

National Caucus of Disability Consumer Organisations  
PO Box 771, Mawson ACT 2607

Monday, 24 September 2001

Elton Humphrey  
Community Affairs Legislation Committee  
Parliament House  
Canberra Act 2600

Dear Mr Humphrey

The National Caucus of Disability Consumer Organisations (Caucus) would like to submit this submission to the Senate Committee on Community Affairs Legislation Committee regarding the Disability Services Amendment (Improved Quality Assurance) Bill 2001.

The Caucus is a network of national consumer organisations which includes:

- Physical Disability Council of Australia
- National Ethnic Disability Alliance
- Deafness Forum of Australia
- Blind Citizens of Australia
- National Council on Intellectual Disability
- Head Injury Council of Australia
- Women With Disability Australia
- Indigenous Disability Network

Caucus has accepted the Committee's suggestion to provide pointed comments due to the restrictions imposed by the very short timetable. We have attached, where appropriate, detailed information as appendices to our submission.

We understand that the Committee may be providing time for a short public hearing. We would welcome the opportunity to present our views to the Committee and answer any questions.

Our submission aims to directly address the issue of employment rights as recommended by the Selection of Bills Committee:

"To consider whether this legislation will safeguard the basic employment rights of people with disabilities, and to examine the concerns with the level of standards of the draft set of key performance indicators, and in particular, the ability to address the current non-compliance; issues of the development of the QA system; and the issue of those people, primarily with an intellectual disability, who are employed under inappropriate employment terms and

conditions, in non-viable business enterprises, which result in poor wages and institutionalisation."

We thank you for the opportunity to address this serious issue to the Senate.

Yours sincerely

Niki Sheldon, Mara Pacers, Paul Cain  
Caucus Representatives  
Quality Assurance and Standards Working Party

**The National Caucus of Disability Consumer Organisations  
Senate Committee For Community Affairs Legislation Committee.  
Disability Services Amendment (Improved Quality Assurance) Bill  
2001.**

The National Caucus of Disability Consumer Organisations (Caucus) would like to submit this submission to the Senate Committee on Community Affairs Legislation Committee regarding the Disability Services Amendment (Improved Quality Assurance) Bill 2001.

The Disability Services Amendment (Improved Quality Assurance) Bill 2001 does not provide people with disability with a Quality Assurance system that will ensure compliance with the principles and objectives of the Disability Services Act 1986.

We are disappointed that the Government has chosen to misrepresent the degree of support for this Bill. From our direct experience as being members of the working party and of being co-presenters in the public consultations, we have observed that the government has obtained support on the strength of promises, none of which have been delivered in the Bill under discussion. The sector expressed support for the direction the government was taking, however, the major issues remain unresolved.

The unexpected haste in putting together the legislation and the combination of issues in the Disallowable Instrument has not allowed the sector to respond. As a sign of our increasing concern Caucus requested an interview with the Minister. A meeting was held with the Minister's advisor and our concerns were not addressed. At this or any subsequent time our questions and concerns were not addressed.

We cannot support the Bill unless it is amended to ensure that funding to employment services will ensure:

- the employment rights of people with disability,
- the integration and participation of people with disability in our community,
- and the need to ensure that government funding produces positive outcomes for people with disability

As it stands the proposed Bill provides for a valid QA structure, in terms of administration and independence, but will not address fundamental issues of current non-compliance with the principles and objectives of the Disability Service Act.

The Bill under section 5A (2) grants the Minister the power to approve key performance indicators to be applied in assessing whether standards have been observed. This provides the Minister with the ability to decide on the very detail that independent auditors will use to determine quality. This power is absolute and does not require approval of the community or the Parliament.

We have indicated to the Minister, and the Department of Family and Community Services, for a considerable length of time, that we have serious concerns about the capacity of the draft 'indicators' to address change and quality.

It is our conclusion that unless the key performance indicators address current and long standing non-compliance, the proposed QA system will give approval to employer and service practices that are in breach of the principles and objectives of the Disability Services Act.

We have provided detailed submissions on issues of non-compliance in our attachments.

To address our concerns about the Bill, we propose the following amendments and recommendations:

1. That the Senate Committee recommends that Section 5A of the Bill should be amended to require that the Minister present before parliament both the Standards and Key Performance Indicators as a 'disallowable instrument'. This will provide the community and the Parliament at least some capacity to review the regulations that will be used to determine quality and hence the funding of organisations.
2. That the Senate Committee acknowledge in its report that many thousands of people with intellectual disability who are recipients of Commonwealth employment assistance funding are employed under illegal and/or exploitative employment conditions.
3. That the Senate Committee acknowledge that many thousands of people with disability continue to be grouped together (congregation) in Sheltered Workshops (business services) in non-compliance with the integration object and objectives of the Disability Service Act 1986.
4. That the Senate Committee recommends that the practice of employment services placing people with disability in their own businesses, which are non-viable, is not a quality or positive employment outcome for people with disability.
5. That the Senate Committee recommends that the key performance indicators for Standard 9 (Employment Conditions) of the Disability Service Standards require that when it is necessary to determine rates of pay below the federal minimum wage that this be determined by the Supported Wage System. (As recommended by the Report of the Strategic Review of the Commonwealth Disability Services Program 1995)
6. That the Senate Committee recommends that the recommendations of the review of the Supported Wage System (SWS) to extend the SWS to business services be accepted and implemented by the Government.
7. That the Senate Committee recommends that the key performance indicators for Standard 5 (Integration and Participation) of the Disability Service Standards require

services to support people with disability in employment settings that provide opportunities for physical and social integration with people without disability.

8. That the Senate Committee recommends that the Commonwealth disability employment program develop a set of outcome indicators to evaluate the value and performance of the program and services. (As recommended by the Report of the Strategic Review of the Commonwealth Disability Services Program 1995)
9. That the Senate Committee recommend that Standard 8 (Service Management) of the Disability Service Standards include a requirement of services to report its performance of job placement, job durability, job satisfaction, wage rates, and inclusion in the workforce and community for people accessing their service. (As recommended by the Report of the Strategic Review of the Commonwealth Disability Services Program 1995)

The main issue is ensuring compliance from ALL agencies receiving Government funding. The Bill, with some amendments, does have the potential to effect the outcomes the Minister states she wants.

If the Bill is passed in its current format, there is no guarantee that anything beyond cosmetic appearances will change. As such, the National Caucus of Disability Consumer Organisations cannot support this Bill. We have already waited for 15 years for Government to enforce compliance to the Disability Service Standards.

Yours sincerely

Mara Pacers, Niki Sheldon, Paul Cain  
National Caucus of Disability Consumer Organisations