by some people with disabilities responding to the first Ronalds report, that the subsidised taxi system 'continues the alienation and isolation of people with a disability from the mainstream community and reduces opportunities for interaction'.¹⁸² It was said that the taxis are often unreliable, resulting in unwanted variation in arrival and departure times.¹⁸³ The resourcing of the schemes was also thought to be inadequate¹⁸⁴, with some areas having far too few cabs available. Darwin for instance has only one modified taxi, and Alice Springs has none. People in smaller cities and in rural and isolated areas can therefore be at an additional disadvantage.

7.159 The ceiling imposed on the number of concessional trips was a problem for some people, particularly those who used taxis to get to work. These people are eligible to receive the Commonwealth Mobility Allowance (previously \$11 per week and now \$20), but, despite this, many people with disabilities still expend large amounts of money (between \$70-\$100 per week) on transportation, and this is after concessions and the Mobility Allowance are taken into account.¹⁸⁵

Travelling to and from work in special transport is prohibitive. For example, to travel 10 kms to and from work for one working week (5 days) costs approximately \$175.00 per week.¹⁸⁶

7.160 These high travel expenses are partly attributable to the long distances that some people with disabilities have to travel in order to get to work, and this can be related to the small number of employment opportunities available to people with

181. *Transcript of Evidence*, pp. 5104-5 (The Paraplegic and Quadriplegic Association of South Australia Inc.). See also *Transcript of Evidence*, p. 5748 (Epilepsy Foundation of Victoria).

182. *Ronalds 2*, p. 12.

183. *ibid.*, p. 11.

184. Submission No. 79 (Ethnic Child Care Development Unit) and Submission No. 147 (Mr D. Gribble) and *Ronalds 2*, p. 11.

185. *Transcript of Evidence*, p. 4292 (The Queensland Spastic Welfare League). See also *Transcript of Evidence*, p. 5599 (DEAC - Disability Employment Action Centre).

186. *Transcript of Evidence*, p. 5097 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

disabilities.¹⁸⁷ But a portion of the expense and inconvenience associated with some taxi cab travel can also be indirectly related to the cost of obtaining and maintaining the specialised taxi cab vehicles which are utilised by some working people with disabilities. It was pointed out in evidence to the Committee that taxes on these imported vehicles can amount to as much as \$25,000.¹⁸⁸ While the Government has reduced the amount of sales tax which is applied to such vehicles to 20 per cent¹⁸⁹, those bought as commercial vehicles may still be subjected to high rates (close to 40 per cent) of import tariff.¹⁹⁰

7.161 Many submissions referred to the inadequacies of the Mobility Allowance¹⁹¹, and argued both for an increase in the amount of the allowance, and a change in the eligibility criteria which apply for receipt of the allowance. Witnesses argued that the \$11 amount then provided for in the allowance was inadequate, and that it was not even sufficient to cover a one-way fare in a half-price cab.¹⁹² The Government announced in the August 1990 budget statement that the Mobility Allowance would be increased to \$20 per week¹⁹³, and this will go some way towards improving the transport cost situation. From 12 November 1991 this higher rate has been available to people with disabilities who are undertaking at least 8 hours per week training, or employment.

7.162 The Mobility Allowance was available to people with disabilities who were gainfully employed and who could not use public transportation, and also who had not bought a new car (and therefore received a sales tax exemption) in the past two years.¹⁹⁴ Witnesses argued that all people with disabilities with restricted mobility should be entitled to the Mobility Allowance¹⁹⁵, in recognition of the special mobility difficulties they experience. This suggestion includes people with disabilities

187. *Transcript of Evidence*, p. 4323 (Department of Family Services, Queensland).

188. *Transcript of Evidence*, p. 5819 (Australian Taxation Office).

189. Second reading speech on the *Sales Tax Laws Amendment Bill 1990*, 15 May, 1990, House of Representatives, *Hansard*, p. 567.

190. These issues were considered in the context of the Florence agreement, which is discussed in Paragraph 7.170.

191. Submission No. 44 (The Queensland Spastic Welfare League, Submission No. 28 (Mr I. Dalwood), Submission No. 168 (Disabled Peoples' International), Submission No. 169 (Office of Disability, Department of Health, Housing and Community Services), and Submission No. 206 (Human Rights and Equal Opportunity Commission).

192. Submission No. 28, p. 5 (Mr I. Dalwood).

193. DSS, *New Opportunities for People with Disabilities*, August, 1990, p. 2.

194. The Industry Commission recommended that the two year limit be increased to four years, but this has not been accepted. This matter was raised in oral evidence, *Transcript of Evidence*, pp. 5816-7 (Australian Taxation Office).

195. Submission No. 210, p. 7 (National Women's Consultative Council).

who are not in paid employment and who may be especially dependent on others (family, friends) for transport or for money for transport.¹⁹⁶ The Allowance, it is considered, would also partially offset the additional costs people with disabilities bear which are directly associated with their disabilities. In relation to this argument, transport-related expenses are not allowable work-related tax deductions for any workers, although the Commissioner for Taxation has been lobbied on this subject by disability groups such as ACROD for some time¹⁹⁷, as it has by others who do not have access to business-related travel deductions.

7.163 The Committee notes that much has been done to address some problems of transportation. For example, some States have increased access to public transport through the provision of ramps and buses/trains which can take wheelchairs and other appliances; these changes are not resource-intensive. It may be that public transport routes could be adjusted, without much difficulty, to improve the accessibility of particular venues to people with disabilities.

7.164 The Committee urges State and Territory governments to engage in relevant consultative processes, and to take action to facilitate access to local transportation systems, and improve the service that is delivered to people with disabilities. Such improvements would benefit the wider community as well.

7.165 While changes have recently been introduced enabling access to the Mobility Allowance for those undertaking eight or more hours of training per week, it would be desirable to extend access to people who are able to undertake other types of 'employment' or 'training', such as the mixtures of leisure, work and education previously referred to.

Recommendations

The Committee RECOMMENDS:

16. That public transportation systems should be made more accessible to people with disabilities, and States and Territories where this has not yet been done should consider the changes that can be made.
17. That eligibility criteria applying to receipt of the Mobility Allowance should be reviewed regularly to ensure that groups of people with disabilities are not relatively disadvantaged, as was suggested by some of the evidence put to the Committee.

196. *Transcript of Evidence*, pp. 4807-8, 4810 (Disability Advisory Council of Australia).

197. *Transcript of Evidence*, pp. 4900-4903, 4923-29. Obviously, most work-related travel is not deductible for non-disabled people; however, the very high costs for some people with disabilities is a serious disincentive to employment.

Aids and appliances

7.166 As a part of its consideration of the current and future employment prospects of people with disabilities, it is necessary for the Committee to examine other factors which may increase access to employment, such as the usefulness, the availability and the cost of aids and appliances. Technological devices form an integral part of most of our lives, but assume particular importance for people with disabilities, many of whom must rely on special or expensive equipment for the conduct of everyday functions that are not a problem for others. Certainly the availability of necessary equipment is a significant factor which determines the quality of life, including the working life, of people with disabilities.

7.167 Because some appliances are indispensable aids to life for people with disabilities, a discussion of the costs of technology in the employment of people with disabilities should not be restricted to a consideration of those appliances which may be visible, or at least directly associated with, the workplace, such as telephone typewriters, computers, special desks and chairs. People with physical or sensory disabilities need to use on a daily basis a wide variety of personal-medical appliances in order to be able to come in to work. This is most obvious in the case of people with physical disabilities, who may use artificial limbs, or require a wheelchair, surgical boots, callipers, or leg braces, but it is also of great relevance to people with sensory disabilities, for whom the use of a variety of communication and vision aids is an unavoidable cost and a pre-requisite of employment.

7.168 Many of the goods which are useful to people with disabilities are manufactured overseas and, as imports, subject to tariffs which make them particularly expensive to buy in Australia. Because of this, some submissions argued that local manufacturers of relevant products should be encouraged to produce these goods.¹⁹⁸

7.169 Another way to lessen the cost of imports is to reduce the tariffs imposed on them; this course, with respect to certain goods, was recommended to the Government in the Industry Commission report, *Aids and Appliances for People with Disabilities*.¹⁹⁹ In response to some of the report's recommendations, the Federal Government announced that tariffs on imported pacemakers, defibrillators and wheelchairs would be reduced from 15 per cent to zero from 1 January 1991.²⁰⁰ While this development is no doubt a welcome one to purchasers of particular imports, some concern has been expressed about the possible negative

198. Submission No. 193 (Australian Public Service, Deaf/Hearing Impaired Support Group), and Submission No. 210 (National Women's Consultative Council).

199. Industry Commission, *op. cit.*, p. 10.

200. House of Representatives, *Hansard*, 10 April 1991, p. 2287. Other recommendations of the report were addressed in the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991*.

effects of this development on the local wheelchair industry.²⁰¹ It is possible that parts required for modifications would not be supplied by overseas manufacturers, and it is also important to note that it may be very difficult to modify wheelchairs once they are completed. One of the benefits of providing support to local manufacturers, therefore, would be the fact that changes required to meet individual needs could be met.

7.170 Complementing this development, certain other tariff reductions took effect on 1 July 1991. As a preliminary step to the Government's ratification of the Florence agreement, import tariffs on a wide range of aids and appliances for people with disabilities have been completely eliminated, and significant price reductions should be passed on as a consequence.²⁰²

7.171 Some minimisation of the costs of purchasing aids and appliances for people with disabilities is available through the mechanisms of sales tax exemptions. Under the provisions of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*, sales tax exemptions are available on a wide range of goods which are designed specifically for the benefit of people with disabilities, and also on some general purpose goods – motor vehicles and parts, and videotex systems and teletext decoders – which are used by people with disabilities. Therefore, goods and appliances which relate exclusively or principally to the treatment or alleviation of various kinds of impairments are exempted from sales tax, and these exemptions apply to any purchaser.

7.172 Some general purpose goods are also exempted, but these exemptions are conditional on purchase identity²⁰³ – that is, purchasers of these commodities must provide some proof, such as a medical certificate²⁰⁴ of their disability status. These exemptions reduce the cost of some goods and devices, and are of undoubted value.

7.173 The Committee received many submissions which argued that more could be done to reduce the cost of relevant technology via the mechanism of sales tax exemptions.²⁰⁵ These submissions called for the extension of the *Sales Tax (Exemptions and Classifications) Act's* exemption provisions to cover more general

201. Senate *Hansard*, 16 April 1991, p. 2533.

202. House of Representatives, *Hansard*, 10 April 1991, p. 2287.

203. Industry Commission, *op. cit.*, p. 136.

204. *Transcript of Evidence*, p. 5811 (Australian Taxation Office).

205. Submission No. 27 (ACROD Limited), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 93 (Mrs M. Carter), Submission No. 104 (National Federation of Blind Citizens of Australia Ltd), Submission No. 122 (Australian Down's Syndrome Association Incorporated), Submission No. 126 (AAMR-WA), Submission No. 160 (Queensland Foundation for Blind People Inc.), Submission No. 163 (Australian Deafness Council), Submission No. 185 (Australian National Council of and for the Blind), Submission No. 210 (National Women's Consultative Council).

purpose goods which, while not specifically designed for people with disabilities, are nevertheless considered necessary for the maintenance or enhancement of quality of life.

7.174 Some of the items referred to in evidence to the Committee include air conditioners (vital for temperature control for some paraplegics and all tetraplegics)²⁰⁶, typewriters, printers, dictation machines, computers, low vision aids (all of which are especially useful for people with communicative disabilities), and chairs with rising seats (which are useful for people with arthritic conditions). Other items referred to in the Industry Commission report, *Aids and Appliances for People with Disabilities*, include electric can-openers, electric beds and hoists, and microwave ovens. These goods are considered necessary by some people with disabilities, but they are not designed exclusively or principally for their benefit, and nor are they among the few general purpose items for which exemptions are provided in legislation of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*; therefore, sales tax, which can be as high as 20 per cent²⁰⁷, is charged on these items.

7.175 The possibility of extending sales tax exemption provisions to cover goods which might serve as special aids to people with disabilities has been debated for some time, and these arguments are set out in the Industry Commission report and also in ACROD's submission to this inquiry. However, the arguments against extending the sales tax exemption provisions in order to provide more conditional exemptions on general purpose goods are more concerned with matters of implementation than of principle. There appears to be agreement that it would be desirable for people with disabilities to be able to avail themselves of exemptions when these appear to be warranted. Nonetheless, it is considered that conditional sales tax exemptions are both difficult and costly to administer and easy to abuse. The Australian Taxation Office suggested that some administrative difficulties might be overcome by simply listing specific conditional exemption goods in the requisite item of the Sales Tax Act, and the Industry Commission report on Aids and Appliances recommended a limited extension of this sort to make computer equipment used as, or in conjunction with, electronic communications equipment, eligible for sales tax exemption, 'where certification is provided by a doctor or therapist'.²⁰⁸

7.176 While recent legislation had proposed changes which would have brought a number of general purpose items under sales tax exemption, these proposed amendments were withdrawn by the Government.²⁰⁹ The reason given was that there were too many loopholes in the proposed changes, and this would have led to exploitation of benefits. The issue of tax exemptions for computer hardware used to

206. *Transcript of Evidence*, p. 1405 (ACROD Limited).

207. Industry Commission, *op. cit.*, p. 141.

208. Industry Commission, *op. cit.*, pp. 144-6.

209. *Senate Hansard*, 8 October 1991, p. 1543.

operate communications equipment for people with disabilities has been referred to the Disability Task Force for further consideration.²¹⁰

7.177 One argument for not extending sales tax exemption provisions is the belief that sales tax exemption provisions are an inappropriate mechanism for dealing with the so-called extra costs of disability, which are considered by some to be a social welfare matter. This argument is also used in respect of the utilisation of income tax rebates/deductions as a way of recompensing for disability-related expenses.

7.178 The Committee does not consider that the administrative difficulties posed by such an extension are insurmountable; in fact, the method of specifying exempted general purpose goods suggested by the Australian Taxation Office (ATO) in Item 123A of the *Sales Tax (Exemptions and Classifications) Act* appears to be relatively straightforward and appropriate. It should be possible for people with disabilities who have a special need for certain general purpose goods to be able to claim a sales tax exemption when purchasing that commodity.

Recommendations

The Committee RECOMMENDS:

18. That the list of goods which could be exempted from sales tax should be broadened. Possible abuses of the exemption provisions could be dealt with to some extent by requiring the provision of authorising information at the point of sale. In particular, exemptions should be available in respect of those general purpose goods which are essential for people with disabilities.
19. That greater taxation deductions be available for the cost of purchasing or hiring 'medical' (for example wheelchairs, aids) and non-medical appliances (for example, computers, telephone typewriters) where these are indispensable aids to people with disabilities.
20. That businesses producing aids for people with disabilities be refunded the tax on components used in the production of, and equipment purchased for, such items.

Funding for special costs

7.179 People with disabilities are able to claim an income tax rebate for their medical and hospital expenses, and the costs of certain medical appliances and treatments. The tax rebate is calculated as roughly 30 cents on every dollar expended over \$1000 (after medical fund reimbursement)²¹¹ over the year. Employed people with disabilities, therefore, carry two-thirds of the costs of necessary medical appliances, a situation which is 'hardly generous', one

210. *ibid.*, p. 1555.

211. *Transcript of Evidence*, pp. 1424-26 (ACROD Limited).

submission stated.²¹² Those who do not have private health fund insurance would be at a further disadvantage. Even with the rebate for medical expenses, it is possible, then, to expend two to three thousand dollars per annum on necessary personal equipment. A person who is employed is disqualified from eligibility for assistance with the purchase of such appliances under schemes for which certain upper income limits apply.²¹³ In such cases, it may be necessary to consider that the limit should be raised.

7.180 Claiming for medical expenses is one of the few income tax deductions available to people with disabilities to defray some of the unavoidable costs of disability. Numerous submissions to the Committee expressed the view that there should be more avenues for income tax deduction claims for work-related expenses.²¹⁴ The arguments against the extension of claimable deductions are essentially the same as those which are employed in the case against the extension of sales tax exemption provisions, namely, that 'inevitably, problems such as misallocation of resources and inequities arise'.²¹⁵

Other medical/personal costs

7.181 There are a number of other sources of work-related expense and difficulty associated with employment for people with disabilities. Some people with disabilities, particularly those with physical disabilities, can require up to two hours of attendant care early in the morning to prepare for work; a similar amount of time may be necessary in the evening as well.²¹⁶

... our submission noted the difficulties of getting up in the morning for people with severe physical disability. Routinely, people who have a spinal cord injury and who need quite complicated medication regimes and so on, particularly in the bladder and bowel management area early in the morning, may often need to start to prepare for work

212. Submission No. 28, p. 4 (Mr I. Dalwood).

213. Submission No. 28, p. 4 (Mr I. Dalwood). This point is also made in the submission by the Queensland Government, *Transcript of Evidence*, p. 4339 (Minister for Employment, Training and Industrial Affairs).

214. Submission No. 27 (ACROD Limited), Submission No. 28 (Mr I. Dalwood), Submission No. 126 (AAMR-WA), Submission No. 163 (Australian Deafness Foundation), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian National Council of and for the Blind).

215. *Transcript of Evidence*, p. 1381 (ACROD, quoting a press release of the then Treasurer, Paul Keating, MP).

216. *Ronalds 2*, p. 17.

at about 5.00 in the morning. For a lot of people this is the biggest disincentive to work and the biggest problem in actually working.²¹⁷

7.182 Some employees also require the services of personal care attendants in the workplace, to assist with toileting, for example.²¹⁸

... the situation for attendant care is extremely poor. There is no existing way for people who require attendant care to get on the job attendant care to allow themselves to undertake full time employment. There are plenty of people around who could work successfully in open employment if they could secure that kind of attendant care.

It is an extremely difficult thing for an individual to negotiate with their employer: "Can you provide me with attendant care?" The attendant care program, the home and community care program and the attendant care scheme, as we have said, should be expanded significantly to deal with that. Again, work based attendant care is a very important issue.²¹⁹

7.183 Such need can involve considerable financial expenditure, the bulk of which is carried by the person with the disability; the cost of personal attendant care is claimable as a tax rebate but only at one-third of this personal expenditure.²²⁰

The cost at those hours of the morning of care, for example through a private home care service, may be as high as \$46 a morning. This is particularly difficult because in the case of a person with spinal cord injury, bowel management procedures may need to be attended to perhaps three to four times a week in the morning, so that represents a very significant cost.²²¹

7.184 Employer and employee may not always be able to negotiate their way around such difficulties, and the employment opportunities of people with disabilities may suffer as a result. When they can negotiate successfully, the employer's concerns may dissipate as the person requiring such assistance may also be able to demonstrate good time management.

217. *Transcript of Evidence*, p. 5099 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

218. *Ronalds 2*, p. 14.

219. *Transcript of Evidence*, p. 5605 (DEAC – Disability Employment Action Centre).

220. *Transcript of Evidence*, pp. 1424-1426 (ACROD Limited).

221. *Transcript of Evidence*, p. 5099 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

Employers then tend to have an appreciation of the degree of personal organisation that many people with a severe physical disability have to have achieved in order to get to a point where they can apply for a job.²²²

One of the things that employers really worry about is interruptions to productivity if a person with a disability needs assistance to use the toilet, to get a cup of tea, or something like that. Indeed, in some cases of physical disablement a person may need quite a deal of help – perhaps two or three hours in total of care – in order to get through a reasonably normally productive working day. Employers seem to be very worried about that, and I think that the extension of the existing Commonwealth attendant care scheme to include access to attendant care whilst on the job would be a big incentive not only to the people with disability but also as a way of alleviating the worries of employers about productivity losses because of personal care needs.²²³

7.185 Attendant care services are sometimes not available to cater adequately for the needs of employed people with disabilities. For example, a person with a disability may need attendant care service from five o'clock in the morning in order to be ready to start work at 7 o'clock, but attendant care services may not be available until after 6 a.m.

7.186 The DHH&CS funded a pilot work-based personal care service in two States (Queensland and Victoria) in 1991/92. Fifty people are provided with services in these pilots; care is provided either by organisations which are expanding through the provision of personal care, or by individual personal care attendants who work at an individual's place of employment as well as in the community. The pilot has been funded to the level of \$350,000 (including \$50,000 for evaluation). A maximum of 10 hours of support per week is provided. At present, the service is primarily in urban areas.

Recommendation

The Committee RECOMMENDS:

21. That, when personal care services are being developed and evaluated, priority should be given to ensuring that services that are being provided for those people who are employed are relevant to their special needs. This may include the availability of personal care at irregular hours.

222. *Transcript of Evidence*, p. 5100 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

223. *Transcript of Evidence*, pp. 5100-1 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

Special leave

7.187 Employed people with disabilities may require the services of a variety of health and medical professionals in order to remain physically fit for work. Unfortunately, many such professionals are only available during normal working hours, and people with disabilities who have a need for their services must take time off work in order to be able to see them. This can create some difficulties at work, but, as the author of one submission argued, because maintenance of such medical appointments enables people with disabilities to keep working, a certain amount of absence from work should perhaps be accepted as legitimate²²⁴, or flexible work hours arranged.

7.188 Others have discussed the need for special leave to be available in order that necessary appointments can be met during working hours.

Very often people with disability need to be away from employment as a particular result of their disability. This could be problems with pressure sores, the fitting of an artificial limb or mechanical problems associated with aids and appliances, for example wheelchairs, hearing aids, et cetera.²²⁵

7.189 Another submission to the inquiry from the National Women's Consultative Committee recommended that workers with disabilities be granted more generous sick leave provisions to accommodate their particular need for 'enabling' therapeutic attention.²²⁶

Recommendation

The Committee RECOMMENDS:

22. That employers, including the Australian Public Service, should consider the granting of more generous special leave provisions for employed people with disabilities for medical or similar appointments that cannot be met within ordinary working hours. Appropriate certification should be supplied to authenticate any special leave taken. Employers should also be educated to accept the importance of accommodating particular needs of employees with disabilities in ways such as flexible hours, as in the Australian Public Service, and assistance from co-workers.

224. Submission No. 28, p. 6 (Mr I. Dalwood).

225. *Transcript of Evidence*, p. 4446 (Disabled Peoples' International (Queensland Branch)).

226. Submission No. 210, p. 5 (National Women's Consultative Council).

Workplace technology and modifications

7.190 While much of the technology which can be employed to improve the accessibility of workplaces to people with disabilities is very simple and inexpensive²²⁷, it is also true that much state-of-the-art technology available to modify workplaces is complex and costly. For workers with a visual impairment, for example, the main items which may need to be purchased for the workplace include closed-circuit television reading systems and adaptive equipment for computers, the combined costs of which have been estimated at between \$6000-\$8000.²²⁸ Unfortunately, partly because of this cost factor, much potentially valuable technology is not made available to people with disabilities in the workplace.

7.191 Numerous submissions²²⁹ referred to the inadequacies of previous funding mechanisms available to assist employers with the cost of modifying workplaces for people with disabilities. The amount of money available per claim (\$2000) was set in 1981, and this was seen as inadequate to cover the costs of necessary technology. The Government announced in the 1990-91 Budget Statement that it would be increasing the amount of money allocated to employers for workplace modification through programs such as Jobstart, to \$5000²³⁰, and this increased amount has been available from 12 November 1991.

7.192 Even where funding mechanisms for workplace modification are available, employers are often not aware of them. One submission pointed out, for example, that the Commonwealth Rehabilitation Service has a provision whereby it will (under certain conditions) provide aids where the employment of a person with disabilities is in jeopardy. However, as the submission stated, there is little awareness of the existence of this provision and 'the program is no doubt under-utilized'.²³¹ Such lack of awareness suggests a need to improve the publicity given to these schemes.

227. Submission No. 67, p. 1 (Technical Aid to the Disabled).

228. Submission No. 120, p. 4 (Competitive Employment Interagency of NSW).

229. Submission No. 27 (ACROD Limited), Submission No. 73 (Royal Victorian Institute for the Blind), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 93 (Mrs M. Carter), Submission No. 95 (Arthritis Foundation of Australia), Submission No. 120 (Competitive Employment Interagency of NSW), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian National Council of and for the Blind).

230. This level was recommended in Submission No. 27 (ACROD Limited), Submission No. 73 (Royal Victorian Institute for the Blind), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 120 (Competitive Employment Interagency of NSW), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian Deafness Council of and for the Blind). See also DSS, *New Opportunities for People with Disabilities*, August, 1990, p. 9.

231. Submission No. 73, p. 14 (Royal Victorian Institute for the Blind).

7.193 Perhaps related to the lack of awareness of available schemes is the issue, raised earlier in this report, of the trend towards decentralisation in the Commonwealth Public Service. In an earlier chapter, the effect of the devolution of responsibility for EEO matters to individual departments was seen as having an effect with particular reference being made to the consequences of the demise of schemes such as TEDCEP.²³² This was a Commonwealth funding mechanism for the provision of relevant equipment to departments to facilitate the integration of people with disabilities into the public service.²³³ It was noted that work adjustment costs, previously borne by the Commonwealth through schemes such as TEDCEP, now had to be carried by individual departments, and that this would work against Departments making a positive effort to employ people with disabilities.²³⁴

7.194 Devolution of responsibility for arrangements concerning the purchase of specialised equipment has led to a situation where it is not always clear what can or should be done in order to secure relevant equipment or funds for appropriate equipment. As one submission stated:

While understanding the philosophy of devolution of responsibility for employment of disabled people to individual departments, the RVIB (Royal Victorian Institute for the Blind) views with concern the gap between the centralized TEDCEP Commonwealth scheme [and] the unpredictability of the current ad-hoc equipment supply arrangements. It is suggested that there is room for a more planned approach offering more hope and consistency for the disabled person . . .²³⁵

7.195 As recommended above²³⁶ a planned approach might include a centralised leasing funding system through which departments could lease equipment as required.²³⁷ Access to such a system would remove a financial barrier to departments' recruitment of people with disabilities, thereby promoting the reasonable accommodation of people with disabilities in the public sector workforce. Such a system might employ rehabilitation engineers to advise on modifications and equipment that might be appropriate in specific instances.²³⁸

232. TEDCEP – Technical Equipment for Disabled Commonwealth Employees Program.

233. See above, Paragraph 3.101.

234. *Transcript of Evidence*, p. 4807 (Disability Advisory Council of Australia). See Paragraph 3.101.

235. Submission No. 73, p. 19 (Royal Victorian Institute for the Blind).

236. See above, Paragraph 3.108.

237. See Submission No. 73, p. 20 (Royal Victorian Institute for the Blind).

238. The importance of such engineering services was highlighted in Submission No. 67, p. 1 (Technical Aid to the Disabled) and Submission No. 179 (The Crippled Children's Association of S.A. Inc., Regency Park Centre for the Young Disabled).

7.196 The development of such a centralised equipment system should also address the practical difficulties presently encountered by departments and people with disabilities in the supply of technical aids in the workplace. The difficulties that can arise include problems caused by the amount of time it can take to secure equipment after it has been ordered, and others relating to the ultimate ownership of special equipment.

7.197 Sometimes, as one submission pointed out²³⁹, people with disabilities miss out on jobs because employers are not able or willing to wait for funds to be approved for the purchase of needed equipment before they fill a position. Ownership of property creates problems which are critical for people with disabilities and could be contentious in a workplace. Where equipment has been extremely difficult to obtain and is indispensable to the work of a person with a disability, those who require it may feel pressured to stay in the position where their equipment is available, rather than move on to another position, even if this represents a promotion. If there is no special equipment in the new position and a prospect of a long delay in obtaining this, mobility is limited. Where an individual has already been the recipient of a grant for special equipment, he or she may not be eligible to receive another one.²⁴⁰ Where an employee has to leave a piece of equipment behind because the employer is deemed to be the rightful owner of the appliance, and the equipment is then left unused, this can be particularly wasteful.²⁴¹

7.198 The development of a centralised system for the leasing of specialised equipment could help ensure that delays in accessing necessary equipment do not contribute to indirect discrimination against people with disabilities in the workplace. Necessary specialised equipment could be more readily available thus assisting employers to hire people with disabilities and helping employees with disabilities to avail themselves of other employment opportunities.

7.199 At the recommendation following paragraph 3.108 the Committee recommended that the Australian Public Service develop (under the Department of Administrative Services if required) an equipment-lease system (such as that available to employers participating in labour-market programs) in order to provide the more expensive equipment required by people with disabilities wishing to undertake employment. The Committee strongly recommends that such a scheme should be extended to State and Territory government departments.

Funding initiatives

7.200 The issues considered above relate primarily to the provision of services to people with disabilities who are or who could be, in the paid workforce, often full-

239. Submission No. 74, p. 2 (Royal Blind Society of New South Wales).

240. *Ronalds* 2, p. 15.

241. Submission No. 185, p. 3 (Australian National Council of and for the Blind).

time. Some people with severe or multiple disabilities may never be able to enter the paid workforce, or may do so only to a minor degree. For those who are able to participate in more flexible employment schemes, part of the 'additional' costs of care required may be met by the service provider or may be purchased through funds provided to the individual.²⁴² This is no doubt an important step, but its extension to all persons with severe or multiple disabilities who *want* to be in paid employment is likely to be extremely gradual, partly because of the very high costs in cases where care recipients will continue to need such services.

When someone needs one-to-one support, that is a lot more expensive than someone who needs someone coming in for a couple of hours in the morning and in the evening. People with severe disabilities will always need support, and a lot of support, and they do not become independent so that service cannot withdraw. A lot of services are funded on the basis that they will eventually withdraw from one client and go on to another person and be able to provide that service. In reality that does not happen.²⁴³

Recommendation

The Committee RECOMMENDS:

23. That funding for support services for people with severe disabilities be increased annually in real terms in order gradually to increase the number of such people in employment. It will be necessary to provide such support in the public sector, for example, in order for increased employment opportunities in that area to be viable.

A. Olive Zakharov

Senator A. Olive Zakharov
Chairperson

April 1992

242. See Paragraphs 6.271-6.273.

243. *Transcript of Evidence*, p. 5070 (Southern Regional Planning Groups for People with Disabilities).

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APPENDIX 1

PUBLIC HEARINGS HELD

18 April 1989	Adelaide
19 April 1989	Adelaide
26 April 1989	Sydney
27 April 1989	Sydney
22 May 1989	Canberra
2 October 1990	Sydney
3 October 1990	Sydney
4 October 1990	Brisbane
5 October 1990	Brisbane
8 October 1990	Canberra
30 October 1990	Adelaide
31 October 1990	Perth
20 November 1990	Hobart
21 November 1990	Melbourne
3 December 1990	Canberra

APPENDIX 2

ORGANISATIONS VISITED BY THE COMMITTEE

18 April 1989 Adelaide	Phoenix Society – sheltered workshop Barkuma (Silkwood & Northpack) – sheltered workshop
26 April 1989 Sydney	Australian Quadriplegic Association Qualitec Challenge Foundation NSW (Crowle Industries) Silverwater and Ryde – sheltered workshop
3 November 1989 Melbourne	Melba Centre St John of God 'Yarra View', Lilydale Garden nursery
9 November 1989 Sydney	Epilepsy Association of NSW Challenge Foundation, Hornsby Branch
26 June 1990 Darwin (Chair only visited)	Project Employment Kokoda Industries Supertube Outdoor Furniture Accord – supported employment
3 October 1990 Sydney	Consolidated Optics - Carlton NSW – individual supported employment Centre Data - Parramatta NSW – supported employment
5 October 1990 Brisbane	Help Industries (workshop in transition towards supported employment) P.Q. Stationery – supported employment
31 October 1990 Perth	Vitec – supported employment – small business Good Samaritan Industries – sheltered workshop
20 November 1990 Hobart	Plane Tree Studio – supported employment Oakdale Industries – sheltered workshop

22 November 1990
Melbourne

Inner Urban Co-operative Incorporated – supported
employment (small business model)
Waverley Helpmates Incorporated –
supported employment
Roytal Workshop – sheltered workshop
(reverse integration)

ORGANISATIONS AND INDIVIDUALS WHO PRESENTED WRITTEN
SUBMISSIONS TO THE INQUIRY

AAMR-WA, West Perth, WA

Active Job Services, Parramatta, NSW

ACROD Limited, Curtin, ACT

ACROD (W.A. Division), Perth, WA

ACT Association for Mental Health Inc., Canberra, ACT

A.C.T. Mental Health Resource, Hughes, ACT

Addwest Osborne Park Auxiliary, Osborne Park, WA

Advocacy for the Brain Injured, Mile End, SA

Amputees & Families Support Group (Association), Rochedale, Qld

A.Q.A. Victoria Ltd., Fairfield, Vic.

ARAFEMI Victoria Inc., Camberwell, Vic.

Arthritis Foundation of Australia, Sydney, NSW

Association for the Blind of Western Australia (Inc.), Victoria Park, WA

Association of Rehabilitation Facilities Ltd, Bexley, NSW

Australian Association of Social Workers Ltd (Tasmanian Branch), Westbury, Tas.

Australian Association of Speech and Hearing, East Melbourne, Vic.

Australian Council of Trade Unions, Melbourne, Vic.

Australian Deafness Council, Curtin, ACT

Australian Down's Syndrome Associated Incorporated, Adelaide, SA

Australian Federation of SPELD Associations (AUSPELD), Mosman, NSW

Australian Local Government Association, Deakin, ACT

Australian National Association for Mental Health, Camberwell, Vic.
 Australian National Council of and for the Blind, Curtin, ACT
 Australian Peoples' Representative Council, Ovingham, SA
 Australian Public Service Deaf/Hearing Impaired Support Group, Melbourne, Vic.
 Australian Red Cross Society, Gympie, Qld
 Australian Red Cross Society, Queensland Division, Brisbane, Qld
 Australian Society for the Study of Intellectual Disability, Waratah, NSW
 Aware Industries Employees Advisory Committee, Wodonga, Vic.
 Baker, Mr K., Faulconbridge, NSW
 Beatty, Mr P., Rochedale, Qld
 Bedford Industries Rehabilitation Association Inc., Daw Park, SA
 Black, Mr John, Bellevue Hill, NSW
 Blakeman, Mr B., East Perth, WA
 Bundaberg/Wide Bay & District Activity Therapy Centre Inc., Bundaberg, Qld
 Byfield-Fleming, Mrs H., Hamilton, NSW
 Camp, Mr V.R.E., Nundah, Qld
 Capabilities Pty Ltd, Hermit Park, Qld
 Carovigno, Ms Susan, Padstow Heights, NSW
 Carter, Mrs Maurine, Strathmore, Vic.
 Centacare Catholic Family Welfare, Parramatta, NSW
 Central Highlands Association for the Intellectually Handicapped (Windarring), Kyneton, Vic.
 Challenge Foundation Coffs Harbour & District Branch, Coffs Harbour, NSW
 Challenge Foundation of New South Wales, Ryde, NSW
 Cielens, Mr A., Hope Valley, SA

Clayton Rehabilitation Unit, Commonwealth Rehabilitation Service,
Department of Community Services & Health, Clayton, Vic.

Clear, Mr Michael, Grose Wold, NSW

Commissioner for Taxation, Canberra, ACT

Commonwealth Rehabilitation Services, Milton Centre, Qld

Community Programs Council of Victoria Incorporated, Hawthorn, Vic.

Community Program Services (CPS), Summer Hill, NSW

Competitive Employment Interagency of NSW, Burwood, NSW

Cook, Mr Frank, Bull Creek, WA

Cook, Ms Merril, Campbell, ACT

Cope, Mr Michael and others

Corkill, Mr John P., Cambridge Park, NSW

Cumberland College of Health Sciences, Lidcombe, NSW

Dalwood, Mr Ian, Pambula Beach, NSW

Dandenong Rehabilitation Unit, Commonwealth Rehabilitation Service,
Department of Community Services & Health, Dandenong, Vic.

Davies, Ms Wilma, Tawonga, Vic.

Daws Road Centre, St Mary's, SA

DEAC (Disability Employment Action Centre), Melbourne, Vic.

Deaf Services Network, Melbourne, Vic.

Dengate, Mr R.C., Mitcham, Vic.

Department of Community Services and Health, Canberra, ACT

Department of Family and Community Services, Sydney, NSW

Department of Family Services, Queensland, Brisbane, Qld

Department of Immigration, Local Government and Ethnic Affairs, Belconnen, ACT

Department of Industrial Relations, Arbitration Inspectorate Central Office,
Melbourne, Vic.

Disability Advisory Council of Australia, Canberra, ACT

Disabled Peoples' International (Australia) Ltd, C/- DPI South Australian Branch,
Adelaide, SA

Disabled Peoples' International (Australia), ACT Branch, Canberra, ACT

Disabled Peoples' International, Queensland Branch, Mount Gravatt, Qld

Duckworth, Ms Margaret & Pettersson, Ms Linda, Hoxton Park, NSW

Elizabeth Court and Nambour Welfare Industries, Nambour, Qld

Emmanuel Centre for Disabled People, East Perth, WA

Endeavour Foundation, Newstead, Qld

Endeavour Industries Goulburn Inc., Goulburn, NSW

Epic Employment Service M.O.R.E. Inc., Milton, Qld

Epilepsy Foundation of Victoria, Camberwell, Vic.

Ethnic Child Care Development Unit, Marrickville, NSW

Federation of Ethnic Communities' Councils of Australia Inc., Sydney, NSW

Firman, Ms Linda, Quakers Hill, NSW

Fisher, Ms Shelley, Clayfield, Qld

Fitzgerald, Ms E.M., Prospect, SA

Footscray Institute of Technology, Department of Applied Economics, Footscray, Vic.

Frankston College & Technical & Further Education, Frankston, Vic.

Fraser, Mr Ian A., Swansea, NSW

Gilbert, Mr R.J., Fullarton, SA

Glenray Industries, Bathurst, NSW

Good Samaritan Industries, Willetton, WA

Gregory, Dr Alan, Monash University, Vic.
 Gribble, Mr D., Gowrie, ACT
 Griffiths, Mr W.H., Wyalkatchem, WA
 Grypma, Mr R., Eastwood, SA
 Gunn, Miss Kathryn M., Lower Mitcham, SA
 Hancock, Mr John V., Broadbeach Waters, Qld
 Handicapped Persons' Association of the Northern Territory (Inc.), Winnellie, NT
 Headway (NSW) Inc., Burwood, NSW
 Health Department of Western Australia, Perth, WA
 HETA, Stepney, SA
 Hill, Miss J., Ashfield, NSW
 Hind, Mr L.J., Oatley, NSW
 Human Rights and Equal Opportunity Commission, Sydney, NSW
 Illawarra Disabled Persons' Trust, Wollongong East, NSW
 Intellectual Disability Rights Service, Redfern, NSW
 Intellectually Disabled Services Council Inc., North Adelaide, SA
 JobMatch, Hobart, Tas.
 Jobsupport Inc., Burwood, NSW
 Kay, Mr & Mrs B., Hall, ACT
 Kerley, Mr Peter, Abbotsford, NSW
 Kith & Kids, Parents' Support Group for the Severely and Profoundly Handicapped, Townsville, Qld
 Knoxbrooke Training Centre, Ferntree Gully and Districts Welfare Association, Ferntree Gully, Vic.
 Koomarri Association ACT Inc., Fyshwick, ACT

Koomarri Special School, O'Connor, ACT

Kwong, Ms Irene, Thornbury, Vic.

Lamb, Br. Barry, Winston Hills, NSW

L'Arche Australia, Woden, ACT

Larke, Mr G., Ravenswood, WA

Lorenzo, Mr Harold, Bundall, Qld

Manly Warringah Developmental Disability Service, Mona Vale, NSW

"Mawarra" West Gippsland Retarded Children's Centre, Warragul, Vic.

Mental Health Co-ordinating Council, Parramatta, NSW

Mental Health Services, Department of Health, Lismore, NSW

Mild Intellectual Disability Action Forum, Blacktown, NSW

Millerd, F.; Fitzgerald, E.; Bollmeyer, C.; Crosby, C., Adelaide, SA

Minda Incorporated, Brighton, SA

Minister for Education, NT

Minister for Employment and Education Services, Canberra, ACT

Minister for Employment, Training and Industrial Affairs, Brisbane, Qld

Minister for Labour, Administrative Services and Local Government, Darwin, NT

Moorabbin Association for the Intellectually Handicapped, McKinnon, Vic.

Nadow (Qld) (National Association for Training the Disabled in Office Work),
Brisbane, Qld

Nadow Training Program, St. Leonards, NSW

National Association for Conductive Education Inc., Toorak, Vic.

National Council on Intellectual Disability, Canberra, ACT

National Federation of Blind Citizens of Australia Ltd, East Malvern, Vic.

National Multiple Sclerosis Society of Australia, Toorak, Vic.

National Women's Consultative Council, Barton, ACT
 New Era Independent Living Centre Inc., Sutherland, NSW
 Ngeringa, Mt Barker, SA
 Office of the Director of Equal Opportunity in Public Employment, Sydney, NSW
 Office of Disability, Sydney, NSW
 ODAC Inc., Prahran, Vic.
 Overseas Service Bureau, Fitzroy, Vic.
 Parmenter, Professor Trevor R., Macquarie University, North Ryde, NSW
 Peninsula Psychiatric Services Inc., Mornington, Vic.
 People with Multiple Sclerosis Queensland, Woolloongabba, Qld
 Personnel Employment, Tweed Heads, NSW
 Petrosian, Mr D.G., Rose Bay, NSW
 Phoenix Society Incorporated, Cowandilla, SA
 Project Employment Inc., West Perth, WA
 Public Sector Union, Carlton, Vic.
 Public Service Commission, EEO Unit, Barton, ACT
 Queensland Association for Mental Health, New Farm, Qld
 Queensland Foundation for Blind People Inc., South Brisbane, Qld
 Queensland Government, Brisbane, Qld
 Queensland Parents of People with a Disability Inc., Annerley, Qld
 Queensland Wattle League for the Disabled, South Brisbane, Qld
 Renfree, Ms Regina, Woollahra, NSW
 Riding for the Disabled Association (N.S.W.), Parramatta, NSW
 Roberts, Miss Lois, Ripponlea, Vic.

Roncan, Ms Maria, Newborough, Vic.

Rosen, Dr Alan, Lower North Shore Area Community Health Services, Chatswood, NSW

Royal Blind Society of New South Wales, Burwood, Vic.

Royal Society for the Blind of South Australia Inc., Greenacres, SA

Royal South Australian Deaf Society Inc., Adelaide, SA

Royal Victorian Institute for the Blind, Melbourne, Vic.

Roytal Sheltered Workshop, Kew, Vic

Ryan, Dr Michael, Mangerton, NSW

Sarre, Mr R., South Australian College of Advanced Education, Magill, SA

S.A. Group Enterprises Inc., Edwardstown, SA

Saxby, Ms Bobby, Narrabundah, ACT

Self Advocacy for Intellectually Disadvantaged People in S.A. Inc., Adelaide, SA

Self Advocacy NSW Limited, Sydney, NSW

Sharpro Industries, Homebush, NSW

SLCG (Inc.) (now ACTIV Foundation), West Perth, WA

Sola Optical, Adelaide, SA

South Australian Government, Adelaide, SA

Southern Region Association of the Disabled, Frankston, Vic.

Southern Regional Planning Groups for People with Disabilities, Warradale, SA

Spastic Society of Victoria, St. Kilda, Vic.

Specific Learning Difficulties Association of the ACT, Hughes, ACT

Steinberg, Dr Margaret, Brisbane, Qld

Stern, Ms Maida, Dalkeith, WA

Stewart, Dr S.E.A., Lower Mitcham, SA

Sunshine Welfare & Remedial Association, Brisbane, Qld
 Supported Employment Enterprises, Carlingford, NSW
 Tasmanian Government, Hobart, Tas.
 Tatiara Employment Support Service, Bordertown, SA
 Technical Aid to the Disabled, Ryde, NSW
 The Brotherhood of St. Laurence, Social Research & Policy Centre, Fitzroy, Vic.
 The Crippled Children's Association of S.A. Inc., Kilkenny, SA
 The Deaf-Blind Care Association, Clifton Hill, Vic.
 The Disabled Workers Union of Western Australia, Perth, WA
 The Foresight Foundation, Carlingford, NSW
 The Improvers, Berry, NSW
 The Inter-Agency Task Force on Employment and Disability (A.C.T.), Canberra, ACT
 The New South Wales Council for Intellectual Disability, Denistone East, NSW
 The NSW Society for Crippled Children, Parramatta, NSW
 The Paraplegic & Quadriplegic Association of South Australia, Maylands, SA
 The Paraplegic-Quadriplegic Association of W.A. (Inc.) & The Civilian Maimed & Limbless Association of Western Australia, Subiaco, WA
 The Queensland Spastic Welfare League, Fortitude Valley, Qld
 The Richmond Fellowship of Victoria, Brunswick West, Vic.
 The Spastic Centre of New South Wales, Allambie Heights, NSW
 The Western Australian Society for Crippled Children (Inc.), Mosman Park, W.A.
 Uniting Church in Australia Special Caring Services Division, Ashgrove, Qld
 Victorian Accident Rehabilitation Council (Workcare Rehabilitation), Melbourne, Vic.
 Victorian Deaf Society, East Melbourne, Vic.

Victorian Government, Melbourne, Vic.

Victorian Mental Illness Awareness Council, Thornbury, Vic.

Victorian School for Deaf Children, Melbourne, Vic.

Victorian Vocational Rehabilitation Association, Broadmeadows, Vic

Vocational Resource Agency Inc., Lonsdale, SA

Vocational Training Service, Lithgow, NSW

Voluntary Care Association of Western Australia (Inc), Subiaco, WA

Walsh, Mrs Mary, Bundaberg, Qld

Ward, Mr R & Mrs G, Peakhurst, NSW

Warrnambool Education Training & Employment Co-ordinated Council,
Warrnambool, Vic.

W.A. Special Schools Parent Action Group, Koondoola, WA

Waverley Workshop Industries Ltd, Mulgrave North, Vic.

Western Vocational Association, Braybrook, Vic.

Westwork Industries, West Footscray, Vic.

Wimmera Wool Factory, Horsham, Vic.

Wirrawee Inc., Kadina, SA

Yooralla Society of Victoria, South Melbourne, Vic.

APPENDIX 4

WITNESSES WHO APPEARED BEFORE THE COMMITTEE

Arnolda, Mr G.R.B.	Project Officer Disability Services Directorate New South Wales Department of Family and Community Services Ashfield NSW
Badham, Mr P.J.	Member Inter-Agency Task Force on Employment and Disability (ACT) Canberra ACT
Baker, Mr K.J.	Faulconbridge NSW
Barson, Mr R.A.	Consultant National Council on Intellectual Disability Canberra ACT
Beeken, Ms J.	Program Coordinator Community Program Services New South Wales Department of Family and Community Services Ashfield NSW
Black, Dr J.A.	Bellevue Hill NSW
Braithwaite, Ms J.	Executive Director Australian Council for Rehabilitation of Disabled Ltd Canberra ACT
Brown, Mr S.	Co-ordinator Self Advocacy for Intellectually Disadvantaged People in South Australia Inc. Adelaide SA
Bruggemann, Mr R.N.	Chief Executive Officer Intellectually Disabled Services Council North Adelaide SA

Cantrall, Mr P.J.R.	Project Manager Community Program Services New South Wales Department of Family and Community Services Ashfield NSW
Carnsew, Ms L.	Member Inter-Agency Task Force on Employment and Disability (ACT) Canberra ACT
Clark, Ms A.	Funding Manager The Spastic Centre of New South Wales Allambie Heights NSW
Clark, Mrs D.	Delegate ARAFMI New South Wales Inc. C/- Mental Health Co-ordinating Council Parramatta NSW
Clohesy, Ms A.	Executive Director Headway (NSW) Burwood NSW
Cooper, Mrs M.R.	President Canberra Schizophrenia Fellowship Canberra ACT
Creedon, Mr P. R.	Program Manager and Senior Social Worker HETA One Stepney SA
Denner, Mr R.L.	General Manager Koomarri Association ACT Inc. Fyshwick ACT
Di Genua, Ms M.	Co-ordinator of Ethnic People with Disabilities Program Ethnic Child Care Development Unit Marrickville NSW
DuRoss, Mrs A.P.	Delegate Mental Health Co-ordinating Council Parramatta NSW

Flannery, Mr F.J.	Co-ordinator of Rehabilitation Lower North Shore Area Community Health Services Chatswood NSW
Fletcher, Mr I.	First Assistant Secretary Disability Programs Division Department of Community Services and Health Canberra ACT
Flynn, Ms C.J.C.	Policy and Administration Director Mental Health Co-ordinating Council Parramatta NSW
Germanos-Koutsounadis, Ms V.	Director Ethnic Child Care Development Unit Marrickville NSW
Heath, Mr J.S.	State Executive Director Disabled Peoples' International (Australia) Canberra ACT
Hegerty, Mr F.C.	Director Employment and Training Services Division Department of Further Education, Training and Employment Sydney NSW
Hill, Ms V.	Manager Jobsupport Inc. Burwood NSW
Jenkin, Mr P.W.	Senior EEO Adviser/Disability Office of the Director of Equal Opportunity in Public Employment Sydney NSW
Key, Ms S. W.	C/- Self Advocacy for Intellectually Disadvantaged People in South Australia Inc. Adelaide SA
Kyprianou, Mr A.	Program Director and Social Worker HETA Stepney SA

Lester, Mr T.J.	Principal Project Officer Disability Services Directorate New South Wales Department of Family and Community Services Parramatta NSW
Llewellyn, Mr R.	Disability Adviser to the Premier Department of the Premier and Cabinet South Australian Government Adelaide SA
Linford, Mrs P.	Committee Member ACT Association for Mental Health Red Hill ACT
McGee, Mrs P.K.	Chief Executive Officer Challenge Foundation of New South Wales Ryde NSW
McLoughlin, Mr J.	Past Chairman New South Wales Council for Intellectual Disability Denistone East NSW
Maneschi, Ms M.C.	Solicitor Intellectual Disability Rights Service Redfern Legal Centre Redfern NSW
Marron, Mr K.	Community Educator Intellectual Disability Rights Service Redfern NSW
Marshall, Mr S. C.	Manager Vocational Resource Agency Incorporated Lonsdale SA
Martin, Ms H.	Senior Project Officer Policy & Planning Intellectually Disabled Services Council North Adelaide SA
Merrett, Mr P.G.	Director Marketing and Resource Management Commonwealth Rehabilitation Service Department of Community Services and Health Canberra ACT

Morison, Mr I.W.	Member Canberra Schizophrenia Fellowship Canberra ACT
Moyle, Mr P.W.	Assistant Secretary Employment and Community Participation Branch Department of Community Services and Health Canberra ACT
McGill, Mr J.K.	Member Australian Council for Rehabilitation of Disabled Ltd Canberra ACT
McKenna, Mr T.E.	Executive Member Australian Council for Rehabilitation of Disabled Ltd Canberra ACT
O'Connor, Mr P.T.	Assistant Director Disability Services Centacare Catholic Family Welfare Parramatta NSW
Olsson, Mr. G.	Project Officer, IRAS Department of the Premier and Cabinet South Australian Government Adelaide SA
Parmenter, Prof. T.R.	C/- Unit for Rehabilitation Studies Macquarie University Ryde NSW
Pein, Miss C.	Community Educator Intellectual Disability Rights Service Redfern NSW
Pettifer, Ms S.	Occupational Therapist & Program Manager HETA Two Edwardstown SA
Pryke, Sister E.	Project Officer Disability Services Centacare Catholic Family Welfare Parramatta NSW

Richards, Mrs M.	Member Inter-Agency Task Force on Employment and Disability (ACT) Canberra ACT
Rosen, Dr. A.	Senior Specialist Psychiatrist and Co-ordinator Royal North Shore Hospital and Catchment Area Community Mental Health Services Chatswood NSW
Rothwell, Mr R.W.J.	Lecturer Rehabilitation Counselling Cumberland College of Health Sciences Lidcombe NSW
Rowan, Mr M. P.	Chief Executive Bedford Industries Rehabilitation Association Inc. Panorama SA
Sarre, Mr D. C.	Manager S.A. Group Enterprises Edwardstown SA
Shetliffe, Mr D.R.	Chief Executive Officer Phoenix Society Torrensville SA
Skinner, Mr A.	General Manager Employment Services The Spastic Centre of New South Wales Allambie Heights NSW
Slattery, Miss H.	Employee S.A. Group Enterprises Edwardstown SA
Small, Mr M.	Executive Officer New South Wales Council for Intellectual Disability Denistone East NSW
Smith, Mr R.C.	Lecturer Rehabilitation Counselling Cumberland College of Health Sciences Lidcombe NSW

Smith, Mr S.E.	Training Manager NADOW Training Program St Leonards NSW
Steeper, Mrs E.	General Manager Mental Health Resource SHOUT Office Hughes ACT
Strettles, Ms B.M.	Honorary Treasurer Headway (NSW) Inc. Burwood NSW
Taplin, Dr J.E.	Vice-Chairman New South Wales Council for Intellectual Disability Denistone East NSW
Taylor, Ms S.M.	Deputy Executive Director Australian Council for Rehabilitation of Disabled Ltd Canberra ACT
Todd, Mr A.S.	Director Employment Department of Community Services and Health Canberra ACT
Tuckerman, Mr P.J.	Director Jobsupport Inc. Burwood NSW
Voysey, Mr B.	Assistant Field Officer Self Advocacy for Intellectually Disadvantaged People in South Australia Inc. Adelaide SA
Wallace, Mrs C.	Delegate Gladesville Auxiliary Ltd Mental Health Co-ordinating Council Parramatta NSW
Warth, Ms S.P.	Manager Commercial Division Koomarri Association Inc. Fyshwick ACT

Westcott, Mr R.

Manager
Personnel Division
Koomarri Association Inc.
Fyshwick ACT

White, Mr R.

Employment Development Manager
The Spastic Centre of
New South Wales
Allambie Heights NSW

Wilson, Mr. B.

Safety Officer
Self Advocacy for Intellectually
Disadvantaged People in
South Australia Inc.
Adelaide SA

TERMINOLOGY

1. 'Disability'

- 1.1 Emphasis was placed in many submissions on the very idea of disability, quite apart from the issue of different types and levels of disability. Much of the emphasis was directed to the negative overtones of the word 'disability'. The Committee recognises the importance of avoiding stereotypes and of concentrating on the positive – on independence and on abilities, contribution made, by people with disabilities (and their families and carers) to society in a range of ways. Consequently, it wishes to underline the achievements of people, to 'focus on ability'.
- 1.2 To do so requires a shift in attitude, including among those responsible for collecting data, in order to more effectively plan service development and operations. The Committee has recommended improved data collection methodologies to achieve this end. While clearly it is necessary to establish a benchmark against which to measure need, it is equally necessary to demonstrate that 'need' is not a sign of inferiority or dependence or attributable to an individual's unwillingness to participate in society. The data collections which exist at present tend towards broad categories based on perceived lack of ability (ABS) or more usefully categories which at least indicate percentages of those who have obtained employment (DSS, DHH&CS). Even within the latter there are sub-groups of level of disability which may not accurately reflect eventual outcomes rather than current status. Further, they do not give clear indication of the type of assistance required to obtain employment.

2. Definitions – Types and Levels of 'Disability'

- 2.1 Disability is a general term encompassing a range of types and levels of ability measured against standard or normal behaviour and capacities. Any consideration of the positive – of the skills and abilities of people with disabilities – does not in itself mean a denial of the substantial difficulties which are faced by individuals, carers, etc. These problems must be identified in order to concentrate on abilities and the 'focus on ability' approach cannot operate without continually addressing the range of needs which individuals experience. The important factor is to move away from connecting disability with lack of ability to participate in life, and a consequent denial or limitation of access to the rights and responsibilities of society in general.
- 2.2 The distinction between 'disability' and 'handicap' is clearly made by Disabled Peoples' International:

Disability is a functional limitation within the individual caused by physical, intellectual, emotional or sensory impairments. Handicap is a loss or limitation of opportunity to take part in the life of the community on an equal level with others due to physical and social barriers. (Sub 168, p.1)

- 2.3 These definitions are effectively the same as those used by the Australian Bureau of Statistics and by Departments such as Health, Housing and Community Services, and are based on the World Health Organisation definitions.
- 2.4 In effect, a person with a disability may not be handicapped, but to some extent this will depend on the individual's ability to overcome certain effects of disability. In many instances this may not be possible, either because the disability *does* have a considerable effect on the capacity to participate fully in everyday activities and this is acknowledged, or because others are influenced by the disability. As is noted in Chapter 3, the influence of society, including employers, can be considerable and can continue to limit access to employment opportunities.
- 2.5 The absence of definitions in the DSA is seen as a flaw by some but this viewpoint is not shared by others. One of the reasons for not including definitions in legislation is the belief that definitions have limited individuals for too long by focussing only on the disability as a handicap and assuming restricted outcomes. Again, while definitions are necessary in the collection of data, it is equally necessary to use the data as a starting point; broad assumptions about capabilities of groups of people may be valid but the nuances of capacity will be considerable.

Another reason for not using definitions in legislation is that a definition useful for one purpose may not be valid for another purpose.

- 2.6 In accordance with current practice, the Committee has used the words 'disabled' and 'disability' rather than 'handicap', 'handicapped' or 'impaired'. It is accepted that precise terms are useful and necessary in medical descriptions, but it is also believed that such precision is not necessary or desirable in considering the needs and options of people with disabilities. What *is* required is an awareness of different outcomes and the possibility of more beneficial outcomes for a number of people than were once considered possible.
- 2.7 That is not to deny the importance of ensuring that a wide range of options exists for people so as to help overcome the handicapping factors resulting from their disabilities. A number of submissions have expressed concern that definitions (and outcomes) which are appropriate for one group or category may result in others not effectively being catered for. The Committee is aware of the different needs of different groups (see especially Chapter 5) and has

made a number of recommendations advocating programs and projects directed to meeting such distinct requirements.

3. Types of Disability

- 3.1 There are four major types of 'disability' – physical, intellectual, sensory and psychiatric – and within these a range of levels of ability depending both on the major areas affected and the extent of injury or illness.

4. Levels of Disability

- 4.1 Many people with multiple disabilities, while severely limited in some areas, may also be capable of substantial achievements, relatively speaking; nonetheless, they have often been seen as incapable of attaining a quality lifestyle. Others with more than one disability may have been placed in one category (e.g intellectual disability) and little attention paid to the effect of other disabilities and the degree to which these may limit or enhance opportunities for the development. It is clear, however, that terms such as 'profound', 'severe', 'moderate' and 'mild' while useful to some degree (but only when clearly defined) should also be used carefully. Too often, classifications can be used to avoid individual assessment.
- 4.2 The needs of the individuals or of groups vary also according to the age at which the disability occurs and the extent to which it requires an adjustment of established lifestyle/expectations. The individual who has received an extensive education and established his or herself in a professional field may have fewer problems of adjustment if a disability manifests itself, but this will depend on the nature of the disability which may not remain steady in effect. The intellectual abilities of a person with severe cerebral palsy may be considerable but may receive limited encouragement or be considerably more difficult to express because of speech and movement problems. Disabilities which occur over a period of time may allow for adjustment and decreasing expectations, whereas those occurring suddenly may have a more severe effect. In short, the type and even the levels of disability, may have different consequences for individuals which data collections by themselves may not easily identify.
- 4.3 An additional factor which may also be difficult to measure is the fluctuating or variable effect of some types of disability and associated capacity to cope.
- 4.3.1 At least three factors should be identified here. The first is the need, certainly recognised by a number of Departments and service providers, to provide additional support to people when jobs may change in content. A variation of this may also be the need to accept that, depending on disability and previous experience, continuous and/or full-time employment or occupation, may not be a viable option for a number of people including those previously able to work full time.

- 4.3.2 The second factor is variable work performance which again cannot always be demonstrated in data, but which has a greater likelihood of being taken into consideration formally if allowance is made for such a category. Evidence was given in particular of the problem of establishing consistent work patterns for some people with psychiatric disabilities and some of those with various head injuries, because of fluctuating moods and difficulty in controlling behaviour.
- 4.3.3 A third factor is degenerative disease; disabilities in this category, such as MS/motor neurone disease, diverge from what may be perceived as a 'norm' for employment purposes, and need to be more carefully measured. A mild disability may well become severe, and employment options may decrease rather than remain steady or improve.
- 4.4 Insofar as data collections and employment options of people with disabilities are based on an expectation of stability and linear 'improvement', they will not best serve the interests of the community in general, or of people with disabilities and carers/families.
- 4.5 The characteristics of some disability groups are outlined in Chapter 5, Paragraphs 5.22 – 5.36. These characteristics are related to the need for different types of employment and other services in order to emphasise the need for employment options to meet a range of needs. The identification of characteristics of disability is not intended to emphasise limitations but rather the opposite – to ensure that services can provide what is required.

CLASSIFICATION OF IMPAIRMENTS, DISABILITIES, AND HANDICAPS

1. Classifications

Impairment

WHO definition: In the context of health experience, an impairment is any loss or abnormality of psychological, physiological, or anatomical structure or function.
(Note: 'Impairment' is more inclusive than 'disorder' in that it covers losses – for example, the loss of a leg is an impairment, but not a disorder).

Disability

WHO definition: In the context of health experience, a disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.

Handicap

WHO definition: In the context of health experience, a handicap is a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the fulfilment of a role that is normal (depending on age, sex, and social and cultural factors) for that individual.

2. Australian usage

2.1 ABS

The Australian Bureau of Statistics used the above WHO data as its model in undertaking its 1981 and 1988 survey. In these surveys the Australian Bureau of Statistics distinguishes between a disabled person and a handicapped person. A disabled person is defined as a person who had one or more disabilities or impairments (from a list of twelve conditions). A handicapped person is defined as a disabled person aged 5 years or more who was further identified as being limited to some degree in his or her ability to perform certain activities or tasks in relation to one or more of the following five areas: self care, mobility, communication, schooling, employment.

2.2 *Disability Services Act*

The *Disability Services Act 1986* does not include a definition of a disability but it specifies the target groups in each of its two parts. In terms of its funding of services for persons with disabilities the target group consists of persons with a disability that:

- (a) is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
- (b) is permanent or likely to be permanent; and
- (c) results in—
 - (i) a substantially reduced capacity of the person for communication, learning or mobility; and
 - (ii) the need for ongoing support services.

In terms of its provision of rehabilitation services by the Commonwealth the target group consists of persons who have a disability that:

- (i) is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments; and
- (ii) results in a substantially reduced capacity of the person—
 - (A) to obtain or retain unsupported paid employment; or
 - (B) to live independently.

2.3 *Handicapped Persons Assistance Act*

The *Disability Services Act* replaced the *Handicapped Persons Assistance Act*. That Act provided assistance by the Commonwealth towards the provision of facilities for handicapped children, disabled persons and certain other persons. 'Disabled person', meant a person who was 'permanently incapacitated for work or whose physical and mental condition was such that, in the opinion of the Minister, he would become so permanently incapacitated for work if he were not provided with sheltered employment, or is permanently blind'.

A 'handicapped child' meant a person who (a) was suffering from a physical or mental disability; and (b) had not attained the age of 16 years.

- 2.4** The then Department of Community Services and Health provided the following information from an internal policy document:

IMPAIRMENT, DISABILITY AND HANDICAP

The Department has adopted the World Health Organization definitions of the terms impairment, disability and handicap.

An impairment is any loss or abnormality of psychological, physiological, or anatomical structure or function.

A disability is restriction or lack (resulting from an impairment) of ability to perform an activity in a manner or within a range considered normal for a human being.

A handicap is a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the fulfilment of a role that is normal (depending on age, sex and social and cultural factors) for that individual.

2.5 DEET

DEET advised the Committee in February 1992 that it has adopted the WHO (1980) definitions of disability. The Department will also be coding people with disabilities who register with the CES¹, and the Community Strategies Branch of the Department which administers the SkillShare Program, has developed a system which relates the level of need to the level of disability.²

2.6 The Department of Social Security

The Social Security Review Issues Paper No. 5 *Towards Enabling Policies: Income support for People with Disabilities* dealt with the definitional issues as follows. (However, it is important to note that 1991 changes to Social Security legislation introduced Impairment Tables and a different assessment of disability and sickness – *Social Security (Disability and Sickness Support) Amendment Act 1991*.)

RELEVANT DEFINITIONS

A number of key concepts which relate to disability and its functional impact are used throughout this paper. These are:

sickness, which refers to a state of ill health caused by a medically-recognised illness or injury;

1. See Appendix 7, Attachment.

2. See Appendix 7, Paragraphs 4.20, 4.22.

impairment, which is a medical term for the loss, loss of use, or disturbance of any body part, system or function. Impairment refers to possible disturbance to physical, psychiatric or intellectual functions;

disability, is any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range usually expected in the community, according to age, sex and other relevant circumstances;

incapacity, is reduced ability to engage in an activity as a result of an impairment, either alone or in combination with other factors such as age, sex, educational qualifications and skills, access to income and services. Incapacity therefore refers to the effect of an impairment on a particular activity or activities. The other factors referred to may either exacerbate or reduce the incapacitating effect of an impairment;

workforce incapacity, refers to significantly reduced ability to undertake substantial gainful employment caused by the interaction of a physical, psychiatric or intellectual impairment with socio-economic factors such as age, sex, education, skills, literacy and labour force history. Both of these factors: a medically recognised impairment and other socio-economic circumstances interact with the structure of available job opportunities to determine the extent of workforce incapacity applicable in particular cases.

2.7 University of New South Wales – Social Welfare Research Centre

The Social Welfare Research Centre of the University of New South Wales Report *Accommodation and Employment Policies for People with Disabilities* (October 1987) contains a description of physical, intellectual, and psychiatric disability:

Persons with a physical disability include those who are restricted by a physical condition such as paraplegia, quadriplegia, loss of limbs, arthritis, visual impairment, hearing impairment.

Persons with an intellectual disability include those with a chronic intellectual or physical impairment, or combination of both, which is likely to continue indefinitely and result in functional limitations in areas of major life activity such as self care, receptive and expressive language, learning, mobility, self direction, capacity for independent living, economic self sufficiency. Examples of such disabilities include intellectual handicap, autism, Down's syndrome, severe epilepsy. Other terms which are used instead of intellectual disability are developmental disability, mental retardation.

Persons with a psychiatric disability are those with a mental disorder such as dementia, anxiety states, manic depression, schizophrenia.

Another term which may be used instead of psychiatric disability is mental illness. Psychiatric services may be called mental health services.

DATA

[Note: definitions and terminology have also been discussed in Appendices 5 & 6]

1. The issue of data collection, and the generally poor, incomplete, and incompatible nature of such data as are available on the numbers of people with disabilities has been referred to in the Committee's report on the accommodation needs of people with disabilities.¹ However, the issue of data collection and use is one of major importance, and the Committee believes that not enough progress has been made in obtaining suitable standardised information on the extent of possible service need. The Committee has made recommendations concerning much needed improvement in this area.²

2. Data Collections

Australian Bureau of Statistics (ABS)

- 2.1 The 'ABS Survey', while covering the national population, utilises definitions which are sometimes difficult to translate into either need or ability.³ There is also the additional problem of whether the census is an underestimate of disability (because individuals may not wish to identify themselves) or an overestimate (because of reduced stigma resulting from changing community attitudes or awareness of available services). Because of terminology used by ABS (for example, 'mentally' handicapped) it is difficult to determine distinctions between people with intellectual and psychiatric disabilities.
- 2.2 According to the 1988 ABS Survey out of an Australian population of 16,338,600 a total of 2,543,000 persons (or 15.6 per cent) was classified as 'disabled', with the majority (84 per cent) of these being considered as 'handicapped' - 2,124,100 persons, or 13 per cent of the total population.
- 2.3 Within the definition 'handicapped' (that is, the category most likely to be meant when discussing a level of disability likely to require some form of assistance), severely handicapped persons totalled 657,000 (4 per cent of the total population), moderately handicapped were 3.4 per cent (550,000 persons), mildly handicapped 613,000 persons (3.8 per cent) and the level of

1. *Accommodation for People With Disabilities*, 1990, Paragraphs 1.9-1.16.

2. See Recommendations for Chapter 1, Recommendations 1-5.

3. ABS, *Disabled and Aged Persons, Australia 1988*, 1989, hereafter cited *ABS Survey*.

handicap was not determined for 302,800 persons (1.9 per cent).⁴ Definitions of 'severe', 'moderate', and 'mild' were based on individuals' perceived/identified need for help from another person to perform one or more of a group of selected tasks in the areas of self-care, mobility and verbal communication.⁵ Those who did need such help were classified as having a severe handicap; those who did not need help but had difficulty in performing one or more of the tasks were considered to have a moderate handicap; and those who needed no help, and did not have difficulty with any of the tasks, but used an aid to perform one or more of them or had difficulty in walking 200 metres or up and down stairs, were seen to have a mild handicap.

- 2.4 Those who were in the category of 'severity not determined', (302,800, or 1.9 per cent of the total population) were considered to have a 'schooling or employment limitation only', or were aged less than 5 years.⁶
- 2.5 As noted in the ABS report, personal assessment is the basis both for identification of disability/handicap and the level of this.⁷ While the percentage of the population with a handicap was reported to have increased from 8.6 per cent in 1981 to 13 per cent in 1988, this is attributable to a number of factors, including an increase in the aged population and possible less stigma attached to reporting 'disability' or 'handicap'.⁸

3. Working Age Population

- 3.1 According to the ABS survey, the number of handicapped persons between 15-59 in 1988 was 923,500 (between 15-34 years, 289,900, and between 35-59 years, 633,600). Of these 226,200 were severely disabled, 251,600 moderately disabled and 259,400 mildly disabled.⁹ These figures obviously do not include persons of working age 60-64 years.
- 3.2 What is noticeable however, is the extremely high number of persons in the older age groups (35-59) in each category, severe (153,900), moderate (189,900) and mild (175,800).¹⁰ This is particularly important in that the emphasis in new employment programs appears to be on younger age groups, particularly persons just leaving school. Those persons needing help (i.e. those with a severe disability but not receiving help) were also noticeable for much

4. *ABS Survey*, p. 1.

5. *ibid.*, pp. 1 and 39.

6. *ibid.*, p. 1.

7. *ibid.*, p. 2.

8. *ibid.*

9. *ibid.*, p. 42.

10. *ibid.*, p. 2.

the same reason – 36 per cent of those 30-44 years, and 29.5 per cent of those aged 45-59 years indicated that they had unmet needs for assistance; 32.4 per cent of women (in all groups) reported unmet need, as against 24 per cent of men.¹¹

4. Commonwealth Departments

- 4.1 The major difficulties with departmental data collection in the past have been both the fairly loose definition of disability used by some departments and the fact that there appeared to be little co-ordination of either definition or of data collection. The absence of detailed and standardised information on the numbers of people with different types and levels of disability presumably reflects community attitudes towards people with disabilities and the role of governments and organisations in providing services.
- 4.2 As is noted in Chapter 3, the perception of the community towards people with disabilities has varied over time and appears to have influenced the extent and type of data collections in funding departments. The earlier emphasis on needing to care for people with disabilities and/or institutionalisation may have been the basis for the limited evaluation and accountability required of traditional sheltered workshops. There appears to have been limited concern with the identification of numbers and needs, and with the development of a range of services and types of support to meet widely differing needs. Much of the individual development and support was carried out by specialist organisations which catered for particular disability types and in a number of instances provided a life package of services, including education and employment, in a segregated setting. These organisations maintained data collections but these were not linked with other collections; hence, there was limited sharing of information and this reflects the somewhat isolated nature of earlier service provision.
- 4.3 Individual organisations themselves expressed to the Committee their concern at the quality of their own data collections.
- 4.4 A major organisation, such as ACROD, acknowledged that the lack of detailed information was factor a which must necessarily qualify their position on issues:

I am ashamed that our Association does not have its own database and when we get it we intend to keep it updated every year through our membership so we will never again be in such an embarrassing position. We are giving views and making statements that are not well based.¹²

11. *ibid.*, p. 5.

12. *Transcript of Evidence*, p. 1456 (ACROD).

- 4.5 The Endeavour Foundation (Queensland) believed that it was extremely difficult to determine numbers of people with different types of disabilities (as opposed to people just in funded services).

... the databases are appalling. Even the Department of Community Services and Health can only make rough predictions about how many people may wind up being served by the *Disability Services Act*. One of the figures is 93,000. The Australian Bureau of Statistics picks up something like 2.1 million people who are disabled. There is a great difficulty in defining who is disabled. I would not for one moment say that somebody with an IQ of 60 is necessarily automatically a person in our services or someone else's. The simple answer is that nobody really knows. But I would say that currently there is a dreadful amount of underservicing going on.¹³

- 4.6 In the past there was limited pressure by departments on service providers to demonstrate or to prove outcomes, and apparently little evaluation of services.¹⁴ If expectations were low and outcomes expected to be limited, the data requirements were minimal, static rather than active.
- 4.7 While the Department of Health, Housing and Community Services (previously the Department of Community Services and Health) has established a regular collection of information via a census process, this material (collected in 1986 and 1991) relates only to services funded by the Department. It cannot identify areas of unmet need in the community, and this fact reflects the Department's basic orientation – that it does not have as its major objective the provision of services to meet all existing or future need, that is, there is no entitlement to services.¹⁵ Thus, while the Department did acknowledge that there was unmet need¹⁶, this was not in the context of the Department being able to meet all needs even in the future. Service development, particularly transition of sheltered workshops, has tended to progress with limited regard to extent of need in the wider community. Most emphasis has been placed on quality, and on the effect of service types on those people who have managed to obtain access to the system.
- 4.8 Early in its evidence to the Committee the Department emphasised that it would not be the case that 'fewer people will be getting improved

13. *Transcript of Evidence*, p. 4256 (Endeavour Foundation).

14. See, for example, Chapter 6, Paragraphs 6.152-6.177.

15. See above, Paragraphs 1.21 and 5.177. See *Transcript of Evidence*, p. 1579 (DHH&CS).

16. *Transcript of Evidence*, p. 5943 (DHH&CS).

services',¹⁷ believing that more people would be able to utilise funds as others went into open employment and no longer required support.¹⁸ Thus, while conceding that 'there is never going to be enough for the program if we achieve all that we do want to achieve',¹⁹ Departmental representatives believed that there would be sufficient funds to provide reasonable growth.²⁰ The implication was clear that there would not be an inequitable allocation of resources.

- 4.9 Another area of growth in service use has come from the development of the CRS as a decentralised service provider, increasingly working to achieve employment-related outcomes.²¹ The CRS, for example, has provided services to a range of users, and will be increasingly involved in the development of services for people with psychiatric disabilities,²² a group not well-catered for in many other services because of fluctuating work patterns, lack of incentive, difficulty in relating to other people, sometimes low self-esteem, and unpredictable behaviour.
- 4.10 The issue of non-entitlement not only raises questions about access and about equitable distribution of resources. It must also raise questions about the extent to which substantial numbers of people with disabilities gain access to broader community options in less formal or structured ways and the role of both individual carers and organisations in the provision of such support as is needed. An additional concern must also be the degree to which other disadvantaging factors affect access, but are not identified because needs-based planning is only rudimentary and because these factors are often not taken into account as fully as they might need to be.
- 4.11 This matter has been considered by the Committee, which has recommended that a number of factors should be considered in planning and providing services in order to meet these needs. (See Recommendations in Chapter 2.)
- 4.12 Similar concerns may also be expressed about the extent to which the programs of other Departments are able to do more than meet the needs of a relatively small number of people with disabilities. Again, it is often difficult to identify the extent of need and the ways in which programs can meet needs

17. *Transcript of Evidence*, p. 1562 (DHH&CS).

18. *ibid.*

19. *ibid.*, pp. 1562-3.

20. *ibid.*, p. 1563.

21. Nonetheless, a percentage of CRS service users achieve non-vocational outcomes. See above, Chapter 1, Paragraph 1.13, Footnote 7.

22. See above Chapter 5, Paragraph 5.29, 5.156-5.160.

because of limited information collected and also because of the different definitions or categories used.

4.13 Public Service Commission (PSC)

- 4.14 As is noted in the body of this report (see especially Chapter 3) the PSC has responsibility for monitoring the employment of people with disabilities in the Australian Public Service (APS). DEET provides information on people with disabilities who utilise the Selective Placements Program²³ and on IDAP. The Department of Finance maintains data on persons who have identified as having a disability, through the Continuous Record of Personnel (CRP). As noted in Chapter 3, these data are likely to be a underestimate on the Departmental EEO surveys. In evidence to the Committee, the PSC identified data collection as a problem and noted that a senior staff member from the ABS had been seconded to advise on changes.²⁴ Improved data collection has been a priority in changes recommended as a result of the report by a working party (including the PSC) on the employment of people with disabilities in the APS.²⁵

4.15 DEET

- 4.16 Definitions of disability can also differ between Departments, making it difficult to determine exactly which groups of people are being referred to and whether programs are able to meet a range of needs depending on type and level of disability. The Department of Employment, Education and Training previously utilised somewhat broad definitions, primarily because it sought to make general distinctions between groups of disadvantaged people seeking to access labour market programs. Disabled job seekers were therefore labelled 'those who because of a physical and/or mental impairment resulting in loss or reduction of functional capacity are likely to encounter difficulty in obtaining or maintaining work and who are assessed by the Commonwealth Employment Service as work-ready with assistance'.²⁶ It is not clear if these guidelines would have included or excluded people with psychiatric disability or other disabilities which are less easy to measure, and in fact the statistics available on labour market programs could not be disaggregated to provide information on types or levels of disability.²⁷ Jobstart did include 'mental' disability but this may refer only to intellectual as opposed to psychiatric disability, and in any event reflects the terminology of the ABS which has

23. *Transcript of Evidence*, p. 5769.

24. *Transcript of Evidence*, p. 5789 (*ibid.*).

25. See Chapter 3, Paragraphs 3.104 and especially 3.108.

26. Submission No. 205, p. 11 (Minister for Higher Education and Employment Services).

27. However, see below, Paragraph 4.21.

elsewhere been noted as utilising definitions/terms that do not reflect current thinking.²⁸

- 4.17 In addition, the purpose of categorising people with disabilities for DEET programs was essentially to determine the extent to which programs could meet a broad range of needs among a 'population' which was seen as generally disadvantaged. Because of this, it was possible for people to be placed in categories such as 'Aboriginal' or 'long-term unemployed', rather than 'disabled', so that the number of participants in different categories in programs was never very precise. The extent to which the needs of people with disabilities (as opposed to the needs of people in disadvantaged categories) could be met by specialist or generic programs was therefore difficult to determine.
- 4.18 This rather general definition of 'disability' or 'disabled' differed from the Department of Social Security's broad criteria for receipt of the Invalid Pension which included both medical and a number of socio-economic factors. In effect this meant that the three Departments which were most closely involved in the funding of services for, and the provision of income support to, people with disabilities used different assessments to determine their target population.
- 4.19 Recent changes, particularly those occurring through the interdepartmental Disability Task Force, have meant that some of these problems have been addressed. The major achievement – at least, as expected in the long term – is greater co-ordination and co-operation between a number of Departments; and a greater use of terminology and classification which reflects similar thinking and relates to much the same target group.²⁹ The changes in Social Security definitions and assessment will have a flow-through effect – for example, the impairment tables now in use in assessing eligibility for the Disability Support Pension by the Department of Social Security are the basis of the Department of Industrial Relations' determination of those people eligible for a proposed supported wages scheme.³⁰ This does not mean that such data as are collected will genuinely reflect people's needs and their capacity for paid employment, but it does mean that there is a greater chance of uniformity in departmental consideration of groups requiring particular types of services.
- 4.20 DEET has advised the Committee that with the advent of the Disability Reform Program the Department adapted the WHO definitions (of 1980)³¹ and established a new system for coding people with disabilities who register

28. See Chapter 4, Paragraph 4.7, Footnote 9.

29. However, see Chapter 1 Recommendations.

30. This Scheme is discussed in Chapter 7.

31. See Appendix 6.

with the CES. The coding system is also being used by DSS and DHH&CS, and is an attachment to this Appendix. The Community Strategies Branch of the Department, which administers the Skillshare program, has also developed a scale which can be used to assess needs and the extent to which the program is likely to be able to assist individuals. The scale runs from 0-6, with the following classifications of level of need:

0. no disability evident –

the individual can perform the activity or maintain the behaviour unaided, on their own and without difficulty;

1. difficulty in performance –

a difficulty is evident, but the individual can perform the activity and maintain the behaviour unaided;

2. aided performance –

aids or appliance necessary, or some modification of existing equipment required. The individual can only perform the activity with a physical aids appliance;

3. assisted performance –

the individual can perform the activity or maintain the behaviour (whether by aids or appliances) only with some assistance from others;

4. dependent performance –

complete dependence on the presence of another person. The individual can perform the activity or maintain the behaviour only when someone is with them for most of the time;

5. augmented inability –

activity or behaviour impossible to achieve other than with the continual assistance of another person; and

6. apparent inability –

activity or behaviour impossible to achieve or maintain even with ongoing assistance.³²

32. DEET, letter to Committee, 21 January 1992, pp. 4-5.

The Department has advised that:

Generally speaking, SkillShare projects, with assistance from Disability Access Support Units, would be expected to provide services and activities to people with disabilities up to and including Level 3 in the above table.³³

Again, this suggests that people with more severe disabilities would be guided to other programs in DEET³⁴ or in other departments.

- 4.21 DEET is also planning a 'comprehensive evaluation strategy for the Disability Reform Program'.

The strategy proposes:

an analysis of available data from the information systems of the three Departments and a series of surveys of interested parties, including people with disabilities, employers, service providers and staff administering the program. The object of this evaluation is to examine and make recommendations on the effectiveness and efficiency of the program.³⁵

- 4.22 The Department also advised that its Post Placement Monitoring System: collects outcome data for all clients who participate in labour market programs including people with disabilities. ("People with disabilities" are analysed as a group, not by reference to disability type.) In future, once further enhancements of the Department's computer system are completed, it will be possible to monitor outcomes by individual disability type however it is not intended to do this as a matter of course. This information is collected only once, three months after their program placement is completed. Data are analysed on a quarterly basis.³⁶

- 4.23 The Department noted that evaluation of the Disability Reform Program would include surveys of the clients of the three relevant Departments (DEET, DSS, DHH&CS). DEET's focus would include:

... an analysis of the outcomes for DEET clients with a disability before and after the introduction of the DRP. It is anticipated that this may include some longitudinal follow up that will track

33. *ibid.*

34. For example, 'Paid Work Experience for People with Disabilities', see above Chapter 5, Paragraph 5.69.

35. DEET letter to Committee, 21 January 1992.

36. *ibid.*

a person's job changes over a longer period of time to indicate increases/decreases in job status.³⁷

5. Use of Data

- 5.1 It could be argued that, insofar as there is insufficient funding for full service provision, the absence of a range of information blurs the issues. Logically, there is limited purpose in collecting information which cannot be put to practical use, and the previous emphasis on submissions rather than a needs-based planning was part of this approach. However, as a question of social justice, the incompleteness of information even as regards numbers and types of people with a disability, may mean that the most vulnerable and those with the fewest personal resources can be further excluded from participation through limited access.
- 5.2 The DHH&CS has indicated clearly that an active strategy for people with disabilities and a belief that positive outcomes can be achieved, must mean a different and, indeed, more positive approach to service development, to evaluation and to the collection of information. Recent developments – a census of services in 1991, the development of a more extensive collection of data which links in with other information including information from other Departments, the evaluation of new service types, and moves towards greater accountability of the new services – indicate that the Departmental approach has changed. While the lack of information required from new services in particular, has been seen by the Department as indicating ‘flexibility’, it could also be seen as indicating uncertainty about the type of information that should be provided and about accountability and the need for firm controls. There were signs by the end of 1991 that a more rigorous control of ‘new’ services would be established.

6. Needs-Based Planning

- 6.1 The (then) Department of Community Services and Health stated in May 1989 that needs-based planning was a possibility;³⁸ however, at that time the Department was operating primarily in terms of the information obtained from the 1986 census of funded services, and it is unclear exactly how much the Department was either aware of the increase in need for services or was able to accommodate a substantial growth in demand.
- 6.2 ACROD representatives noted in evidence given in May 1989 that funding needed to keep pace with the numbers of people with disabilities, and that ‘in many ways the problem is that disability itself is a growth industry’. While a certain percentage of increase in the numbers of people with disabilities can be attributed to an ageing population, there is also an increase in the

37. *ibid.*

38. *Transcript of Evidence*, p. 1525; see also p. 1529 (DHH&CS).

numbers of younger people who are either born with, or later acquire, disabilities.

... 1,000 young people, mostly male around 23 to 28, each year are severely injured in road accidents, et cetera in New South Wales, and out of those 300 have a need for ongoing support. A lot of these people, even 15 years ago, were not surviving. High technology; low weight babies; increasing professionalisation of our sector meaning more wages; having a whole lot of new services that never existed before – it is a growth industry. It needs a lot of money to ensure that the same number of people relatively are getting a service.³⁹

- 6.3 A number of other organisations also pointed out the growth in numbers of people with disabilities of particular types,⁴⁰ and in general referred to a broader group including people who were not getting services.

It is of great concern to us that in the debate over how quickly a service can move to a given service model, that we are not dealing at all adequately with the numbers of people that are coming out of school that are requiring services. While it is perfectly okay in abstract to say, 'Okay; we have a place of 100 people and a budget X, let us shuffle figures around it in order for something to happen for those 100 people'. That is good. The problem is: What do you do about the 20 and 30 and 40 – the numbers that are growing? Not enough attempts are being made to deal with that.⁴¹

... even though many members find a lot of things wrong with the segregated sheltered workshop model, there is a strong recognition that those models are likely to exist for a long time, particularly for the people who are currently within them. We believe that where very strong efforts are required it is for the people whose needs are not being addressed adequately at the moment; that is, people who are not even in sheltered workshops; people who have not yet gained entry to any sort of employment option. It is our experience that a large number of those people these days are bypassing the sheltered workshop system and going straight into other employment options, which is very good to see.⁴²

39. *Transcript of Evidence*, p. 1462 (ACROD Limited).

40. *Transcript of Evidence*, p. 4107 (Headway).

41. *Transcript of Evidence*, pp. 1330-31 (National Council on Intellectual Disability).

42. *Transcript of Evidence*, p. 1174 (Professor T.R. Parmenter).

- 6.4 One researcher, not directly involved in service provision, also emphasised the problems that were being created, in part by the transition process, where very limited numbers of people could be accepted into existing services.

The situation we have at the moment, because of the static nature of the programs and the lack of growth of the traditional models – the activity therapy centres and the sheltered workshop industry – during this transition period when we are trying to effect a change, is that overall we have not seen a growth in services and yet there are more and more children coming out of special schools and knocking on the doors of the traditional models, and they will increasingly knock on the doors of the new models. I cannot give you the data off the top of my head but I can use terms like, ‘There are significant numbers who are being denied any form of service at the moment’.⁴³

- 6.5 While the school to work transition programs are important and the Commonwealth has acknowledged the importance of providing places for school leavers (with the majority of the 4,000 new places arising from the 1990-91 budget being for school leavers)⁴⁴ neither the then Department of Community Services and Health or DEET had reliable statistics on the number of people with disabilities leaving schools each year.⁴⁵ Without an accurate forecast of the need for services for this group there is likely to be a continual build up of unmet need; unless those currently using services move into open employment and require little support, a substantial increase in funding is likely to be the only means of providing sufficient places.
- 6.6 This situation was referred to by a number of organisations, especially in the context of what were seen as ‘high cost’ services for a few with lower cost services, especially sheltered workshops, being seen by some organisations as providing at least some form of service for a greater number of people.⁴⁶

7. Evaluation

(See also Paragraphs 4.20-4.22 above.)

- 7.1 Information, particularly evaluations of innovative services, is also required in report form on a more systematic basis. While it is acknowledged that it is too early to provide a definitive statement on the cost-effectiveness and success rate of a number of new service types, a consideration of many of the problems faced by sheltered workshops indicates that a number of these may have been averted by earlier intervention, and the development of more

43. *ibid.*

44. *Transcript of Evidence*, p. 4749 (DHH&CS).

45. *Transcript of Evidence*, p. 4750 (DHH&CS).

46. See especially Chapter 5, paragraphs 5.159-5.161.

effective management, as well as more suitable levels of funding. It is possible that the problems of new services which were referred to by many service providers, could have been overcome by more careful assessment and stringent evaluation and data collection.

- 7.2 As noted above, the amount of information available on new services is somewhat limited, with data being held by the individual organisation rather than centrally by the Department of Health, Housing and Community Services. While different evaluations have now been carried out, the first of these was on a somewhat impressionistic basis.⁴⁷ This type of evaluation/survey does have some benefit, but it is important not only to evaluate *all* services systematically, but to do so in an awareness of the number of people who may also require a similar service. Until this is done, emphasis will continue to be placed by the Department on those who have managed to get a place, rather than on (a) the numbers who need the service and (b) the reasons why some people have access and a substantial number do not.⁴⁸
- 7.3 At the time of the finalisation of this report, early in 1992, the Department of Health, Housing and Community Services had funded two evaluations of new services.⁴⁹
- 7.4 The first evaluation (done by Roy Morgan) has as its major objective the evaluation of the new employment service types. The project brief states that the project team would 'develop, design, conduct, analyse and report on the "new models" of Employment Services'. However, in May 1991 when the project was advertised, the Department itself did not have access to key information, although it was expected to be available from the 1991 census by July/August 1991. Nonetheless, by the end of 1991 much needed data was still not available from the 1991 census. The project brief also noted (at Paragraph 3.5) that 'the collection and analysis of data beyond the scope of the Census is necessary to answer these questions for which Census data is not sufficient'.
- 7.5 The second project, also due to report in 1992, had the following aim:

To examine the employment environment for people with disabilities utilising employment services funded under Section 10 of the *Disability Services Act* including:

- individually supported jobs

48. Chapter 5, Paragraphs 5.187-5.191.

49. Recommendations, Chapter 6, Nos. 12-13.

50. See also Chapter 5, Paragraph 5.193, and associated recommendations. See in particular Paragraphs 5.219-5.245.

- enclaves
- work crews
- individual placements in open employment.

7.6 This study will evaluate the attitudes of employees, employers and co-workers in supported employment and open employment. It also will gather data on the employment environment, which is seen as incorporating the following factors:

- attitudes of employers, employees, and unions towards employment of people with disabilities
- suitability of work structures (including job design and physical layout)
- effect of economic environment (e.g. impact of last on/first off principle)
- awards and conditions
- support from employers, work colleagues, unions and family
- size and type of business
- technology change
- industry sector
- ongoing support from the DSP
- perceptions of productivity
- attitudes of people with disabilities towards the work environment.

7.7 Evaluation also needs to be carried out on the (relative) long-term success of funded new services. While there may be a number of different opinions as to the effectiveness of particular approaches, these opinions need to be based on studies as well as on impressions; in instances, Departmental officials appear to have based their evaluation of the success of options on information which, while entirely valid, also needs to be measured more systematically. 'Their families believe they are happier, and they are smiling, so that is an example'.⁵⁰ Others are less optimistic:

I think some of the ideologies have given birth to an optimistic view of what we can do with disabled people. We have to keep in mind the concept that ideologies are

51. *Transcript of Evidence*, p. 1572 (DHH&CS).

speculations and are not fact, as it were; they are goals that we may be moving towards.⁵¹

- 7.8 The same witness stated a belief that longer term evaluation was necessary:

The study that we are currently completing for the Association of Rehabilitation Facilities -- whilst . . . data are not fully available yet and are not fully analysed -- is throwing up information which I believe the Government could use very profitably in refining and extending the current new services. I will give you an example. One of the serious misgivings I have as a researcher is that there is a fairly naive belief in some of the CETP programs that, once you have placed a young person with a mild level of disability, that person is probably then set on the road for a successful vocational career.⁵²

- 7.9 While a number of individuals may have been seen to successfully integrate into society, it is also likely that others may re-emerge, possibly to be classified under a somewhat different heading, but not perhaps as an 'employment problem'.

- 7.10 The correlation between evaluation and funding was stated clearly by representatives of ACROD.⁵³

The difficulties are that we are looking for clarity, rationale and scientific data so that not only do the outcomes work, not only are they effective, but also they are affordable. There is this general reluctance to dismantle the infrastructure and perhaps throw out the baby with the bath water, without the proving process having gone on.⁵⁴

8. Conclusion

- 8.1 In terms of both general data collection for needs-based planning and for the evaluation of services, the main issues must be access to services and equity in the distribution of funds. The Department of Health, Housing and Community Services appears to have proceeded to implement the *Disability Services Act* with a limited awareness of the numbers and needs of people already in some form of service. Yet, statistics would indicate that people

52. *Transcript of Evidence*, p. 1165 (Professor T.R. Parmenter).

53. *Transcript of Evidence*, pp. 1167-68 (Professor T.R. Parmenter).

54. While referring to accommodation, the comment is equally applicable to employment services.

55. *Transcript of Evidence*, p. 1470 (ACROD Limited).

receiving a service funded by the Federal government represent only a small percentage of people with disabilities. While it is essential for the government to recognise the needs of those people in funded services, and in effect to compensate many of them for previous poor service, it is also necessary to extend services as widely as possible.

- 8.2 This concern has been expressed by service providers and by consumers alike. Again, while extensive data collection have not been available to individual or even to national organisations, their own waiting lists and awareness of unmet need has provided them with the knowledge that service provision could not meet existing needs, and that the transition process (while commendable in itself) might mean a limitation of services. The needs of people with disabilities and their families were therefore met by the families themselves; information by Departmental officials that services were meeting needs more effectively must be countered by the individual experiences of many people who spoke to the Committee, that however good new services were, there were not enough of them. With the gradual decrease in places available in sheltered workshops, and with a possibility of people moving through and out of employment into other areas of need, the gap between funding and needs has become obvious. This is so even without taking into consideration the funding required to provide appropriate services for people who may never be in employment, and those whose needs include a mixture of services, including work, leisure, education etc.
- 8.3 This is not to deny the achievements of the *Disability Services Act* thus far; the legislation has achieved a considerable turn around in service provision and has contributed to a change in service and community attitudes. However, although there have been considerable achievements, there is still a substantial number of people with disabilities whose access to community resources is still limited – through a series of factors over which they have limited, if any, control.
- 8.4 It is for these reasons that the Committee has made its recommendations both as regards to data collection Chapters 1 and 2 and on the ongoing evaluation (including auditing) of all services (Chapters 5 and 6).

ATTACHMENT

DISABILITY CODES FOR USE BY DEET, DSS AND DHH&CS

MEDICAL CONDITIONS

CODE

Amputation (of any kind)
including:

A

Amputation of arm at/above elbow
Amputation of arm below elbow
Amputation of fingers
Amputation of foot
Amputation of leg at/above knee
Amputation of leg below knee
Amputation of thumb

Musculo-Skeletal & Connective Tissue
including:

C

Ankylosing spondylitis
Bursitis
Curvature of the spine (not congenital)
Diseases of the connective tissue (e.g. scleroderma)
Fractures and their residual effects
Gout
Intervertebral disc disorder
Other back disorders (e.g. sciatica, backache)
Juvenile rheumatoid arthritis (Still's disease)
Osteoarthritis
Other joint disorders
Rheumatoid arthritis (not juvenile)
Scheuermann's disease
Soft tissue inflammation (e.g. tendonitis, capsulitis)
Tennis/golfer's elbow
Spondylosis
Synovitis and tenosynovitis (including overuse syndrome)

Nervous system
including:

G

Carpal tunnel syndrome
Epilepsy
Motor neurone disease
Multiple sclerosis
Motor neurone disease
Multiple sclerosis
Nerve root and plexus lesion (e.g. brachial plexus)
Paraplegia
Poliomyelitis
Other diseases of the sensory nerves
Quadriplegia
Other degenerative diseases of the nervous system

Sense organs
including:

B

Blindness or low vision
Other visual impairment
Hearing loss or impairment
Stuttering
Tinnitus
Voice disorder (e.g. hoarseness, nasality)
Other speech or voice disorders

Congenital anomalies
including:

P

Cerebral palsy
Congenital defects of circulatory system
Congenital defects of heart
Congenital deformity/absence of lower and/or upper limb
partial or complete
Spina bifida

Respiratory system

D

including:

Asbestosis

Asthma

Bronchiectasis

Chronic bronchitis

Emphysema

Fibrosis

Silicosis

Other diseases of respiratory system

Circulatory system

E

including:

Angina pectoris

Chronic ischaemia

Chronic pulmonary heart disease

Myocardial infarction (heart attack)

Other disorders of the blood vessels and circulatory system

Intellectual/learning

H

including:

Developmental disability or mental retardation

Learning disability

Psychological/psychiatric

I

including:

Alcohol dependence

Anorexia nervosa

Bulimia

Drug dependence

Manic depressive

Neurotic disorders (e.g. anxiety, phobia, neurosis)

Non-psychotic depression (e.g. reactive depression)

Occupational stress

Personality disorders

Post-traumatic stress

Schizophrenia

Acquired brain impairment

S

including:

Cerebral haemorrhage/stroke

Degenerative conditions (e.g. Alzheimer's disease)

Infection of brain (e.g. meningitis, encephalitis)

Traumatic brain injury

Cancer/tumour
including:

T

Brain tumour (benign, malignant)
Hodgkin's disease
Leukaemia
Skin cancers
Tumour – benign
Tumour – malignant (not lung, not brain)
Tumour of respiratory system (e.g. cancer)
Tumour of spinal cord

Endocrine and immune system
including:

L

Diabetes
Disorders of immune mechanism (e.g. AIDS, HIV)
Obesity
Pituitary dysfunction (e.g. gigantism, dwarfism)

Skin disorders and burns
including:

M

Burns and their effects
Eczema
Psoriasis
Other disorders of skin

Gastro intestinal or kidney and other disorders of
stomach, liver, gallbladder, bowel
including:

F

Hepatitis, peptic ulcer

Chronic fatigue syndrome/post viral syndrome
myalgic encephalomyalitis (ME)

V

STATE LEGISLATION

Anti-Discrimination Legislation

The *New South Wales Anti-Discrimination Act 1977*, the *Victorian Equal Opportunity Act 1984*, and the *Western Australian Equal Opportunity Act 1984* make it unlawful to discriminate, directly or indirectly¹, on the ground of physical or intellectual impairment.² South Australia's *Equal Opportunity Act 1984* proscribes discrimination on the ground of physical and intellectual impairment. The provisions of these Acts cover job applicants and employees, as well as commission agents, contract agents, partnerships and membership of trade unions.³

Each of these Acts contains a series of exceptions relating to their anti-discrimination provisions, and these exceptions are based on the notion of 'reasonable adjustment' or 'reasonable accommodation'. The exceptions mean that discrimination is not unlawful, or rather may be deemed to be 'reasonable', when an employer considers that the modifications to the workplace which would be required to accommodate a person with disabilities are 'unreasonable', or that the nature of the job is such that it could not be done by a certain person because of their particular disabilities.⁴ The South Australian legislation has another general exemption which states that 'it is not unlawful to pay different rates of salary, wages, or other remuneration to people with physical impairments'.⁵

These State Acts enable complainants to lodge their complaints with State Equal Opportunity Commissioners, who may investigate and attempt to conciliate the grievance issues. In certain circumstances complaints are referred to State Equal Opportunity Tribunals for a public hearing, and the result of this may be that employers are forced to reverse decisions, and pay damages to complainants. States with anti-discrimination legislation are in a position to enforce their determinations, and this is an important consideration for complainants to bear in mind when they have a choice of whether to bring their grievances to HREOC or to their State Commissioners – HREOC is not in a position to enforce its determinations.

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1. See Chapter 3, paragraph 3.43.
 2. Chapter 3, Paragraphs 3.4, 3.20-3.21.
 3. *Ronalds Report*, p. 87.
 4. *ibid.*
 5. *ibid.*, p. 224.

Equal opportunity legislation

Part IXA of the *NSW Anti-Discrimination Act 1977* 'requires government departments and some statutory authorities to prepare and implement an EEO management plan for several groups, including the physically disabled'.⁶ Annual reports must be lodged with the Director of Equal Opportunity in Public Employment. If the Director is dissatisfied with the plan, this may be referred to the Anti-Discrimination Board for investigation.⁷ Essentially these same provisions are contained in Western Australia's *Equal Opportunity Act 1984*.

Section 15A of Victoria's *Public Service Act 1974* sets out some general 'equitable treatment' principles which have to be followed in the administration of that Act, but there is no formal monitoring of this, nor any requirement for the development of EEO programs.⁸ Section 82 of South Australia's *Equal Opportunity Act 1984* has a provision which permits EEO measures to be taken for people with physical impairments.⁹

6. *ibid.*, p. 94.

7. *ibid.*, p. 94.

8. *ibid.*, pp. 94-5.

9. *ibid.*, p. 226.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

The 1976 ICCPR was ratified by Australia in 1980, and Australia is now bound by its terms, which require it to 'respect and ensure' to all individuals the rights that are recognised in the Covenant. These include the rights of self-determination (Article 1), the proscription of slavery and slave labour, and forced or compulsory labour (Article 8), the right to 'liberty and security of person' (Article 9), the right to 'liberty of movement and freedom to choose residence' (Article 12), to equality before the law (Article 14), the right to 'form and join trade unions' (Article 22), to 'access . . . to public service' (Article 25), and the right to be protected against discrimination (Article 26).

Parties to the Covenant are required to 'undertake the necessary steps . . . to adopt such legislative or other measures as may be necessary to give effect to the rights recognised in the . . . Covenant'. Article 40 of the Covenant binds Parties to the Covenant to 'undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights . . . '.

THE ILO CONVENTION NUMBER 111, DISCRIMINATION (EMPLOYMENT AND OCCUPATION), 1958

This Convention was ratified by Australia in June of 1973, and entered into force in this country on 15 June, 1974. Countries that have signed the Convention 'undertake to declare and pursue a national policy designed to promote . . . equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof'. Article 1 of the Convention defines discrimination as 'any distinction, exclusion or preference . . . which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation'. The seven grounds of discrimination identified in Article 1 do not specifically include disability, but the Article provides for 'such other distinction, exclusion or preference as may be determined by the Member concerned . . .'. Article 1 provides the caveat that 'any distinction, exclusion, or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination'.

Article 3 of the ICCPR binds Member States to undertake a number of actions, including liaison to promote the acceptance and observance of the Convention's policies, enacting relevant legislation, repealing inconsistent statutory provisions and modifying administrative practices, ensuring observance of policies by centralising responsibility for their implementation, and reporting annually on 'actions taken in pursuance' of these policies 'and the results secured' on the 'application of the Convention'.

Article 5 of the Convention states that, 'Any Member may, after consultation with representative employers' and workers' organisations . . . determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination'.

ILO CONVENTION NUMBER 159 CONCERNING VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS)

This Convention was ratified in 1990 and entered into force in Australia on 7 August 1991. It took precedence over Convention Number 111 as the more recent ILO instrument.

The introductory section of the Convention states that, after the International Year of Disabled Persons, it 'is appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community . . . '.

Article 1 says that 'each Member shall consider the purpose of vocational rehabilitation as being to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society'. Article 2 binds members to ' . . . formulate, implement, and periodically review a national policy on vocational rehabilitation and employment of disabled persons ', and Article 3 states that signatories should ensure that appropriate measures are 'made available to all categories of disabled persons ', and that there should be promotion of 'employment opportunities for disabled persons in the open labour market '. Article 4 specifies that the guiding principle for national policy should be 'equal opportunity between disabled workers and workers generally '. It also states that 'Special positive measures aimed at effective equality of opportunity and treatment between disabled workers and other workers shall not be regarded as discriminating against other workers '.

Article 6 of the Convention obliges Members to ' . . . by laws or regulations or by any other methods consistent with national conditions and practice, take such steps as may be necessary to give effect ' to the above-cited Articles. Article 7 obliges Member States to take measures to ensure that 'competent authorities ' provide and evaluate 'vocational guidance, vocational training, placement, employment and other related services to enable disabled persons to secure, retain and advance in employment; existing services for workers generally shall, wherever possible, and appropriate, be used with necessary adaptations '. Article 9 states that Members ' . . . shall aim at ensuring the training and availability of rehabilitation counsellors and other suitable qualified staff responsible for the vocational guidance, vocational training, placement and employment of disabled persons '.

DECLARATIONS OF HUMAN RIGHTS

1. The 1948 *Universal Declaration of Human Rights* asks Member States to 'strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance'.

Article 2 makes it plain that the Declaration is intended to have universal application. Rights are enumerated in Articles 3-28, and the ones which are of particular relevance to this inquiry are: the right to equality before the law, and to equal protection from discrimination (defined as a violation of the Declaration), article 7, the right to freedom of movement and residence (article 13), the right of equal access to public service (article 21), the right to social security and to the economic, social, and cultural rights indispensable for . . . dignity and the free development of . . . personality (article 22), the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, the right to form and to join trade unions for the protection of (personal) interests (article 23), the right to a standard of living adequate for health and well-being (article 25), the right to education, to the full development of the human personality (article 26).

2. The 1971 *Declaration of the Rights of Mentally Retarded Persons* calls for 'national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights . . .'. Of the statements which are then enumerated in the Declaration, the ones which are most relevant to the subject of this inquiry are those which assert that: 'the mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings', the 'mentally retarded' person has the right 'to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential', the mentally retarded have a right to 'economic security and a decent standard of living', and to 'protection from exploitation, abuse and degrading treatment'.
3. The 1975 *Declaration of the Rights of Disabled Persons* calls for 'national and international action' to ensure that the Declaration will be used as a common basis and frame of reference for the protection of the rights listed. These rights include: the 'inherent right to human dignity', to 'enjoy a decent life, as full and normal as possible', the entitlement to measures 'designed to enable them (the disabled) to become as self-reliant as possible', the right to all services to 'enable them to develop their capabilities and skills to the maximum and [to] hasten the process of their social integration or reintegration', 'the right, according to capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation

and to join trade unions'. The Declaration asserts that disabled people are entitled to various other rights, but the most relevant ones to mention here are those concerning 'protection against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature'.

PRINCIPLES AND OBJECTIVES FORMULATED UNDER THE *DISABILITY SERVICES ACT 1986*

The Principles and Objectives formulated under the *Disability Services Act 1986* were published in Commonwealth of Australia Gazette No. S118, Tuesday, 9 June 1987. Details from the Gazette are reproduced below.

SCHEDULE

PRINCIPLES AND OBJECTIVES

Preliminary

1. In this Schedule, unless the contrary intention appears – “advocate” means a person who assists –

(a) people with disabilities; or

(b) the families of people with disabilities, to represent their interests;

“programs” means programs for people with disabilities and administered by the Commonwealth pursuant to the *Disability Services Act 1986* (the Act); and

“services” means services provided to people with disabilities and includes rehabilitation programs provided under Part 111 of the Act.

Principles

2.
 - (1) People with disabilities are individuals who have the inherent right to respect for their human worth and dignity.
 - (2) People with disabilities, whatever their origin, nature, type and degree of disability, have the same basic human rights as other members of Australian society.
 - (3) People with disabilities have the same rights as other members of Australian society to realise their individual capacities for physical, social, emotional and intellectual development.
 - (4) People with disabilities have the same right as other members of Australian society to services which will support their attaining a reasonable quality of life.

- (5) People with disabilities have the same right as other members of Australian society to participate in the decisions which affect their lives.
- (6) People with disabilities receiving services have the same right as other members of Australian society to receive those services in a manner which results in the least restriction of their rights and opportunities.
- (7) People with disabilities have the same right of pursuit of any grievance in relation to services as have other members of Australian society.

Objectives

- 3. (1) Services should have as their focus the achievement of positive outcomes for people with disabilities, such as increased independence, employment opportunities and integration into the community.
- (2) Services should contribute to ensuring that the conditions of the everyday life of people with disabilities are the same as, or as close as possible to, norms and patterns which are valued in the general community.
- (3) Services should be provided as part of local co-ordinated service systems and be integrated with services generally available to members of the community, wherever possible.
- (4) Services should be tailored to meet the individual needs and goals of the people with disabilities receiving those services.
- (5) Programs and services should be designed and administered so as to meet the needs of people with disabilities who experience a double disadvantage as a result of their sex, ethnic origin, or Aboriginality.
- (6) Programs and services should be designed and administered so as to promote recognition of the competence of, and enhance the image of, people with disabilities.
- (7) Programs and services should be designed and administered so as to promote the participation of people with disabilities in the life of the local community through maximum physical and social integration on that community.
- (8) Programs and services should be designed and administered so as to ensure that no single organisation providing services shall exercise control over all or most aspects of the life of a person with disabilities.

- (9) Organisations providing services, whether those services are provided specifically to people with disabilities or generally to members of the community, should be accountable to those people with disabilities who use their services, the advocates of such people, the Commonwealth and the community generally for the provision of information from which the quality of their services can be judged.
- (10) Programs and services should be designed and administered so as to provide opportunities for people with disabilities to reach goals and enjoy lifestyles which are valued by the community generally and are appropriate to their chronological age.
- (11) Services should be designed and administered so as to ensure that people with disabilities have access to advocacy support where necessary to ensure adequate participation in decision-making about the services they receive.
- (12) Programs and services should be designed and administered so as to ensure that appropriate avenues exist for people with disabilities to raise and have resolved any grievances about services.
- (13) Services should be designed and administered so as to provide people with disabilities with, and encourage them to make use of, avenues for participating in the planning and operation of services which they receive and the Commonwealth and organisations should provide opportunities for consultation in relation to the development of major policy and program changes.
- (14) Programs and services should be designed and administered so as to respect the rights of people with disabilities to privacy and confidentiality.

Dated this 3rd day of June 1987.

SUPPLEMENTARY INFORMATION ON INCOME SUPPORT FOR PEOPLE WITH DISABILITIES PRIOR TO 12 NOVEMBER 1991¹

In Chapter 7 reference was made to aspects of income support prior to the introduction of changes effective from 12 November 1991. This Appendix provides greater detail on income support measures as they previously operated. Witnesses and submissions providing evidence to the Committee were generally referring to problems which had been experienced with the pre-November 1991 system, although reference was often made to the changes proposed in the 1990/91 Budget.

1. Invalid Pension (IP)

- 1.1 IP was paid to people who were aged 16 years or more² and who were under age pension age (males under 65 years and females under 60 years). No period of residence was required if the permanent incapacity or blindness occurred while the person was an Australian resident. For those people whose incapacity occurred outside Australia, 10 years residence was required to qualify for IP.
- 1.2 To qualify for payment the person had to be permanently incapacitated for work to the extent of not less than 85 per cent. At least 50 per cent of an applicant's incapacity had to be caused directly by a physical or mental impairment. Non-medical factors (for example, barriers to learning new work skills) could be taken into account in determining a person's permanent incapacity for work.
- 1.3 IP paid to people under age pension age was not subject to income tax; however, it was subject to the operation of the income and assets test. Pensioners whose earnings exceeded \$50 per week could be required to undergo a medical review of their eligibility for IP (the 'earnings trigger'). However, people who were permanently blind received the basic invalid pension free of the income and assets tests.
- 1.4 In July 1991 the maximum single rate of invalid pension was \$301.60 per fortnight. Wife's pension was payable to the wife of an invalid pensioner who did not receive another pension (or other source of income) in her own

1. This appendix is based on the *Department of Social Security Information Handbook*, April 1991.

2. IP could be paid to people of age pension in some special circumstances.

right.³ In July 1991 the maximum rate for a married pensioner was \$251.50 (each) per fortnight.

- 1.5 An Invalid Pensioner undertaking full-time study in an approved course could be eligible for a non-means tested taxable supplement from DEET under the *Student Assistance Act 1973*.

2. Sheltered Employment Allowance (SEA)

- 2.1 The purpose of SEA was to provide income support to people acquiring vocational skills in a sheltered workshop. SEA could be paid as an alternative to IP to people under age pension age who would otherwise have qualified for invalid pension and who worked in approved sheltered or supported employment services. It was paid at the same maximum rate as IP and was subject to the same income and assets tests. As with IP it was not subject to income tax.
- 2.2 Incentive allowance was paid to sheltered employment allowees at the same rate as and in lieu of rent assistance. Incentive allowance was paid free of the income and assets test and was non-taxable. It was not subject to the rent test – that is, allowees did not need to be private renters to qualify for the allowance.

3. Rehabilitation Allowance (RA)

- 3.1 RA provided income support to people who were participating in a rehabilitation program through DHH&CS and who would otherwise have been eligible for a Social Security pension, benefit or SEA. It was paid at the same rate as IP.

4. Other assistance

- 4.1 Rent Assistance was paid to those who paid rent, lodging or board of more than \$20 per week to private landlords. The maximum rate of rent assistance was \$62 per fortnight in July 1991 with additional payments for those with dependent children.
- 4.2 Mobility allowance was paid to people with disabilities who were gainfully employed or in vocational training for a minimum of 20 hours per week and who, because of their disability were unable to use public transport without substantial assistance. At 31 December 1990 the rate of mobility allowance was \$11 per week. Those who claimed a sales tax exemption for the purchase of a motor vehicle were barred from receiving mobility allowance for a period of two years. In June 1990 there were 13,207 recipients of mobility allowance.

3. Alternatively carer's pension could be paid to a person providing 'constant care and attention' to a severely handicapped invalid pensioner.

- 4.3 Pensioners and sheltered employment allowees could also qualify for a range of other income support measures depending on their personal circumstances, such as Additional Pension for dependent children or Mother's/Guardian's Allowance which were paid to single pensioners with one or more dependent children or the Remote Area Allowance payable to pensioners living in Income Tax Zone A or Special Zone B.

TABLE 1: INVALID PENSIONERS BY AGE AND AGE AT DATE OF GRANT: AUSTRALIA, JUNE 1990

Age at date of grant	16-20	21-30	31-40	41-50	51-60	61-64	65+	Total %
16-20 ^(a)	10117	18797	12457	5962	2244	299	16	15.7
21-30		8397	12523	6390	2245	272	6	9.4
31-40			14182	22089	8837	743	7	14.5
41-50				28257	42973	6720	24	24.6
51-60					53513	42223	1546	30.7
61-64						12818	1954	4.7
65+							1102	0.3
Total	10117	27194	39162	62698	109812	63075	4655	316713
Total %	3.2	8.6	12.4	19.8	34.17	19.9	1.5	100.0

(a) Includes 36 pensioners (0.01%) whose age at date of grant is unknown.

Source: DSS March 1991

TABLE 2: SHELTERED EMPLOYMENT ALLOWANCE: AGE BY EARNINGS: AUSTRALIA, JUNE 1990

Amount of earnings (PW)	16-20	21-30	31-40	41-50	51-60	61-64	65+	Total	Total %
Less than \$10	274	899	552	261	85	10		2081	21.1
\$11-\$20	238	906	689	358	136	28	7	2362	24.0
\$21-\$30	224	895	657	330	139	38	6	2289	23.2
\$31-\$40	88	499	382	191	92	15	2	1269	12.9
\$41-\$50	90	317	262	120	63	10		862	8.8
\$51-\$60	13	125	127	46	29	7		347	3.5
\$61-\$70	7	71	68	27	15	5		193	2.0
\$71-\$80	7	38	42	30	18	2		137	1.4
\$81-\$90	2	25	28	16	7	1		79	0.8
\$91-\$100	1	13	19	5	4		1	43	0.4
\$101-\$110	1	12	5	1	3	1		23	0.2
\$111-\$120		5	5	4	8			22	0.2
\$121-\$130	1	6	4	3		2		16	0.2
\$131-\$140		3	9	1	4	1		18	0.2
\$141-\$150		2	5	5	2	3		17	0.2

TABLE 2: SHELTERED EMPLOYMENT ALLOWANCE: AGE BY EARNINGS: AUSTRALIA, JUNE 1990
(Continued)

Amount of earnings (PW)	16-20	21-30	31-40	41-50	51-60	61-64	65+	Total	Total %
\$151-\$160		6	6	9	2	1		24	0.2
\$161-\$170		6	4	3	3	28		16	0.2
\$171-\$180		2	1		3	1		7	0.1
\$181-\$190					1	1		2	0.0
\$191-200		1	1	1	1	1		5	0.1
\$200-\$300	1	10	8	3	1			23	0.2
\$300+		3	2	2	4			11	0.1
Total	947	3844	2876	1416	620	127	16	9846	100.0

Source: DSS March 1991

TABLE 3: INVALID PENSIONERS BY STATE BY IMPAIRMENT BY AGE, AUSTRALIA, JUNE 1990

Impairment Rating	Age of Pensioner							Total	Total %
	16-20	21-30	31-40	41-50	51-60	61-64	65+		
Not coded	548	1679	2427	3244	4027	1775	210	13910	4.4
00-09	91	274	410	626	910	442	34	2787	0.9
10-19	80	106	307	852	1682	1130	30	4187	1.3
20-29	163	404	1017	2349	3903	2310	69	10215	3.2
30-39	4789	21416	30618	48069	86137	49618	3987	244634	77.2
40-49	1058	1608	2060	3395	5452	3393	106	17072	5.4
50-59	983	505	862	1827	3431	2047	87	9742	3.1
60-69	459	327	467	838	1686	1022	36	4835	1.5
70-79	362	161	206	415	884	482	21	2531	0.8
80-89	917	471	548	775	1215	609	58	4593	1.5
90-99	655	243	240	308	485	248	29	2208	0.7
Total	10105	27194	39162	62698	109812	63076	4667	316714	100.0

Source: DSS March 1991

**TABLE 4: EARNINGS OF SHELTERED EMPLOYMENT ALLOWEES BY STATE:
AUSTRALIA, JUNE 1990**

Amount of Earnings (PW)	NSW/ ACT	VIC	QLD	SA	WA	TAS	Total
Less than \$10	934	146	827	109	9	56	2081
\$11-\$20	955	600	378	270	34	125	2362
\$21-\$30	653	818	221	328	104	165	2289
\$31-\$40	474	269	175	142	146	63	1269
\$41-\$50	240	115	68	58	339	42	862
\$51-\$60	134	43	39	18	101	12	347
\$61-\$70	101	29	28	4	25	6	193
\$71-\$80	79	19	10	12	12	5	137
\$81-\$90	48	6	12	5	4	4	79
\$91-\$100	21	9	2	6	4	1	43
\$101-\$110	8	7	3		5		23
\$111-\$120	9	5	1	1	6		22
\$121-\$130	4	5	2		4	1	16
\$131-\$140	4	12	1			1	18
\$141-\$150	3	10	2	2			17
\$151-\$160	5	16	2	1			24
\$161-\$170	8	5		3			16
\$171-\$180		5		2			7
\$181-\$190		1		1			2
\$191-\$200	1	2	1	1			5
\$201-\$300	10	4	3	5		1	23
\$301+	6	2	3				11
Total	3697	2128	1778	968	793	482	9846

**TABLE 5: EARNINGS OF SHELTERED EMPLOYMENT ALLOWEES BY STATE
(PERCENTAGE DISTRIBUTION): AUSTRALIA, JUNE 1990**

Amount of Earnings (PW)	NSW/ ACT	VIC	QLD	SA	WA	TAS	Total
Less than \$10	25.3	6.9	46.5	11.3	1.1	11.6	21.1
\$11-\$20	25.8	28.2	21.3	27.9	4.3	25.9	24.0
\$21-\$30	17.7	38.4	18.1	33.9	13.1	34.2	23.2
\$31-\$40	12.8	12.6	9.8	14.7	18.4	13.1	12.9
\$41-\$50	6.5	5.4	3.8	6.0	42.7	8.7	8.8
\$51-\$60	3.6	2.0	2.2	1.9	12.7	2.5	3.5
\$61-\$70	2.7	1.4	1.6	0.4	3.2	1.2	2.0
\$71-\$80	2.1	0.9	0.6	1.2	1.5	1.0	1.4
\$81-\$90	1.3	0.3	0.7	0.5	0.5	0.8	0.8
\$91-\$100	0.6	0.4	0.1	0.6	0.5	0.2	0.4
\$101-\$110	0.2	0.3	0.1		0.6		0.2
\$111-\$120	0.2	0.2	0.1	0.1	0.8		0.2
\$121-\$130	0.1	0.2	0.1		0.5	0.2	0.2
\$131-\$140	0.1	0.6	0.1			0.2	0.2
\$141-\$150	0.08	0.5	0.1	0.2			0.2
\$151-\$160	0.1	0.8	0.1	0.1			0.2
\$161-\$170	0.2	0.2		0.3			0.2
\$171-\$180		0.2		0.2			0.1
\$181-\$190		0.05		0.1			0.02
\$191-\$200	0.02	0.09	0.1	0.1			0.05
\$201-\$300	0.3	0.2	0.2	0.5		0.2	0.2
\$301+	0.2	0.09	0.2				0.1
Total	3697	2128	1778	968	793	482	9846

EMPLOYMENT AND TRAINING STATISTICS 1987-88, 1990-91

1. The DEET submission acknowledged that the registration rate for people with disabilities was 'not high and any improvement in services and programs would be likely to lead to a higher registration rate'.¹ At the end of June 1988, some 86,400 people with disabilities were unemployed and awaiting placement, (8.7 per cent of all those unemployed and awaiting placement), 39 per cent of whom had been registered with the CES for over 12 months which may reflect the difficulties people with disabilities face in obtaining jobs.
2. During 1987/88, 86,200 people with disabilities had registered with the CES, 60 per cent of whom were aged 21-44 years. While the majority of these were unemployed, 9,400 were seeking alternative employment or part-time employment. Sixty five per cent of registrants with disabilities received referrals (to vacancies) however only 21 per cent of all such registrants were successful in obtaining placement in employment. This represented 2.5 per cent of total placements for 1987/88.
3. Only 11,852 commencements, or 11 per cent of all commencements in 1987/88, in labour market programs identified themselves as disabled. JobStart was the program most frequently utilised in assisting people with disabilities. Close to two-thirds of all commencements by people with disabilities were in the JobStart scheme. Just under one quarter of commencements by people with disabilities were in the Adult Training Program (ATP) and Youth Training Program (YTP).² The Community Training Program accounted for 12 per cent of commencements by people with disabilities.³ SkillShare commenced operation on 1 January 1989 combining three pre-existing community based programs – the Community Youth Support Scheme (CYSS), Community Training Program (CTP) and Community Volunteer Program (CVP). As a result the data in Tables 5-11 reflect the level of participation in training programs by people with disabilities in the period immediately before the introduction of SkillShare.
4. It should be noted, however, that Table 7 demonstrates that people with disabilities accounted for only 16 per cent of all JobStart commencements and

1. Submission 205, p. 15 (Minister for Employment and Education Services).

2. Since subsumed under the JobTrain program.

3. DEET advised (Submission No. 205, p. 6) that there were no disaggregated statistics available for the CYSS or CVP programs.

10 per cent of all ATP and YTP commencements compared with CTP where just over one quarter of all commencements were people with disabilities.

- The high usage of JobStart may reflect the use of the subsidy by CETP and SE services in placing their clients in open employment.
 - The relatively high level of participation by people with disabilities in the CTP (one of the forerunners of SkillShare) reflects the dedication of 14 of the 77 projects then funded under CTP specifically to the needs of people with disabilities.⁴ This relatively high level of participation in CTP appears to have been maintained in some of the community based SkillShare programs.
5. Males with disabilities had a higher rate of commencements in labour market programs as opposed to the rate of commencements for all males (Tables 8 and 9).
 6. Tables 10 and 11 illustrate the experience of those who participated in labour market programs during 1987/88 three months after they had completed the program. Almost one quarter of those who completed a CTP programs were employed three months after completion, 67 per cent were unemployed, 7 per cent were in subsidised employment and 3 per cent were in education or training. Over half of the JobStart completions were still in employment 3 months later, while 44 per cent were unemployed, 2 per cent were in subsidised employment and 1 per cent were in education or training. However people with disabilities who had participated in the ATP or YTP were more likely to be unemployed (67 per cent) 3 months after completion than other participants (73 per cent).
 7. Table 12 shows that only 2 per cent of traineeship commencements since 1985 were by persons who identified themselves as having a disability. It should be noted that this scheme is targeted at 16-18 year olds. DEET noted in its submission that participation by this group was 'broadly in line with its representation in the youth labour force'.⁵ By 30 June 1990 44,500 young people had begun a traineeship since its commencement in 1985.⁶ However, participation rates for people with disabilities had dropped since 1987/88 to 1 per cent. The Annual Report also notes that several surveys had shown that trainees in the disadvantaged groups (which includes people with disabilities) had a high employment rate (79 per cent) 3 months after completion of their traineeship. This is only slightly below the overall retention rate of 87 per cent in employment three months after completion of training.

4. Submission 205, p. 5 (Minister for Higher Education and Employment Services).

5. Submission 205, p. 8 (Minister for Higher Education and Employment Services).

6. DEET Annual Report 1989-90, p.60.

STATISTICS FOR EMPLOYMENT AND TRAINING – 1987-1988

TABLE 1

**National CES Figures on Unemployed and Awaiting
Placement at end of June 1988 (Disabled Persons)**

Persons	Duration of current registration with CES (months)					Total
	0-3	3-6	6-9	9-12	over 12	
Aged 15-19	2526	1531	970	563	1209	6799
Aged 20-24	3265	2387	1557	1154	3610	11973
Aged 25-44	9007	7031	4899	4137	15355	40429
Aged 45 ⁺	4604	3580	2726	2464	13858	27232
Totals	19402	14529	10152	8318	34032	86433

TABLE 2

**National Figures by Age Groups on Registrations,
Referrals and Placements for 1987-88 (Disabled Persons)**

	Age Groups (years)				Total
	15-17	18-20	21-44	over 45	
Registrations - UE ⁽¹⁾	5912	9125	45706	16023	76766
Registrations - OE ⁽²⁾	1512	1359	5187	1337	9395
Registrations - Total	7424	10484	50893	17360	86161
Referrals	7598	9460	32615	5976	55649
Placements	2658	3092	10651	1963	18364

(1) Unemployed persons awaiting placement

(2) Persons seeking alternative employment/part-time employment

TABLE 3

**National CES Percentages of Total Disabled Males,
Females and Persons Unemployed and Awaiting Placement
at end of June 1988**

Persons	Duration of current registration with CES (months)					Total
	0-3	3-6	6-9	9-12	over 12	
Aged 15-19	2.9	1.8	1.1	0.7	1.4	7.9
Aged 20-24	3.8	2.8	1.8	1.3	4.2	13.9
Aged 25-44	10.4	8.1	5.7	4.8	17.8	46.8
Aged 45 ⁺	5.3	4.1	3.2	2.9	16.0	31.5
Totals	22.4	16.8	11.7	9.6	39.4	100.0

TABLE 4

**National Percentages by Age Groups of Registrations,
Referrals and Placements 1987-88 (Disabled Persons)**

	Age Groups (years)				Total
	15-17	18-20	21-44	over 45	
Registrations - UE ⁽¹⁾	7.7	11.9	59.5	20.9	100.0
Registrations - OE ⁽²⁾	16.1	14.5	55.2	14.2	100.0
Registrations - Total	8.6	12.2	59.1	20.1	100.0
Referrals	13.7	17.0	58.6	10.7	100.0
Placements	14.5	16.8	58.0	10.7	100.0

(1) Unemployed persons awaiting placement

(2) Persons seeking alternative employment/part-time employment

TABLE 5

**DEET Labour Market Programs
Commencements (Disabled) 1987-88 x Age**

	Age (years)				Total
	15-19	20-24	25-44	over 45	
Training for Aborigines	24	30	51	8	113
Adult Training Program	81	330	994	201	1606
Youth Training Program	762	327	17	3	1109
Community Training Program	347	317	612	89	1365
Trade Training Support (non-CRAFT)	128	43	8	0	179
Job Search Training Program	110	39	31	7	187
Regional and Labour Market Adjustment	0	1	2	4	7
JobStart	2064	1642	2792	769	7267
Relocation Assistance	0	3	13	3	19
Total	3516	2732	4520	1084	11852

TABLE 6**Commencements (all persons) 1987-88 x Age**

	Age (years)				Total
	15-19	20-24	25-44	over 45	
Training for Aborigines	4332	2747	4013	481	11573
Adult Training Program	934	3821	9811	1522	16088
Youth Training Program	8723	3567	150	16	12456
Community Training Program	1588	1249	1944	394	5175
Trade Training Support (non-CRAFT)	763	236	24	0	1023
Job Search Training Program	9232	1787	772	139	11930
Regional and Labour Market Adjustment	33	174	754	239	1200
JobStart	16729	11261	14592	2970	45552
Relocation Assistance	101	422	1307	272	2102
Total	42435	25264	33367	6033	107099

TABLE 7

DEET Labour Market Programs
Commencements (disabled) as a Proportion (%) of
Commencements (all persons) x Program x Age Group

	Age (years)				Total
	15-19	20-24	25-44	over 45	
Training for Aborigines	0.6	1.1	1.3	1.7	1.0
Adult Training Program	8.7	8.6	10.1	13.2	10.0
Youth Training Program	8.7	9.2	11.3	18.8	8.9
Community Training Program	21.9	25.4	31.5	22.6	26.4
Trade Training Support (non-CRAFT)	16.8	18.2	33.3	-	17.5
Job Search Training Program	1.2	2.2	4.0	5.0	1.6
Regional and Labour Market Adjustment	0.0	0.6	0.3	1.7	0.6
JobStart	12.3	14.6	19.1	25.9	16.0
Relocation Assistance	0.0	0.7	1.0	1.1	0.9
Total	8.3	10.8	13.5	18.0	11.1

TABLE 8

**DEET Labour Market Programs
Commencements 1987-88 x Sex (Frequency)**

	Disabled			All Persons		
	Females	Males	Total	Females	Males	Total
Training for Aboriginals	22	91	113	4102	7471	11573
Adult Training Program	781	825	1606	9997	6091	16088
Youth Training Program	537	572	1109	7194	5262	12456
Community Training Program	514	851	1365	2483	2692	5175
Trade Training Support (non- CRAFT)	14	165	179	173	850	1023
Job Search Training Program	86	101	187	6863	5067	11930
Regional and Labour Market Adjustment	0	7	7	131	1069	1200
JobStart	1937	5330	7267	15600	29952	45552
Relocation Assistance	3	16	19	250	1852	2102
Total	3894	7958	11852	46793	60306	107099

TABLE 9

Commencements 1987-88 x Sex (Program Proportions %)

	Disabled			All Persons		
	Females	Males	Total	Females	Males	Total
Training for Aboriginals	19.5	80.5	100	35.4	64.6	100
Adult Training Program	48.6	51.4	100	62.1	37.9	100
Youth Training Program	48.4	51.6	100	57.8	42.2	100
Community Training Program	37.7	62.3	100	48.0	52.0	100
Trade Training Support (non- CRAFT)	7.8	92.2	100	16.9	83.1	100
Job Search Training Program	46.0	54.0	100	57.5	42.5	100
Regional and Labour Market Adjustment	0.0	100.0	100	10.9	89.1	100
JobStart	26.7	73.3	100	34.2	65.8	100
Relocation Assistance	15.8	84.2	100	11.9	88.1	100
Total	32.9	67.1	100	43.7	56.3	100

TABLE 10

DEET Labour Market Programs
 Post Program Monitoring (PPM) Outcomes 1987-88*
 – Status 3 months after Program Completion
 – Proportions (%) of each Program's Known Outcomes

All Persons	Employment	Education /Training	Subsidised Employment	Unemployed	Total
Training for Aboriginals	33.5	1.5	13.7	51.3	100
Adult Training Program	33.4	2.6	2.7	61.3	100
Youth Training Program	20.6	2.9	3.8	72.7	100
Community Training Program	24.7	2.2	5.0	68.1	100
Trade Training Support (non-craft)	88.0	0.1	0.8	11.1	100
Job Search Training Program	15.0	1.3	1.3	82.4	100
Regional and Labour Market Adjustment	53.6	1.8	1.5	43.0	100
JobStart	54.0	0.5	1.3	44.2	100
Relocation Assistance	79.0	0.3	0.7	20.1	100
Total	44.6	1.1	3.1	51.1	100

* Deficiencies found in the PPM statistics reflect a number of inadequacies in the process of follow-up and recording of program outcomes. An improved system was implemented in October 1988.

TABLE 11

DEET Labour Market Programs*

Disabled	Employ- ment	Education /Training	Subsidised Employment	Unemployed	Total
Training for Aboriginals	31.5	0.0	14.6	53.9	100
Adult Training Program	25.3	2.8	3.1	68.9	100
Youth Training Program	18.2	2.8	2.6	76.4	100
Community Training Program	23.8	3.1	6.6	66.5	100
Trade Training Support (non-craft)	64.4	0.0	5.8	29.9	100
Job Search Training Program	24.4	2.2	2.2	71.1	100
Regional and Labour Market Adjustment	33.3	33.3	0.0	33.3	100
JobStart	53.6	0.7	2.1	43.7	100
Relocation Assistance	85.7	0.0	0.0	14.3	100
Total	44.8	1.3	2.9	51.1	100

* Deficiencies found in the PPM statistics reflect a number of inadequacies in the process of follow-up and recording of program outcomes. An improved system was implemented in October 1988.

STATISTICS FOR EMPLOYMENT AND TRAINING – 1990-1991

STATISTICS FOR EMPLOYMENT AND TRAINING 1990-91

1. Registration numbers for people with disabilities had increased, and at 30 June 1991 had totalled 184,759 (including 20,891 persons seeking alternative or part-time employment) for 1990-91.
2. At 30 June 1991 some 144,121 people with disabilities were listed as unemployed and awaiting placement (Table 1). The majority of these (totalling 107,451) were in the age groups 25-44, and 45+ (Table 1). Males aged 25-44 totalled 48,162, and males aged 45+ totalled 34,051; females aged 25-44 totalled 16,686 persons and females aged 45+ totalled 8,552 persons.
3. Males aged 25-44 represented 11.99 per cent, and males aged 45+ represented 12.65 per cent of disabled persons registered over 12 months with the CES. Females in the same age groups represented 9.06 per cent and 6.36 per cent respectively. However, males aged 25-44 represented 44.02 per cent of unemployed and CES-registered men with disabilities, and women with disabilities in the same age group comprised 38.35 per cent of unemployed and CES-registered women with disabilities at 30 June 1991 (Table 3).
4. JobTrain Preparation (17.2 per cent) and JobTrain Other (15.9 per cent) were utilised well by people with disabilities, as was JobStart (19.1 per cent) and Special Intervention (31.6 per cent) – the last in spite of the fact that it does not cater specifically for people with disabilities (Table 7).

This is a percentage increase over 1987-88 figures, though variations in program expenditure/utilisation may often lead to percentage increases in take-up by selected groups while actual numbers of people using the program may decrease.

5. SkillShare take-up totalled 8,249 people with disabilities (8.7 per cent) out of a total of 94,284 participants (Tables 5 and 6).

It will be interesting to see if SkillShare participation increases during 1991-92, from a relatively low 8.7 per cent, given the recent emphasis on DASUs and a disability strategy for the program.

6. Table 9 indicates that men with disabilities participated in all labour-market programs at a higher rate than all males, whereas women with disabilities participated at a lower rate. This may suggest there is a need for special access projects for women with disabilities. Both SkillShare and JobTrain (Other) appeared particularly useful to both men and women with disabilities, especially for those in the 25-44 age group (Tables 5, 7, 8).

7. However, Table 10 demonstrates that Non-DEET outcomes (PPM – Post Program Monitoring)⁷ for people with disabilities are not promising (for example, 60.3 per cent unemployed from Skillshare, and 16.4 per cent not in the labour force). When further education and training are taken into consideration, Skillshare (with a PPM response rate of 72.5 per cent) had a 36.1 per cent positive outcome. JobStart (with a 67.3 per cent response rate) had a 59.8 per cent positive outcome. This was almost the same as the 'All Persons' outcome (Table 11) of 57.3 per cent.
8. Table 12 indicates that people with disabilities utilised other DEET programs after completing the original program, at a level of 8.3 percent. This was higher than the 'All Persons' participation in further DEET programs of 6.9 per cent (Table 13).

7. Percentage outcomes in the 12 months to June 1991, program monitoring in the 12 months ending March 1991. See above, Chapter 5, Paragraphs 5.73-5.74 for changes to DEET's PPM process.

TABLE 1**NATIONAL CES FIGURES ON UNEMPLOYED AND AWAITING PLACEMENT AT END OF JUNE 1991 (DISABLED PERSONS)**Duration of current registration with
CES (months)

Males	0-3	3-6	6-9	9-12	over 12	Totals
Aged 15-17	1706	898	536	267	267	3674
Aged 18-19	2122	1107	843	469	745	5286
Aged 20-24	5242	2585	1819	1276	2778	13700
Aged 25-44	15533	8325	6355	4831	13118	48162
Aged 45+	8322	4821	4043	3023	13842	34051
Totals	32925	17736	26511	9866	30750	104873

FEMALES

Aged 15-17	1257	620	368	157	154	2556
Aged 18-19	1574	892	684	300	503	3953
Aged 20-24	2853	1450	1034	684	1480	7501
Aged 25-44	5936	3175	2091	1539	3945	16686
Aged 45+	2380	1427	1113	864	2768	8552
Totals	14000	7564	5290	3544	8850	39248

PERSONS

Aged 15-17	2963	1518	904	424	421	6230
Aged 18-19	3696	1999	1527	769	1248	9239
Aged 20-24	8095	4035	2853	1960	4258	21201
Aged 25-44	21469	11500	8446	6370	17063	64848
Aged 45+	10702	6248	5156	3887	16610	42603
Totals	46925	25300	18886	13410	39600	144121

TABLE 2**NATIONAL FIGURES BY AGE GROUPS ON REGISTRATIONS, REFERRALS AND PLACEMENTS FOR 1990 91 (DISABLED PERSONS)**

Age Groups (Years)

	15-17	18-19	20-24	25-44	45+	Total
Registrations UE (1)	13194	13718	27271	73150	36535	163868
Registrations OE (2)	3114	1858	3385	9250	3284	20891
Registrations Total	16308	15576	30656	82400	39819	184759
Referrals	15609	12813	20675	47432	13536	110065
Placements	3443	2720	4699	10401	3001	24264

(1) Unemployed persons awaiting placement

(2) Persons seeking alternative employment/part-time employment.

TABLE 3

NATIONAL CES PERCENTAGES OF TOTAL DISABLED MALES, FEMALES AND PERSONS UNEMPLOYED AND AWAITING PLACEMENT AT END OF JUNE 1991

Duration of current registration with CES (months)

MALES	0-3	3-6	6-9	9-12	OVER 12	Totals
Aged 15-17	1.56	.82	.49	.24	.24	3.11
Aged 18-19	1.94	1.01	.77	.43	.68	4.83
Aged 20-24	4.79	2.36	1.66	1.16	2.54	12.51
Aged 25-44	14.20	7.61	5.81	4.41	11.99	44.02
Aged 45+	7.61	4.40	3.69	2.76	12.65	31.11
Totals	30.1	16.2	12.42	9.0	28.1	95.58

FEMALES

Aged 15-17	2.88	1.42	.84	.36	.35	8.44
Aged 18-19	3.61	2.05	1.57	.68	1.15	9.08
Aged 20-24	6.55	3.33	2.37	1.57	3.40	17.24
Aged 25-44	13.64	7.29	4.80	3.53	9.06	38.35
Aged 45+	5.47	3.28	2.55	1.98	6.36	19.65
Totals	32.15	17.37	12.13	8.12	20.32	92.76

PERSONS

Aged 15-17	1.93	.99	.59	.27	.27	4.07
Aged 18-19	2.42	1.30	.99	.50	.81	3.45
Aged 20-24	5.29	2.63	1.86	1.28	2.78	13.87
Aged 25-44	14.04	7.52	5.52	4.16	11.16	42.42
Aged 45+	7.06	4.08	3.37	2.54	10.86	27.87
Totals	30.74	16.52	12.33	8.75	25.88	91.68

TABLE 4

NATIONAL PERCENTAGES BY AGE GROUPS OF REGISTRATIONS, REFERRALS AND PLACEMENTS 1990/91 (DISABLED PERSONS)

Age Groups (years)

	15-17	18-19	20-24	25-44	45+	Total
Registrations UE (1)	8.2	8.4	16.6	44.6	22.2	100.00
Registrations OE (2)	14.9	8.9	16.2	44.3	15.7	100.00
Registrations Total	8.8	8.4	16.6	44.6	21.6	100.00
Referrals	14.2	11.6	18.8	43.1	12.3	100.00
Placements	14.2	11.2	19.4	42.9	12.4	100.00

(1) Unemployed persons awaiting placement

(2) Persons seeking alternative employment/part-time employment

TABLE 5

DEET LABOUR MARKET PROGRAMS
COMMENCEMENTS (DISABLED) 1990-91 X AGE
 Age (years)

	15-19	20-24	25-44	over 45	Total
Employment Access Program					
Jobtrain Preparation	367	336	1188	429	2320
Jobtrain Other	1247	1637	4340	1176	8400
Jobstart	1461	988	2267	616	5332
Job Clubs	223	368	953	310	1854
Jobsearch	206	219	577	181	1183
Special Intervention	18	22	72	12	124
Other EAP	9	5	55	14	83
Training for Aboriginals					
Aboriginal Employment Programs	46	26	97	19	188
Aboriginal Community Enterprise Development	9	5	26	8	48
Office of Labour Market Adjustment	0	6	39	24	69
Skillshare	976	1555	4399	1319	8249
Other Programs	146	55	77	22	300
Total	4708	5222	14090	4130	28150

TABLE 6

DEET LABOUR MARKET PROGRAMS
COMMENCEMENTS (ALL PERSONS) 1990-91 X AGE

Age (years)

	15-19	20-24	25-44	over 45	Total
Employment Access Program					
Jobtrain Preparation	2869	2387	6648	1600	13504
Jobtrain Other	8909	11188	27185	5432	52714
Jobstart	8383	6115	10956	2342	27796
Job Clubs	2826	3581	7336	1814	15557
Jobsearch	2783	1881	3124	795	8583
Special Intervention	59	70	236	27	392
Other EAP	131	301	1414	253	2099
Training for Aborigines					
Aboriginal Employment Programs	3302	2166	3179	309	8956
Aboriginal Community Enterprise development	1141	1285	3137	864	6427
Office of Labour Market Adjustment	37	218	1106	500	1861
Skillshare	14582	20317	47593	11792	94284
Other Programs	689	425	849	160	2123
Total	45711	49934	112763	25888	234296

TABLE 7

DEET LABOUR MARKET PROGRAMS

COMMENCEMENTS (DISABLED) AS A PROPORTION (%) OF
COMMENCEMENTS (ALL PERSONS) X PROGRAM X AGE GROUP

Age (years)

	15-19	20-24	25-44	over 45	Total
Employment Access					
Program					
Jobtrain Preparation	12.8	14.1	17.9	26.9	17.2
Jobtrain Other	14.0	14.6	16.0	21.6	15.9
Jobstart	17.4	16.2	20.7	26.3	19.1
Job Clubs	7.9	10.3	13.0	17.1	11.9
Jobsearch	7.4	11.6	18.5	22.8	13.8
Special Intervention	30.5	31.4	30.5	44.4	31.6
Other EAP	6.9	1.7	3.9	5.5	3.9
Training for					
Aboriginals					
Aboriginal Employment Programs	1.4	1.2	3.0	6.1	2.0
Aboriginal Community Enterprise Development	.8	.4	.8	.9	.7
Office of Labour Market Adjustment	.0	2.7	3.5	4.8	3.7
Skillshare	6.7	7.6	9.2	11.1	8.7
Other Programs	21.1	12.9	9.1	13.7	14.1
Total	126.9	124.7	146.1	201.2	142.6

TABLE 8

DEET LABOUR MARKET PROGRAMS

COMMENCEMENTS 1990 91 X SEX (FREQUENCY)

	Disabled			All Persons		
	Females	Males	Total	Females	Males	Total
Employment Access Program						
Jobtrain Preparation	901	1419	2320	6811	6693	13504
Jobtrain Other	3154	5246	8400	26447	26267	52714
Jobstart	1347	3985	5332	9839	17957	27796
Job Clubs	713	1141	1854	8141	7416	15557
Jobsearch	430	753	1183	3886	4697	8583
Special Intervention	17	107	124	85	307	392
Other EAP	12	71	83	555	1544	2099
Training for Aborigines						
Aboriginal Employment Programs	51	137	188	3489	5468	8957
Aboriginal Community Development Enterprise	8	40	48	2317	4115	6432
Office of Labour Market Adjustment	35	34	69	1180	681	1861
Skillshare	3402	4847	8249	56028	38256	94284
Other Programs	39	261	300	599	1524	2123
TOTAL	10109	18041	28150	119377	114925	234302

TABLE 9

DEET LABOUR MARKET PROGRAMS
COMMENCEMENTS 1990-91 X SEX (PROGRAM PROPORTIONS %)

	Disabled			All Persons		
	Females	Males	Total	Females	Males	Total
Employment Access						
Program						
Jobtrain Preparation	38.84	61.16	100	50.44	49.56	100
Jobtrain Other	37.55	62.45	100	50.17	49.83	100
Jobstart	25.26	74.74	100	35.40	64.60	100
Job Clubs	38.46	61.54	100	52.33	47.67	100
Jobsearch	36.35	63.65	100	45.28	54.72	100
Special Intervention	13.71	86.29	100	21.68	78.32	100
Other EAP	14.46	85.54	100	26.44	73.56	100
Training for						
Aboriginals						
Aboriginal Employment Programs	27.13	72.87	100	38.95	61.05	100
Aboriginal Community Enterprise Development	16.67	83.33	100	36.02	63.98	100
Office of Labour Market Adjustment	50.72	49.28	100	63.41	36.59	100
Skillshare	41.24	58.76	100	59.42	40.58	100
Other Programs	13.00	87.00	100	28.21	71.79	100
TOTAL						

TABLE 10 DEET LABOUR MARKET PROGRAMS

DISABLED: Non-DEET Post Program Labour Market and Education Status by Program Percentage Outcomes In 12 Months to June 1991 (1)								
Program	Labour Market Status				Proportion in Further Education/ Training	Proport'n With "Positive" Outcomes	Number of Known PPM Outcomes	Response Rate
	Unsub Empl	Unemp	NILF (2)	Total	(3)	(4)	Freq	%
Employment Access Program	27.0	66.1	6.9	100	11.7	36.8	10,878	76.3
JOBTRAIN - Prep	10.8	79.1	10.1	100	13.6	23.6	1,544	81.3
JOBTRAIN - Other	17.9	74.4	7.7	100	12.8	29.0	5,407	76.7
JOBSTART	54.8	39.8	5.4	100	8.2	59.8	1,676	67.3
Job Clubs	25.4	70.7	3.9	100	14.7	37.7	1,360	79.4
Job Search								
Trng Courses	13.5	80.3	6.1	100	10.1	22.7	849	82.0
Special Intervtn	23.1	69.2	7.7	100	23.1	46.2	13	56.5
Other EAP (5)	51.7	44.8	3.4	100	0.0	51.7	29	65.9
Aboriginal Empl (6)	28.4	64.9	6.8	100	12.2	36.5	74	55.2
OLMA	23.5	70.6	5.9	100	14.7	38.2	34	87.2
SkillShare	23.3	60.3	16.4	100	15.2	36.1	3,981	72.5
Other Programs (5)	65.4	30.9	3.7	100	17.6	71.3	136	64.2
Total	26.4	64.4	9.1	100	12.6	40.8	15,103	75.0

(1) Program cessations in the 12 months ending March 1991

(2) Not in the labour force

(3) Includes all those who are in non-DEET full or part-time education or training, including some who are also employed. The proportion in training/education only can be derived by subtracting the proportion in employment from the proportion with 'positive' outcomes

(4) Includes those in unsubsidised employment and training/education (both full and part-time)

(5) Refer Appendix (i)

(6) Outcomes data for Aboriginal Community and Enterprise Development Programs are not included as they do not fall within the general definition of PPM outcomes. Outcomes shown are for Aboriginal Employment Programs - Major Employment Strategy (A20), Job Skills Development (A30), Work Experience (A31), and Work Preparation (A50).

TABLE 11

ALL PERSONS Non-DEET Post Program Labour Market and Education Status by Program Percentage Outcomes in 12 Months to June 1991 (1)								
Program	Labour Market Status				Proportion In Further Education/ Training	Proport'n With "Positive" Outcomes	Number of Known PPM Outcomes	Response Rate
	Unsub Empl	Unemp	NILF (2)	Total	(3)	(4)	Freq	%
Employment Access Program	30.3	63.8	5.9	100	12.0	39.8	70,135	75.0
JOBTRAIN - Prep	14.6	76.1	9.3	100	14.5	27.9	9,059	79.5
JOBTRAIN - Other	22.7	70.5	6.8	100	13.0	33.6	34,310	75.2
JOBSTART	53.7	41.7	4.6	100	6.7	57.3	8,578	64.6
Job Clubs	36.6	60.3	3.2	100	15.1	47.5	11,143	78.6
Job Search								
Trng Courses	19.1	76.1	4.8	100	11.2	28.7	6,073	79.8
Special Intervtn	13.3	81.7	5.0	100	31.7	41.7	60	74.1
Other EAP (5)	60.5	34.1	5.4	100	10.2	66.7	912	70.3
Aboriginal Empl (6)	37.8	55.8	6.5	100	10.2	44.1	3,085	48.5
OLMA	37.2	50.5	12.2	100	23.2	56.5	964	84.2
SkillShare	30.5	59.6	9.9	100	14.9	42.2	43,399	69.6
Other Programs (5)	64.4	30.1	5.5	100	14.3	69.5	1,371	73.9
Total	31.0	61.7	7.4	100	13.1	41.2	118,954	72.0

(1) Program cessations in the 12 months ending March 1991

(2) Not in the labour force

(3) Includes all those who are in non-DEET full or part-time education or training, including some who are also employed.
The proportion in training/education only can be derived by subtracting the proportion in employment from the proportion with 'positive' outcomes

(4) Includes those in unsubsidised employment and training/education (both full and part-time)

(5) Refer Appendix (i)

(6) Outcomes data for Aboriginal Community and Enterprise Development Programs are not included as they do not fall within the general definition of PPM outcomes. Outcomes shown are for Aboriginal Employment Programs (A20, A30, A31, and A50).

TABLE 12

DISABLED Further DEET Assistance by Program Percentage Outcomes in 12 Months to June 1991 (1)					
Program	In DEET Wage Subsidy Placement %	In DEET Formal or Other Assistance %	Total in Further DEET Assistance(2) %	Freq	Total Cessations (1) Freq
Employment Access					
Program	30.3	63.8	5.9	13,512	140,814
JOBTRAIN - Preparatory	2.7	12.7	15.4	351	2,281
JOBTRAIN - Other	4.1	7.3	11.4	925	8,148
JOBSTART	4.2	1.5	5.7	307	5,368
Job Clubs	3.8	5.6	9.4	196	2,083
Job Search					
Trng Courses	2.7	7.9	10.5	137	1,299
Special Intervention	0.5	6.4	6.8	15	219
Other EAP (3)	8.6	1.7	10.3	6	58
TAP	12.3	1.2	13.5	33	244
Aboriginal Employment	14.8	1.5	16.3	32	196
Aboriginal Community & Enterprise Development	2.1	0.0	2.1	1	48
OLMA	1.2	20.0	21.2	17	80
SkillShare	0.7	3.2	3.9	300	7,768
Other Programs (3)	3.4	0.0	3.4	9	262
Total	3.0	5.2	8.3	2,296	27,810

* Numbers are too low to show percentages

(1) Program cessations in the 12 months ending March 1991

(2) Includes all those who are in full or part-time DEET Labour Market Program assistance

(3) Refer Appendix (i).

TABLE 13

ALL PERSONS Further DEET Assistance by Program Percentage Outcomes in 12 Months to June 1991 (1)					
Program	In DEET Wage Subsidy Placement %	In DEET Formal or Other Assistance %	Total In Further DEET Assistance(2) %	Freq	Total Cessations (1) Freq
Employment Access Program	3.4	5.2	8.6	10,405	120,633
JOBTRAIN - Preparatory	3.1	11.1	14.2	1,917	13,477
JOBTRAIN - Other	4.2	5.8	10.0	5,204	51,920
JOBSTART	2.5	1.2	3.7	1,003	26,867
Job Clubs	3.6	4.9	8.5	1,428	16,842
Job Search					
Trng Courses	2.3	6.3	8.5	786	9,223
Special Intervention	0.3	3.6	3.8	30	784
Other EAP (3)	1.8	.7	2.4	37	1,520
TAP	10.3	1.4	11.8	1,755	14,931
Aboriginal Employment	12.1	1.8	13.9	1,278	9,218
Aboriginal Community & Enterprise Development	7.5	0.9	8.3	477	5,713
OLMA	1.8	19.5	21.3	376	1,767
SkillShare	0.7	2.9	3.6	3,255	89,250
Other Programs (3)	.6	0.9	1.5	32	2,113
Total	2.8	4.1	6.9	15,823	228,694

* Numbers are too low to show percentages

(1) Program cessations in the 12 months ending March 1991

(2) Includes all those who are in full or part-time DEET Labour Market Program assistance

(3) Refer Appendix (i).

COMMONWEALTH INCOME SUPPORT, TRAINING AND EMPLOYMENT SERVICES

1. DEET

1.1 Commonwealth Employment Service (CES)

Registers unemployed persons and assists them in finding appropriate employment – see Paragraphs 5.78-5.84; see also 5.70.

1.1.1 Disability Jobseeker Advisers (DJAs)

- CES specialist staff, members of Disability Panels – see Paragraphs 5.70, 5.82.

1.1.2 Special Service Centres (SSCs)

- to assist clients who came through the CES, rather than through DSS (see Paragraph 5.84).

1.2 Trainees and Apprentices

1.2.1 Australian Traineeship System (ATS)

- broadly-based, structured entry-level training in non-trades employment (see Paragraph 5.86).

1.2.2 Disabled Apprentice Wage Subsidy (DAWS)

- a wage rebate is paid to employers who take on people with disabilities as apprentices (see Paragraph 5.91).

1.2.3 Apprentice Training Incentive (ATI)

- part of the Commonwealth Rebate for Apprentice Full-Time Training (CRAFT) scheme – employers may receive an additional grant for taking on a ‘disadvantaged’ person, who has not been referred by the CES, but must subsequently be assessed by the CES as disadvantaged (see Paragraph 5.92).

1.3 Special Employment, Education and Income Support

1.3.1 Employment Access Program (EAP).

1.3.1.1 JobTrain

- vocational training for long-term unemployed and other disadvantaged persons (see Paragraphs 5.96-5.101).

1.3.1.2 JobStart

- a wage subsidy is paid for up to 26 weeks to employers who employ and improve the employment prospects of disadvantaged job seekers (see Paragraphs 5.102-5.107).

1.3.1.3 Job Search Assistance

- training in skills required for effective job searching (see Paragraphs 5.108-5.110). There are two components, Job Search Training Courses (22 hours over 5 days) and Job Clubs (3 weeks of supervised training).

1.3.1.4 Special Intervention

- assists transition to work or vocational training by identifying, and helping to overcome, specific employment barriers (see Paragraphs 5.77, 5.111).

1.3.1.5 Post Placement Support (Paragraph 5.68)

- for people formerly unemployed for 12 months or more, and provides additional assistance.

1.3.1.6 Paid Work Experience for People with Disabilities (Paragraphs 5.69, 5.113)

- fully subsidised (up to 12 weeks full-time or equivalent part-time, up to \$3,600) work experience placements in the private sector.

1.3.2 Community Based Strategies

1.3.2.1 SkillShare (see Paragraphs 5.114-5.136)

- a community-based labour market program. Sponsors provide a range of practical services, including skills training, enterprise activities and employment-related assistance.

The program is directed to long-term unemployed people and others in 'most disadvantaged' categories, including people with disabilities. Primarily assists people with low to moderate levels of need; persons

with higher levels of need may be better assisted under programs such as Paid Work Experience (see 1.3.1.6 above).

1.3.2.1.1 DASUs – Disability Access Support Units

- developed to help SkillShare projects provide appropriate services to people with disabilities (see Paragraphs 5.68, 5.115, 5.120, 5.137-5.138).

1.4 Other services

1.4.1 National Board of Employment Education and Training (NBEET) (see Paragraphs 5.139-5.140).

1.4.2 The Training Guarantee (Paragraphs 5.141-5.143).

1.4.3 The National Training Board (NTB) (see Paragraph 5.144).

2. DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY SERVICES (DHH&CS)

2.1.1 Sheltered Workshops

- sheltered employment, with employees/clients undertaking a range of employment, generally supervised by non-disabled persons (see Paragraphs 6.83-6.252).

2.1.2 Sheltered Workshops in Transition

- workshops moving towards desired outcomes, such as smaller size, worker participation in management, improved manager/employee relationships, 'reverse integration' – mixture of non-disabled staff and staff with disabilities, award conditions, improved wages (see Paragraphs 6.233-6.234 for reverse integration).

2.2 Supported Employment

- employment for people with disabilities who require continuous support in the workplace. The workplace can be integrated or semi-segregated (see Paragraphs 6.1-6.82).

2.2.1 Supported Employment models include:

- enclaves (Paragraphs 6.16-6.25)
- individual supported jobs (Paragraphs 6.26-6.35)
- mobile work crews (Paragraphs 6.26-6.40)
- small business/benchmark models (Paragraphs 6.41-6.68)

2.3 Competitive Employment, Training and Placement (CETP)
(see Paragraphs 5.196-5.264)

- CETP services identify placement opportunities in the general workforce for people with disabilities and provide the training and support required to enable workers to perform and maintain a job. Support on the job will decrease and involvement is reduced to occasional, but long-term, contact with the individual client.

2.4 Activity Therapy Centres (ATCs)

- these centres, which provided therapy and other activities, are being replaced by Independent Living Centres (ILCs). These provide a range of occupations and therapy, may eventually have a vocational outcome. However, while these are funded by DHH&CS, they are not 'employment' services. The Committee has made a number of recommendations which emphasise the need to provide appropriate services for people with profound or multiple disabilities – see especially Chapter 5, Recommendations 1 and 2.

3. DEPARTMENT OF SOCIAL SECURITY (DSS)

3.1.1 DSS provides income support (through the Disability Support Pension) and offers assistance to persons who wish to become involved in training or employment programs (see Chapter 7, Paragraphs 7.4-7.12, 7.16-7.17 on the Disability Support Pension).

3.1.2 Sickness Allowance (Paragraph 7.21) replaces Sickness Benefit. The allowance is limited to 12 months (but up to 24 months in some exceptional circumstances).

3.2 DSS also pays the Formal Training Allowance (FTA – see Chapter 5, Paragraph 5.98 and Footnote 136) although eligibility for this is assessed by DEET.

3.3 Mobility Allowance – see Paragraphs 7.17, 7.159-7.162. This was increased late in 1991 to \$20 per week.

3.4 Pensioner Health Benefits Card

- entitles holder to a range of services and discounts, including medical services and concessional pharmaceuticals (see Paragraphs 7.46, 7.49-7.54).

4. Joint Services

4.1 Disability Panels

- DSS, DEET, DHH&CS (see Paragraphs 5.70, 5.82-5.83) – provide assessment of persons applying for income support, and have access to a range of information to effectively assess individuals. Disability Jobseeker Advisers (DJAs) will be members of the Disability Panel and will provide expert advice to clients (Paragraphs 5.70, 5.82-5.83).**

GLOSSARY

- Affirmative action policies — Policies which, while emphasising selection of individuals on merit, also take into account the importance of encouraging the employment of people for specific reasons — e.g. disability, gender. In order to assist particular groups to have greater participation rates, affirmative action policies would encourage that, if all work criteria were met, the individual in the under-represented category get the position.
- Back-filling — Back-filling is the term used to describe a sheltered workshop being able to take in new clients under certain circumstances. In general, a position can be 'back-filled' if a sheltered workshop client obtains open employment and no longer requires Commonwealth Disability Service funding. However, if a sheltered workshop client moves to another type of service which uses disability services program funding, the sheltered workshop may *not* take another client into the workshop because program funding is still being used.
- Cold canvassing — This term describes the approach used by some of the 'new' employment services in job-creation strategies.
- Cold canvassing means approaching an employer and suggesting jobs which a person with a disability could do; in effect it is a means of creating jobs since the employment developed may not have existed before, and the job usually is not one that has been advertised.
- Competitive Employment — Services CETP (CETAP) — One of the 'new' service types funded under the DSA; the objective is to place individuals in open employment (often with training on the job, rather than before), and access to award wages, with support decreasing and then ceasing.
- DSA — Section 10 of the DSA provides financial assistance Section 10 for eligible services.

Section 13	–	‘Old’ services are funded under this section of the Act. The legislation will be amended to enable continuation of such services as ‘transition’ services, providing that they have demonstrated discernible effort to move towards accepted standards.
Entitlement service	–	(See Paras 1.21, 5.177.) Disability services are <i>not</i> entitlement services – that is, there is no right to a service in spite of meeting criteria; other services (e.g. age pension) are entitlement-based – if the criteria (including assets, income etc.) are met, an individual has a right to the pension.
Equity ratio (DEET)	–	A term describing the relationship between a group's representation in a category and its involvement in programs. In this context, if people with disabilities represent 10 per cent of persons on the CES register of unemployed people, their involvement in labour market programs, for example, should also be 10 per cent for the equity ratio to be met.
Generic (services)	–	Services which are directed to the community in general or to larger groups of individuals. In this context, services not designed specifically for people with disabilities.
Minimum Outcome Standards	–	Standards of service provision, including independence/ rights of employees/service users, occupational health and safety issues, expected of services for people with disabilities funded under the <i>Disability Services Act</i> . Originally to be signed by August 1990, these must now be accepted by services at 30 June 1992.
Open Employment	–	Employment in the community, including in factories, offices, small business and the public sector.
Reverse Integration	–	A process by which sheltered workshops work towards open employment, through employing people without disabilities in other than managerial positions. This practice, in conjunction with the provision of award conditions, assists in creating the atmosphere of open employment, with non-disabled workers often being a role model for employment practices.

Sheltered Employment — Work (full or part-time) in sheltered workshops. Workshops were established primarily by parents or non-profit organisations, and funded by the Commonwealth Government under the *HPAA* 1974. See Chapter 6; see also *Reverse Integration*.

Supported Employment — (See in particular Chapter 6.)
SE Employment (full or part-time) in the community, with support from services. Emphasis is on high levels of support for workers, which may continue indefinitely; work may be in open employment including smaller units with an open workplace, such as enclaves. Award wages may not be available without considerable support from services to maintain usual productivity levels; other wage arrangements have been developed.

The DHH&CS considers that people in supported employment would be unlikely to obtain award wages without ongoing, and often considerable, support.