

Blind Citizens Australia

The Secretary
Community Affairs
Legislation Committee
Parliament House
CANBERRA ACT 2600

87 High Street Prahran
PO Box 229 Prahran
Victoria 3181 Australia
Telephone 03 9521 3433
Toll Free 1800 033 660
Facsimile 03 9521 3732
TTY 03 9521 1200
Email: bca@bca.org.au

24 September 2001

Dear Secretary

Senate Inquiry into the Disability Services Amendment (Improved Quality Assurance) Bill 2001



Blind Citizens Australia (BCA) is the peak national advocacy body representing the interests of the estimated 300,000 Australians who are blind or vision impaired. BCA is Australia's only national, member based blindness organisation.

We are deeply concerned that the public has been given such a short time to consider the important issues raised in this Bill. The short time frame means that our response is not as detailed as we would have wished.

The issue of safe and justly compensated employment is one that is very important for our members. Members working in sheltered employment have engaged in long struggles with the assistance of Blind Workers Unions to achieve safe working conditions and reasonable wages. For example, it took twelve years of industrial disputation for workers employed by RVIB Enterprises to gain an enterprise agreement which adequately protected them.

These experiences, and our knowledge gained from running employment related complaints under the **Disability Discrimination Act 1992**, form the basis of this submission to the **Senate Community Affairs Legislation Committee's Inquiry into the Disability Services Amendment (Improved Quality Assurance) Bill 2001**.

BCA joins the National Caucus of Disability Consumer Organisations in arguing that the Bill cannot be supported in its current form.

We consider that two amendments are necessary to ensure that the Bill provides a minimum level of protection to workers with disabilities who are at risk of exploitation.

Section 5A of the draft Bill does not require the Minister for Family and Community Services to present to Parliament, via regulation, information about

the key performance indicators that are proposed for each of the service standards. The current lack of public scrutiny of the performance indicators has resulted in situations where discrimination and exploitation of employees with disabilities has been allowed to continue. Loopholes in the indicators currently used for standard nine (employment conditions) have allowed employers to coerce employees with disabilities, particularly those with intellectual disabilities, into agreeing to poor employment conditions because of fear of reprisals. We are advised that employees without the capacity to bargain are negotiating employment contracts and agreements with insufficient support and advice from advocates.

Unless the key performance indicators address current and long standing non-compliance, the proposed quality assurance system will give approval to employer and service practices that are in breach of the principles and objectives of the Disability Services Act. It is essential that the key performance indicators be included with the service standards in a disallowable instrument.

In addition, BCA recommends that wages that are set at a rate below the federal minimum wage be determined through the Supported Wage System. This will assist to provide people with disabilities with a minimum level of protection against exploitation.

The second essential amendment required is for an independent complaints mechanism to be established to enforce the Disability Service Standards. The Government committed to such a mechanism in the Bill's Explanatory Memorandum saying:

The development and implementation of an independent, consumer complaint handling mechanism will also be an important component of the Commonwealth's quality strategy...

Despite this commitment, the Bill does not provide for the establishment of an external complaints body. This is a significant deficiency in the Bill. Our experience is that agencies' internal complaints mechanisms provide little protection or opportunity for redress for people with disabilities. A statutory complaints agency, similar to that in operation in New Zealand, should be introduced.

Thank you for considering these comments. Should you wish to discuss them further, or if you have any questions, please contact Ms Aileen McFadzean, National Advocacy Officer, or Ms Collette O'Neill, National Policy Officer, on 03 9521 3433.

Yours sincerely

Karen Knight
President