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Wednesday 16 November 2005

Christine McDonald
Acting Committee Secretary
Senate Community Affairs Legislation Committee
Parliament House
CANBERRA ACT 2600

By email: community.affairs.sen@aph.gov.au

Dear Ms McDonald

Employment and Workplace Relations Legislation Amendment (Welfare to Work and other Measures) Bill 2005
Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005

Thank you for inviting us to respond to the current inquiry on the above Bills.

The NSW Disability Discrimination Legal Centre (**DDLC**) is a non-profit community legal centre that provides free legal advice, representation and advocacy to people with disability and their associates regarding matters of disability discrimination in NSW.

DDLC expresses its disappointment that the restricted timeframe for contributing to the Senate Committee's inquiry has prevented us from preparing a more detailed submission.

DDLC is alarmed that the potential impact of these amending bills has not been adequately assessed with an appropriate consultation period to allow for public inquiry, contributions from experts and those who will be most affected by the amending bills, and independent research and data. In light of the current political climate dominated by the high profile issues of anti-terrorism and industrial relations legislation, DDLC is genuinely concerned that the significance of these amending bills is being overshadowed and not properly ventilated and understood by the community and interest groups.

Considering the detrimental implications of the amending bills on some of the most marginalised groups within the community, who already possess very limited opportunities to raise their concerns in the mainstream agenda and to have their rights acknowledged and observed – in particular, people with disability – DDLC considers that the amending bills should not be progressed by the Legislature until the issues and the real impact surrounding the amending bills have been fully, transparently and publicly debated.

DDLC refers to the 14 issues raised by the National Welfare Rights Network (that can be found at <http://www.welfarerights.org.au/index.htm>) that challenge the link between the proposed reforms and improved work opportunities for people on welfare. These 14 issues raise serious questions as to the ability of the amending bills to achieve their stated aims of encouraging more people into the workforce. Such questions have not been sufficiently answered by the Federal Government and we demand that they are before these amending bills proceed further.

DDLC questions the Federal Government's rationale that links restricting access to welfare for people with disability and increased participation in the workforce. From DDLC's experience and work with its clients throughout New South Wales, it is abundantly clear that the majority of people with disability have a desire to enter the workforce. It is an incredulous notion to think that people with disability deliberately avoid employment simply to benefit from the meagre disability support pension currently available. Put simply, this notion is both offensive and misplaced.

To restrict payments for people who are able to work a limited number of hours per week merely increases the financial pressure people with disability face in the open workforce. Considering the significant financial barriers that confront people with disability – such as transport costs, special equipment and auxiliary aid – reductions to and conditions placed upon the disability support pension will act as an additional barrier to finding work and simply to making ends meet.

Whilst it is commendable that the Federal Government has proposed increases in some areas of assistance, such as the mobility allowance, these proposals are an inherent recognition that to improve the participation and productivity of people with disability in the work force, adequate funding for resources and support is critical. Resources and support will not be improved by the proposed amending bills – there will remain a lack of adequate resources and support. The *real* consequences of this lack of resources and support is that genuine opportunities to find employment will be restricted by the financial limitations of being on a disability support pension that will then be cancelled upon making the effort to enter the workforce. Ultimately and counter-productively, this means that more people will be prevented from, or at least disincentived from, making the transition from welfare to work and the community will thereby face increased costs to the welfare system without encouraging the productive input of people with disability into the Australian economy. In this way both the recipients of disability support pensions and the community will be worse off from the amending bills.

DDLC fully endorses the submissions prepared by the National Welfare Rights Network that address the detail of the proposed changes.

DDLC would welcome the opportunity and adequate time to respond to the proposed amending bills and is disappointed and concerned that such opportunities have not been made available. Owing to the lack of time to prepare and DDLC's very limited resources, DDLC is not in a position to participate in the proposed public hearings, much to our disappointment. As we have discussed above, real and substantive improvements need to be made to these amending bills so that they both actually encourage people with disability to seek and gain employment, while providing adequate support during periods where this is not achievable, and strengthen the economy by seeing more people with disability valuably contributing in the Australian workforce.

Yours sincerely

[signed]

Ben Fogarty
Principal Solicitor
NSW Disability Discrimination Legal Centre