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Senate Education and Employment Legislation Committee
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RE: SOCIAL SECURITY LEGISLATION AMENDMENT (FURTHER STRENGTHENING JOB SEEKER COMPLIANCE) BILL 2015

Children with Disability Australia (CDA) welcomes the opportunity to contribute to the *Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015* (the Bill). This submission will briefly discuss issues of relevance to young people with disability regarding the proposed Bill.

CDA is the national representative organisation for children and young people with disability aged 0–25 years. The organisation is primarily funded through the Department of Social Services (DSS) and is a not for profit, community based organisation. CDA’s vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

The importance of work in providing opportunities, facilitating community participation and supporting personal wellbeing is a firmly established value within the Australian community. This is reflected in the aim of the Australian Government to promote the right to work and support people to find meaningful employment.¹

Presently, young people in Australia face considerable challenges in securing employment. In September 2015, unemployment among young people aged 15–25 years was over double the total unemployment rate (12.9% and 6.2% respectively).² Further, a recent report by the Foundation for Young Australians found that young people are being adversely impacted by changes to the economy and labour markets.³

Young people with disability experience additional disadvantage in the area of employment. This is clearly reflected in available statistics:

- 38% of young people aged 15–24 years with disability either work, study, or do a combination of both on a full time basis compared to 56% of young people without disability;⁴

¹ Commonwealth of Australia 2015, *Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 Explanatory Memorandum*, Canberra, p. 42.

² Australian Bureau of Statistics 2015, *Labour Force Australia September 2015: Table 13. Labour force status for 15-24 year olds by Sex - Trend, Seasonally adjusted and Original*, Commonwealth of Australia, Canberra.

³ Foundation for Young Australians 2015, *The New Work Order: Ensuring young Australians have skills and experience for the jobs of the future, not the past*, Melbourne.

⁴ Australian Bureau of Statistics 2012, *Australian Social Trends*, Commonwealth of Australia, Canberra, viewed 17 March 2015, <http://goo.gl/u0oAlp>.

- 42% of young people with disability neither work nor study (there is no comparative data available for young people without disability);⁵
- 20% of young people with disability either work or study on a part time basis (there is no comparative data available for young people without disability);⁶
- People with disability in Australia are only half as likely to be employed as people without disability;⁷ and
- 45% of people with disability in Australia live in or near poverty.⁸

Young people with disability who experience unemployment or underemployment may be eligible for a range of income support payments, including the Disability Support Pension (DSP) and Youth Disability Supplement, as well as the Newstart Allowance, Youth Allowance or the Parenting Payment which are the focus of the Bill.

Key considerations regarding unemployment of young people with disability are discussed below, followed by comments about the Bill.

Education

CDA recently provided a lengthy submission to the Senate Inquiry into *Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support*.⁹ This submission extensively details the depth and breadth of disadvantage experienced by students with disability. A typical school experience for students with disability involves limited choice of school, discrimination, bullying, limited or no funding for support and resources, inadequately trained staff and a culture of low expectations. CDA is increasingly being informed of incidents of abuse which are too often seen as acceptable under the guise of necessary restrictive practices.

CDA strongly believes that the present education system is failing students with disability and is providing few opportunities to consolidate foundational skills to find and maintain employment. This creates significant barriers for students with disability in transitioning to further education and employment.

Post school transition

A further issue of concern is post school transition of students with disability. This refers to a time period and/or a process where a young person is able to access information and make choices about their future after leaving school. A copy of a report prepared by CDA about post school transition of students with disability is attached for the Committee's consideration (see Appendix A). This report is yet to be released and is provided in confidence.

Young people with disability have reported to CDA that their post school transition planning experiences have been highly unfair, unplanned and uncoordinated. CDA has found that information about available support, services and pathways for post school transition is usually very difficult to locate. Further, transition planning for students with disability is often limited or non-existent. Key activities, such as work placements or part-time employment are routinely denied to students with disability. Finally, low expectations and negative attitudes are resulting in narrow post school options being presented to young people with disability and families.

⁵ Australian Bureau of Statistics 2012, *Australian Social Trends*.

⁶ Ibid.

⁷ PricewaterhouseCoopers 2012, *Disability expectations: Investing in a better life, a stronger Australia*, Australia.

⁸ Ibid.

⁹ Submission 257.

The lack of information, planning and opportunities for learning and skill development provided to young people with disability during this important time of post school transition creates further barriers to accessing further education and employment.

Employment

Young people with disability also experience significant barriers and discrimination in accessing employment. A key issue reported to CDA relates to attitudes. Low expectations regarding the capacity and capabilities of people with disability from employers and the broader community can lead to assumptions that disability means inability to work or that hiring people with disability is burdensome. Further, there is a lack of coordination between services for young job seekers with disability and many supports have eligibility requirements that exclude large cohorts of young people. For example, Disability Employment Services do not provide assistance to students seeking part-time work.¹⁰

The following are direct experiences reported to CDA by young people with disability and families:

I feel stranded. I don't think I have a future – Young person.

I tried the employment services but they could not help me as they said I was too disabled – Young person.

I would like to do harder jobs. I like people to explain and be patient and sometimes I need to be shown things more than once – Young person.

You think the education system is bad, wait until the employment system! – Parent.

Comments on the Bill

The focus of the Bill is on compliance with job seeking activities recipients of participation payments are required to undertake, with measures to strengthen penalties for failures to undertake prescribed activities. However, it is the view of CDA that these measures do not take into account the significant and systemic barriers to employment experienced by young people with disability. It is therefore the view of CDA that the measures contained in the Bill are unfair and should not be implemented. Rather, focus on the systemic issues relating to education, post school transition and employment should be prioritised.

The Explanatory Memorandum for the Bill includes a Statement of Compatibility with Human Rights. It states that, while imposing limits on the right to social security and the right to an adequate standard of living, the Bill is “compatible with human rights because it promotes the right to work, and to the extent that it may limit human rights, the impact is for a legitimate objective, and is reasonable, necessary and proportionate.”

In addition to the rights cited in the Explanatory Memorandum, Australia is party to United Nations conventions which contain clear and comprehensive standards and obligations regarding the rights of children and young people with disability to enjoy equal access to education and employment.

Articles of relevance from the Convention on the Rights of the Child (CRC) are as follows:

State Parties are to:

¹⁰ Australian Government Department of Employment 2014, *Eligible School Leaver Guidelines*, Commonwealth of Australia, Canberra.

Article 23

Ensure that a child has “effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.”

Article 28

Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; make higher education accessible to all on the basis of capacity by every appropriate means; make educational and vocational information and guidance available and accessible to all children.

Article 29

Ensure “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.”

Articles of relevance from the Convention on the Rights of Persons with Disabilities (CRPD) are as follows.

Article 24

State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental rights and human diversity;*
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and*
- c. Enabling persons with disabilities to participate effectively in a free society.*

Article 27

State Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation.

Ensuring that these rights of young people with disability are upheld will require significant reform that focuses on improving and coordinating services, removing barriers and changing attitudes regarding disability. Broader reform is therefore required.

Thank you for the opportunity to contribute to this Inquiry and please do not hesitate to contact CDA if there are any questions regarding issues raised in this submission.

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