National Disability Forum

2014

Transcript

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# Welcome

THE HON SUSAN RYAN AO, AGE AND DISABILITY DISCRIMINATION COMMISSIONER, AUSTRALIAN HUMAN RIGHTS COMMISSION (AHRC):

Good morning friends.  I would ask everyone to take their seats now as we have reached 10 o'clock.  I think most of our invited guests are with us, there might be a couple more coming in. But, because we have a huge agenda and an important agenda for today I want without further ado to invite our President, Gillian Triggs to welcome you and set our discussion going.

PROFESSOR GILLIAN TRIGGS, PRESIDENT, AHRC:

Good morning everybody.  On behalf of all of my colleagues at the Australian Human Rights Commission, I very warmly welcome you to the National Disability Forum. I am very pleased to have the opportunity to see so many of you here today, including those with lived experience with disabilities, the peak advocacy organisations, employers and employee groups, human rights-based groups and voices giving their perspective from the unemployed, from Aboriginal and Torres Strait Islanders, from CALD, from mental health, from youth and aged Australians. Before I make just a few remarks as I may as President, may I ask the Gadigal Elder Aunty Norma Ingram to make a Welcome to Country.

AUNTY NORMA INGRAM:

[Greeting in language other than English] In my language, that is just hello.  My name is Norma Ingram, I am a Wiradjuri woman from central NSW, a little town called Cowra. I was born and raised on an Aboriginal Reserve under the Aboriginal Welfare Act, where our life was totally restricted. So today I'm very pleased that there have been major, major changes in these particular areas. Today I have been asked to come here to welcome you to traditional lands, to Aboriginal lands.

Today we are on the lands of the Gadigal peoples of the Eora nations bounded by the Hawkesbury to the north and the Nepean River to the west and the Georges River to the South.  Within that great nation of some 2200 different Aboriginal nations right across these ancient lands we have 29 smaller clan groups.  The traditional lands that we are on now is called the Gadigal.

The NSW Metropolitan Local Aboriginal Land Council and all Aboriginal Land Councils have statutory responsibility in NSW under the NSW Aboriginal Land Rights Act to care for country and to care for language and to care for our people.  As Aboriginal people we have custodial responsibilities and it’s always, always a pleasure and a privilege and a big responsibility for us to welcome you to Aboriginal country.  Welcome to Country has been practised for thousands of generations.  It gives you safe passage from one Aboriginal country to the next across those borders.  It is very special because it also acknowledges and pays respect to our relationship, our spiritual relationship to this land.  And it is important as Aboriginal art, song and dance as we know here in Australia and certainly internationally.  It is very important that we continue this wonderful protocol.

I'm also the chairperson of the Wyanga Aboriginal Elders Program in Redfern.  We have been running our program for ten years.  I know for a fact that the program has not only saved the lives of our Elders and extended the lives of our Elders but also have been given quality of life to our Elders.  We all need that wherever we are and who ever we are, we must be able to live a quality of life.  I also want to pay respect to our Elders, the Gadigal Elders whose traditional lands we are on now.  Our Elders right across this country, I want to pay respect to all the Aboriginal nations.  If there is anybody here from any of our Aboriginal nations, Mr Gooda, he is certainly from Western Australia, I acknowledge you and your traditional peoples and traditional lands.

For our Elders they play a very special role in society, in our culture, as they do in so many other cultures around the world.  They are the ones that have the knowledge and the experience.  But they also have a responsibility, we as elders also have a responsibility to nurture the next generations coming through because, you never know, we may next have an Aboriginal Prime Minister in the future, a premier in parliament, that is doctors, lawyers, the decision makers.  I just want to congratulate all of you for running this program.  It does take a lot of work to do that.  And it is very important that we share information and we share friendship.  You know I always say many of us are in a place where we have to make decisions.  And for me just make good decisions.  So welcome to Gadigal land.

Enjoy your day today, and as always, we have buildings on Gadigal land, we have tar and cement on Gadigal land, but always was always is and always will be Aboriginal land.  Enjoy your day.  Thank you.

GILLIAN TRIGGS:

Thank you Aunty Norma. I too here meeting at the Human Rights Commission would also like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders past and present, and I do hope we do see more of those younger Elders taking leadership positions in Australia as the years go by.

This is an important day for the Commission because consultation with all Australians is going to be vital in order to protect and promote the rights of those with disabilities because those consultations will inform our priorities over the coming months and years.  As you know, the Australian Human Rights Commission has many functions, including investigation and conciliation of over 20,000 inquiries and complaints a year.  These are among functions that include the formal inquiries in the current instance of children in detention in mandatory asylum detention, submissions to parliament are made by us regularly and we exercise advocacy across all the six commissioner portfolios, of race, sex, Aboriginal and Torres Strait Islanders, children, international human rights and of course age and disability.

But with limited resources I am sure that you all understand that we need to be sure we use those resources with the greatest effect.  Your views are therefore vital in helping us to target the most pressing issues with those facing disabilities.  I can think of no finer person to lead the Commission’s work in disabilities than the Honourable Susan Ryan.  She’ll now combine her very significant experience as a former member of a Labor Cabinet, but over the last three years in particular, on Age Discrimination with responsibility now for discrimination with regard to those with disabilities.

The primary aim is then to listen to your views and to develop our strategies based on those views.  Our work is particularly informed by our special role in conciliating disability discrimination complaints.  I mention this because the Commissioner is in a special and probably unique position to know the concerns of many within the Australia community.

Significantly, the largest category of inquiries and formal complaints arises from the disability sector and they concern, in particular, both general matters, HIV/AIDS, workers compensation, mental health, intellectual and learning disabilities, maltreatment and negligence.  37% of the formal complaints that we receive arise under the Disability Discrimination Act.  Pretty well double the number received in any other category of discrimination over which the Commission has jurisdiction.  And of these disability-based complaints 67% arise in the context of employment and the delivery of goods and services.

Such a preponderance of disability discrimination complaints clearly influences our choices and strategic directions.  Particularly to work much more closely with the business community and the corporate sector to ensure that systemic discrimination against those with disabilities is both recognised and eliminated.  Or to put it rather more positively, and I know Susan does, to ensure that a diverse workforce that includes those with disabilities will enrich and promote Australian productivity.

Today's agenda deals with two main areas. This morning, Susan is going to discuss the results of our online sector survey.  I mention this in particular because it is absolutely vital that the work that we do here at the Commission is evidence-based and Susan will explain that online sector survey as informing our work.  Commissioner Gooda will then chair our first panel comprising all of our Commissioners here at the Commission on how we will achieve a cross-Commission approach to our disability work in the future.  In the afternoon we will focus on employment and panels to include experts and cover all human rights aspects of disability concerns.  So I wish you well with your considerations with your advice to the Commission.

I would like now if I may, to introduce the Senator Zed Seselja, he is the chair of the Senate Community Affairs Committee and a member of the Parliamentary Joint Committee on the National Disability Scheme and will be of course pivotal as to the way in which that scheme works over the coming years.  Thank you very much for representing the Attorney-General the Honourable George Brandis who wasn't able to be here but we are absolutely delighted that you are here and we look forward to hearing your thoughts.  Thank you very much indeed.

# Opening with Senator Zed Seselja

SENATOR ZED SESELJA:

Thank you very much Professor Triggs, and thank you to Aunty Norma for the Welcome to Country. I am here today to officially launch the National Disability Forum on behalf of the Australian Government and the Attorney-General does send his apologies for not being able to attend today, he has a number of things to attend to, including, I think, meeting with the new ASIO Director General.

One of the first acts of Commissioner Ryan when she took on her new role as the Disability Discrimination Commissioner was to set up this forum to discuss key priorities and disability policy. As you know, Commissioner Ryan has a longstanding interest in the rights of people with a disability. She has also had a distinguished career as a parliamentarian and in the private, academic and non-government sectors.

One advance I would like to mention, the decision of the government to join the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled. The Marrakesh Treaty is the latest copyright treaty negotiated under the auspices of the World Intellectual Property Organisation. The main aim of the treaty is to set mandatory limitations and exceptions to copyright rules for the benefit of people who are blind, visually impaired and otherwise print disabled. It requires countries to introduce limitations and exceptions and national copyright law to permit the reproduction, distribution and availability of published works in accessible formats and to permit exchange of these works across borders.

The treaty will give those that are blind, visually impaired or otherwise print disabled greater access to works published in accessible format such as print, braille and audio. Increasing the accessibility of published works assists Australia to achieve one of the central outcomes of the National Disability Strategy, which is that people with disability live in accessible and well-designed communities with opportunity for full inclusion in social, economic, sporting and cultural life. Although actions like the signature of the Marrakesh Treaty don't capture large amounts of media attention, they are vitally important in moving towards a society where people with disability can participate on an equal basis with others, thereby enhancing their freedom of choice and opportunities in life. Indeed it wasn't so long ago that people thought of disability under the medical model rather than the social model.

Under the medical model, disability was seen as a health condition instead of resulting from a person’s interaction with physical, attitudinal, communication and social barriers. In contrast, the social model recognises that attitudes, practices and structures can limit people’s economic participation and social inclusion. These restrictions on participation and social inclusion are the result of attitudes, practices and structures, not the inevitable result of an individual's disability. The concept of the normalisation of opening up patterns of life and conditions and everyday living, which are close as possible to circumstances and ways of life was pursued by disability advocates such as Professor Wolfensberger.

A shift in thinking led to reforms such as the Disability Discrimination Act, which has been in place now for 22 years. The Commission showcased some of the achievements of the Disability Discrimination Act for its 20th anniversary in 2012. Some of the highlights include the case of Scarlett Finney, a landmark case that secured the right of school children with physical disability to access education. You may recall that in 1997, 6-year-old Scarlett Finney was rejected from enrolment at Hills Grammar School because of her disability, she has spina bifida. Scarlett’s case against the Hills Grammar School was the first real test of the federal Disability Discrimination Act in relation to school and education. The case helped to establish the principle that schools must make reasonable judgments for people with disability so they have an equal opportunity to learn. Today the Hills Grammar School leads the way in embracing children with disabilities.

Another key case concerned Dr John Burn who fought for captions on television, in theatres and cinemas, which led to movie distributers to collaborate on industry solutions. These achievements demonstrate the important role the Act plays in focusing on the disabilities and the value of collaboration in working through these issues.

We can’t forget the role of the disability standards made under the Disability Discrimination Act, which is so important for removing those everyday physical barriers that people with disability experience when participating in community life. The Transport Standards have been in place since 2002 and have been instrumental in ensuring that access to transport is consistently improved. The Access to Premises Standards were introduced more recently in 2010. These standards are crucial in improving the accessibility to the built environment.

Now, in the last few years, the landscape of disability policy has evolved further with the introduction of the National Disability Strategy. For the first time in Australia's history all governments are committed to a unified national approach to improving the lives of people with disability, their families and carers and to providing leadership for a community-wide shift in attitudes. The strategy is a ten-year national policy framework that sets out six priority areas for action to improve the lives of people with disability, their families and carers. Priority areas include inclusive and accessible communities, justice, economic security, support, learning and skills and health and well-being.

A significant area of policy action under the National Disability Strategy has been the development of the National Disability Insurance Scheme. The NDIS is the new way of providing individualised support for eligible people with permanent and significant disability. My colleague, Minister Fifield, has made it abundantly clear this government supports the full implementation of the scheme. As was mentioned earlier, I am pleased to be part of the bipartisan NDIS committee as it oversights the introduction of the NDIS. I think that committee is working particularly well and it’s working across the political divide and I think that that bipartisanship will help ensure the sustainability in the long term of the National Disability Insurance Scheme.

The philosophy behind the NDIS is to give people with disability greater choice and control over the supports that they receive and who provides those supports. The NDIS is based on a model of inclusion, of self-determination, of allowing individuals with disability freedom of choice. It will provide to eligible people a flexible and whole of life approach to the support needed to pursue their goals and aspirations and participate in daily life.

So here we are today assessing priorities and how to further entrench the social model of disability. The agenda that you have in front of you today focuses heavily on employment for people with disability. I agree with my colleague Minister Fifield when he emphasises the importance of having a job, it gives us a sense of worth, of feeling that we have a contribution to the community in which we live. NDIS is part of how some people with a disability will be supported into employment but it is only part of the picture.

We need to think about how we can change the negative attitudes that many people still have about employing someone with disability. We need to get people with a disability in the front door for a job interview in the first place. How we go about changing the attitudes of employing someone with a disability? How do we convince potential employers that employing someone with a disability is not a difficult proposition but something that will bring the benefits of diversity to their organisation.

Employers often have inaccurate assumptions about the type or level of reasonable adjustment needed to employ a person with a disability and potential costs of adjustment. Reasonable adjustment may include something as simple as adjustment to work-related communications or flexibility in work arrangements. Now you have been invited here today in recognition of your valuable experience in shaping disability policy to date and to use your experience to grapple with questions such as these.

A theme in the history of the Disability Rights Movement in Australia and around the world has been about voice. This means inclusion of the views of people with a lived experience of disability in the making of disability policy. This is often expressed neatly as "nothing about us without us". In this vein many of you in this room have been tirelessly pushing for disability for years. I know you are all saddened by the death of your fellow colleague Leslie Hall in October last year, I would like to acknowledge her work over nearly 40 years a tireless campaigner for the rights of people with disability in Australia and overseas. Like-wise the government respects your experience and your insights, with that I would like to formally declare the forum open, thank you very much.

# Setting the Scene: National Disability Forum

SUSAN RYAN:

On behalf of everyone here today I would like to thank Senator Seselja for that comprehensive and important statement of the government's thinking and action in relation to protecting the rights of people with disability. Senator Seselja, you are very welcome here today. We know that you are bringing with you the good wishes of the Attorney and of course of our particular minister Senator Fifield and we really appreciate the words that you have spoken and the understanding and appreciation you've displayed in terms of our mission, our shared mission here today, which is to protect the rights of people with disabilities and ensure that they have full inclusion and participation in our society.

I would like to thank you too as one former senator of the ACT to another senator of the ACT, I appreciate that, although everyone might not, the role of the senator of the ACT is very demanding one indeed, because of the composition of the population in the ACT, senior public servants, the defence force, universities and so on, you have an electorate where everybody else thinks that they can do your job better than you and they don't mind advising you. So it is a demanding role to represent our wonderful citizens of the ACT and I am delighted that you are doing it so well today. Thank you very much.

I also must repeat our thanks to Aunty Norma for her welcome of country and repeat Gillian Triggs' acknowledgement that we meet on Indigenous land and express my respect to elders past and present, and particularly to those like Commissioner Mick Gooda who have joined us here today.

The scene has been set by now so I won't go through the details again. As you understand I have met and pleased to say, quite a few of you here today I have already met you in my role as Disability Commissioner. I have been carrying out as many one-on-one meetings as possible and meeting with organisations as well and I will continue that round of personal consultations and meetings as many as time and practicalities make possible. I did think, however, it was important to have a range of people with disability or people who advocate for people with disability to come and meet with the Commission as a whole, as Gillian Triggs said, the Commission as a whole is committed to the rights of people with a disability. We will work today as a Commission team, if you like, to pursue those rights, defend those rights and advocate for improvements.

For that reason we are now going to have a session with all of the Commissioners who will come to the front of the room so that everybody can see them and Commissioner Gooda, our Indigenous and Social Justice Commissioner will explain to you how we are going to work in cooperation in the area of providing better and I think continuing efforts in the work of people with disability. Just before I invite Mick and my colleagues will come up, I will ask Penny Gerstle to come up and explain the housekeeping arrangements for today.

PENNY GERSTLE, AHRC:

Ladies and gentlemen, a few housekeeping points today. We are using live captioning; our lovely Auslan interpreters and we have a hearing loop in action. If anybody would like to use or make is use any of those and they are not in the first few rows and would like to be, please make your way down to the reserve seats in the first two rows. Accessible bathrooms and the gentlemen’s bathrooms are out past the lifts on the left. The ladies are straight out the door first right. We will be providing morning tea, afternoon tea and lunch and they will take place out here in the common area. There will be regular breaks between our sessions so if you would like to stretch your legs or make use of the bathrooms. Myself, Jacqui and other of the staff are willing to help you in any way you need so please approach us. Thank you.

SUSAN RYAN:

I will be making a big thanks at the end of what I hope will be a productive day. I have to point out the Penny Gerstle and Jacqui Au have done an enormous amount of work, night-times and weekends to ensure that the arrangements today are as good as they possibly can be to facilitate our discussion. I would like to invite all of my colleagues to sit up the front and Mick will explain how we are going to work together and we will be here to take your input and suggestions.

# Panel and Discussion: Role of the Commission

MICK GOODA, ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL JUSTICE COMMISSIONER, AHRC:

Thank you Susan. For people that don't know me, I am Mick Gooda, the Aboriginal and Torres Strait Islander Social Justice Commissioner. I'm in my fifth year of appointment, so I tell everyone when I started it seemed a long time - five years seemed a long time. It has almost gone in an instant and I am actually about four months away from the end of my term. So it is appropriate that I acknowledge everyone in the room who helped me through this four nearly five years.

My job is really to introduce all of the Commissioners. If I can start down the end: Dr Tim Soutphommasane, Race Discrimination Commissioner. Megan Mitchell, the National Children's Commissioner. Tim Wilson, Human Rights Commissioner. Elizabeth Broderick, Sex Discrimination Commissioner. Professor Gillian Triggs, President, and of course the Honourable Susan Ryan, Age Discrimination Commissioner and Acting Disability Discrimination Commissioner.

Just a bit of history of the Human Rights Commission to start with. It was established in 1986. Along with it three full-time commissioners were appointed. A Human Rights Commissioner, a Race Discrimination Commissioner and Sex Discrimination Commissioner. At that time, Gillian, I don't know how they coped but the President was part-time. With an expanded complaints handling role and a major focus on research and education, the Commission replaced a previous Human Rights Commission which had operated essentially as a part-time body since 1981. The Commission was given some statutory responsibilities under the following laws: the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, the Disability Discrimination Act 1992 and the Human Rights and Equal Opportunity Commission Act 1986 which allows a Commission to receive complaints and monitor Australia's performance under the International Human Rights Standards.

As I constantly point out to people, the Human Rights Commission doesn't make this up as we go. What we are tasked with in the international areas is to make sure Australia maintains the standards to which it makes, not a mandatory obligation, but a voluntary obligation in our big six treaties, things like the Convention on the Elimination of All Forms of Racial Discrimination, the treaties on women and children, they are the standards that we are asked to uphold. Really importantly, I point out all the time each of the Commissioners you see are appointed by the Governor-General. I don’t say that to ignote ourselves but I think it is a really important difference to make in that we are not responsible to a party, a government or a minister or a department. Our line of responsibility is to parliament. The body that makes the laws that guide us in the work that we do.

So I think I was up in the Northern Territory last week with Megan, we were doing a series of roundtables on self-harm and suicide with children, and we actually discussed the role of Commissioners over a cup of tea and we talked about the honour that we have to take up a position like this and how seriously each Commissioner takes that honour. And of course that independence. To be able to criticise government at times is not – well some people would wish for that - it is not an easy burden to bear because it is something that the public looks to us for, for the consistency, the steady hand. You probably look at us and think that we are not given to outbursts, because I don't think that the public wants. The public wants us to keep on pointing out the standards that should apply across all of those areas. I think my colleagues fulfil those responsibilities admirably.

The position of the Disability Discrimination Commissioner was established alongside the introduction of the Disability Discrimination Act in 1992. Elizabeth Hastings was the first Commissioner who began in December ‘92 and finished in ‘97. The next year was Acting Commissioner Chris Sidoti in ’98. Susan Halliday in ’99. Sev Ozdowski from 2000 to 2005. Of course, our dear colleague Graeme Innes who was appointed in December 2005 and finished this year.

As I came into this position we were going through a change of attitude in the Commission. I think years ago it was safe to say Commissioners acted in some ways like a silo situation where each of us looked after our own areas. Sometimes to the exclusion of others. The Commission is now more collegiate. It’s in our Act that we have to act collegiately. None of us actually think it is our job to stay exclusive to the areas to which we have been given that responsibility. For instance, when I take my friend Susan Ryan out to remote Australia, I like to think about Susan actually representing older Aboriginal people, our Elders. That’s not only my responsibility. Susan takes that role seriously.

As with Elizabeth Broderick, we constantly talk about the status of Aboriginal women in this country and whether it is incarceration – let me tell you, the rate of incarceration in Aboriginal affairs is going through the roof particularly with women, the amount of violence against Aboriginal women is appalling - Liz and I are going to get really bolchy about this shortly. I think we’ve got to get some really strong messages out. We talk about how Indigenous women are treated in this country. Just a little bit of PR - not PR, but just what we face in this world - Liz I talked about recently about the Northern Territory and how we have to be really, like I say, bolchy about violence against women.

Graeme and I talked about how that multiplies when you add disability into that. You look at the amount of violence against women with disability add Indigenous women into that and you start to get a picture of the compounding effect that just creates awful situations. In the Northern Territory in 2009-2010, 39 non-Indigenous women were hospitalised for domestic violence. For our mob it was something like 850. So you understand why Liz and I have those relationships.

Similarly, with Tim Soutphommasane, the effect of racism in this country around Aboriginal people is really intense.

Recently I took Tim Wilson on one of my adventures through the Kimberley talking about things like property rights for the Aboriginal and Torres Strait Islanders, resulting with the people in Broome and how they recently got Native Title and they became land holders and all of a sudden the shire starts treating them differently. I think the great thing about Tim coming into that role is he doesn't come with the baggage of people who have gone through the process with Native Title, he just sees it as people exercise property rights because that is what they have got. So I’m looking forward to somewhere down the track Tim and I are going to co-author a paper on property rights as it relates to Aboriginal and Torres Strait Islander People.

So that is the way the Commission has been operating for quite some time. There are no silos. We all feel free, if you know any of us personally, we are not shrinking violets and we will have a say about other people's area internally and of course we respect the responsibility of other Commissioners to speak on particular issues. I just wanted to set the scene for that and throw it open for some discussion about how we go about what we do and the last thing that I will say, I thank each Commissioner as they come into this job learns fairly quickly - I say this all the time and when I first started the week before I was coming into this position I started to get really scared because I didn't have a plan. I didn't have a five-year plan of what I wanted to achieve while I’m in this position.

I kept saying pretty bland things like "If I can contribute life to making things better for the Aboriginal and Torres Strait Islander in this country I would have achieved something". Then when I got my feet under the desk I realised fairly quickly it would be absolutely arrogant of any of us, well me in particular to come in and think that I know everything that is going to be - with a really well thought out plan. So what we do is we go and do what Liz did, that was a listening tour. Mainly our job is to listen, we are not here to tell people about things. We are actually here to listen and to interpret that and advocate those positions back to the government, businesses and the local community. So we are here to listen, that is the theme for us today. We are open to any questions, comments, it is my job to facilitate this for the next 15 minutes. So any questions? Any comments? We have got microphones and could you just identify yourselves please.

GRACE FAVA, FOUNDER, AUTISM ADVISORY AND SUPPORT SERVICE:

Yes, good morning. My name is Grace Fava, I’m President of Autism Advisory and Support Service and also proud mother of two little boys with autism. Please forgive me, I’m without coffee here this morning so might be a little bit grumpy. On your comment that we are here to listen, we have a number of issues working with clients that have been discriminated on in every possible way. If I am to come to yourselves, what can you do for us? Advocacy is one thing and I can do that, but we need government to change policy. How can you help us to do that? Change policy in a positive way. Not just to say "okay, yes, we are going to adhere by Disability Discrimination Act but actually go through with it in a meaningful way. How can you help us do that?

GILLIAN TRIGGS:

There are many areas of course to the role of the Commission as facilitators. One area that I spoke about briefly when I began this morning is through our complaints process. In other words, if you feel that your child or other aspects of the disability community has a concern about the extent to which they are being discriminated against within the terms of the Disability Act then it is important that you come to the Commission. One of the things that I am very proud about in the Commission is the access to social justice that is achieved through the complaints process. That probably takes up about a third of our work. Without any cost to the community directly or indeed to a person or entity complained against, you can come to the Commission and we will investigate the facts, look at the law and make some form of determination.

We do successfully conciliate about half of the complaints and others we take up with government departments or with business. What I would suggest, one way that we can best suited to help you, is for you to bring a complaint, and that is very easy, you pick up the phone, we have got a lot of people manning the phones eight hours a day at least and we can follow those up. There is not a lot of paperwork on your part, we can pick it up and we can start to tease out exactly where the failure to comply with the regulations arises and usually to conciliate that with the relevant organisation. That is a key way we can achieve the outcomes.

In terms of policy, that comes down to advocacy and working with parliament. As Graeme quite correctly says, our line of sight is parliament and it is very effective to be moving directly to your parliamentary representatives and we are happy to play a role in that.

MICK GOODA:

For me particularly, thinking about complaints, it leads us in a particular way. While Commissioners don't have a hands-on role in complaints we certainly consolidate information. For instance, a couple of years ago we got a spate of complaints with a particular state about police. It then gives us the trigger to go and say "Hang on, I need to go and find out what is happening in that state". The complaint process is really important in a whole range of ways. Us working at a strategic level it’s really important that we get that information. I made a point of not getting up here and whinging about the lack of resources but we need people like yourselves to tell us about the issues that we need to confront. Like one of the big issues Graeme and I worked on together was raised by a journo in WA, an Aboriginal fellow who had spent ten-and-a-half years in gaol, he had a cognitive disability and he had been found guilty of nothing. It prompted Graeme to have inquiries of access to justice for people with disability. So there’s all these ways that start to trigger some way of us advocating.

TIM WILSON, HUMAN RIGHTS COMMISSIONER, AHRC:

The only other thing I would add, we also have a cultural power, particularly when we are dealing with a lot of the issues around different types of discrimination, it is often about disability and visibility to make sure it is part of the national discussion of things to be tackled with. Susan is doing a good job with her other hat on, the ‘Power of Oldness’ campaign. Liz has got her ‘Below the Line’ campaign tackling issues around sex discrimination. Tim has the ‘Racism it Stops with Me’ campaign. I’m looking at similar things in the human rights space. Visibility is a very important part in terms of making sure that things are on the political agenda and they are being reflected in that and the Commission plays a very important role in doing that as well.

MICK GOODA:

Any other questions?

MEGAN MITCHELL, NATIONAL CHILDRENS COMMISSIONER, AHRC:

I just wanted to say, one of the things that we can do is amplify people's voices. From my perspective that is the children's voices. Complaints is one way to do that but I think it is really important to ensure that voices are heard because people who are discriminated against are often silenced. So this is about getting peoples voices out here and also collecting evidence about what can be done differently, what laws are actually working against the rights of children. In my case the adults with disabilities too. That is part of our job too. The other thing that Mike and I have which is both a benefit and a challenge for us is that each year what we are required to put a report to parliament. In that we are required to outline what the issues are in terms of breaches of rights. So there is another opportunity to get voices and issues under the microscope of parliament.

PHILIP ENDERSBEE, EXECUTIVE CHAIRMAN, WILDERNESS WEAR AUSTRALIA:

Philip Endersbee is my name. I'm a manufacturer, I'm an employer and we are involved in the textile industry. I have written to Susan. One of the things that I think the Human Rights Commission can do is that in the workplace we don't value as we should social inclusion. If one has a look at the government procurement guidelines here in Australia from a Federal Government, there is nothing in the tender process for procurement that has anything to do with an employer who has people with a disability, offers programs for the long term unemployed, whatever any one of those social inclusions thinks that we want to have that is valued.

As a consequence, what we are now finding is that time after time things that the government needs are being outsourced offshore. We have this very silly concept in Australia which is called value for money. Now my comment there is if you look at what happened in government and within the legislation in the UK when they did their survey social inclusion was worth 30%. My comment is at some point we need to address this because there is nothing that we really do in Australia that we probably couldn't outsource offshore cheaper and probably a better quality. At some point we need to say "How do we encourage employers to take on people with a disability?" and then how do we then reflect that in policy to make sure that that is valued when people are making an assessment in placing a service or a protect.

SUSAN RYAN:

I’ll take that one because this is the first time that I have met Mr Endersbee in person but we have been corresponding on the issue of procurement. I think you raise a very big issue and perhaps it’s just as well that Senator Seselja is here at the moment to hear about it because the Commonwealth as a purchaser of goods and services is huge and spends billions per year. It is has already been put to me and I have acted on this by a representative of blind and visually impaired people that the Government's tendering process should include access ability when it tenders for IT. I have already started having discussions with Senator Fifield and with others about that and it may well be that we will make progress there.

That is specifically saying that any business that tenders for a big contract with the Commonwealth should make sure that their products and services are accessible, particularly IT, as we can see the benefit of accessible IT here in the way that we are conducting this meeting. The broader issue of recognising what companies that tender to do in terms of their social responsibility, recognising where they stand in terms of their own employment of people with disabilities or other groups, I think that is something that we could discuss. We know that in terms of gender equality, we have been looking to tendering processes to require firms to report at least on how they perform in terms of employment of women and men. So I think it is a new topic as far as I'm aware. But I think it is probably one for discussion and it would certainly be one for discussion with parliament and government representatives. Let's say that we will put that one on the agenda for further discussion and thank you for raising it.

ELIZABETH BRODERICK, SEX DISCRIMINATION COMMISSIONER, AHRC:

I think that there is a lot of thing to learn from gender and building inclusive cultures. There are two things: one is about diversity, which is about having a diversity of individuals, diversity of thought, diversity of lived experience and people with disability is an absolute critical part of diversity. But it is also about inclusion. It is important that everyone's views are accepted. Everyone's views are actually put forward. Everyone has a voice and is valued in the organisation.

This is one of the things that we have done a lot of work on, starting with the great work that Susan did on really ensuring that women have the same visibility in the organisation as men and I think that needs to extend out to other people, including people with disability. We have Stephen Sedgwick coming in this afternoon in a panel that I am facilitating and I think we will be very interested to be hearing from him about what the government is doing with people with disabilities. Because as I always like to say, human rights starts at home so what are we as a large employer, the government, and what are we as the Human Rights Commission as an organisation, doing to ensure that people with disability has the same employment opportunity as others.

MICK GOODA:

The other thing worth looking at, look at what is happening in the Aboriginal field around employment and tendering. Look to us as almost breaking the ground on it. Look at the Supply Nation, it is an organisation supported by government, Liz is on the board of Supply Nation. It goes to tendering, it doesn't have to be the lowest tender, but they have got to have organisations to get extra points for having an Aboriginal employment plan. If the bar is set there, let's try to reach with it everyone whether it is women or people with disability. I don't know how many organisations here have reconciliation action plans. Again, there are 500 organisations in Australia with these, and we are constantly poll and we do a reconciliation barometer.

I recently did a speech and had to research this, but there was something like because of organisations having these wraps and I think that you can extend these things out to all of these fields, organisations with wraps have 20 percentage points higher than the general population around trust between Aboriginal people than the rest of the population about knowledge, about values. I like to say look at us for some of the good things that are happening in Aboriginal affairs; diversity, Liz and I are constantly talking about things that we have in common about the problems in employment for Aboriginal people and women. That is the benefit of cross-fertilisation across the different areas. Gillian.

GILLIAN TRIGGS:

Thank you for emphasising the cross-Commission approach to the way in which we will be working with Susan. Across the various areas we will be taking a much stronger role in relation to disability. For my part, for example, in relation to asylum seekers who are also disabled is another particular element and also the international work that we do on disability. But what I wanted to say in response to Philip Endersbee’s point and the other points, and thank you for the question, as I said earlier it is absolutely vital to the work that we do that we get our facts right. Everything we do is research-based. It is not anecdotal; it is not a left wing conspiracy from the UN. It is something that is hard law that is actually binding on us as part of the international environment.

My key point here is that I would like to see business working a little more closely in showing the business case, that diversity in the broader sense that all of my colleagues will agree with, but in particular diversity in relation to disability, has very positive outcomes in terms of productivity and general enrichment. I know that Susan has been collecting some of this research which is happening globally, but if we could see more Australian businesses stand-up "We have kept an eye on what we have been doing in increasing diversity and we can tell you that these are the outcomes". If we had more of those stories, that would be very helpful. Although obviously the Human Rights Commission comes from a human rights legal perspective, the business case makes a big difference to the way in which we interact with that community. So your assistance in this area would be very helpful. Thank you.

MICK GOODA:

I might take the last question.

MARY MULLET, DISABILITY NETWORK AUSTRALIA:

My name is Mary Mullet from the Disability Network Australia. We are the peak body for the disability advocacy organisations, they are all throughout the country, they are in Launceston, Alice Springs and Cairns and Perth and Canberra and Wagga Wagga. They are tiny organisations, some with Commonwealth funding some with State and Territory funding. Those advocates are the ones trying to do this stuff on the ground, everyone, everywhere, every day. It is a fantastic opportunity to see and hear all the c\ommissioners today.

When you first said to ask some questions, I couldn't think of a question because the gulf between happens on the ground and the Commission is so enormous. The people who our advocated work with are in institutions, people who have cognitive impairments, intellectual disability, acquired brain injury, enormous communication needs, it is the reason they are not here today, these are people who are in poverty who are not… Megan mentioned about getting people's voices through. It’s almost mind boggling to me how we bridge that gulf between the lives that these people live and the significant human rights breaches that they have to put up with every day, it is hidden and they are invisible, it is not seen. Few of those issues get to the Commission. I want all of us to think about how do we do that? How do we get those voices and those issues made more visible?

MEGAN MITCHELL:

I have a strong background in disability policy and programs going back through the 80s and 90s all through the beginning of the DDA as a little medium level public servant down in Canberra so I know exactly what you are talking about. But I do think that one of our jobs is to get out and talk to yourselves and to the people that you are working for and with and I am certainly making every effort that I can to get to every place where children are, including children with disabilities and to get their voices into my head and on to pages and into policy advice. That is certainly a goal of mine and I think it would be probably for all of my colleagues. But we do need your help because I do think that a lot of people - they are the most voiceless, the most silenced. They have people service them and do things to them and they are a very disenfranchised group in the world and I think we need to understand that and be able to tell their stories. It would be really helpful for us to partner with you in that.

SUSAN RYAN:

I understand what you are saying about the gap between the circumstances of a person with disability who is struggling who doesn't have a voice, who is a long way away from us sitting in the Commission assisted by technology, with very, very capable people all around able to discuss these issues. But I am also a person who believes in our democratic processes. I think every person, regardless of their circumstances should be able to have a say and we should be able to hear that one way or the other. Be it to advocates like yourself, be it by people getting them to assist in sending an email message. Whatever the circumstances are, we are available, we are accessible one way or the other.

We can't physically go to every place in Australia where there is a person struggling in the way that you have described. But we can be available to inform ourselves and then as Mick says, when you start a pattern of issues coming in, be it from a particular area or a particular institution or a particular state, then we can marshal our forces and go and take more targeted advocacy action. We always engage with our parliamentarians because we are very well aware of the very deep and broad commitment that there is in our parliament to advancing the rights of people with disability. So although it seems a big gap, I think that there are many little strands that we can set up to bring those person's circumstances together with what we might be able to do to improve their situation.

MICK GOODA:

I think that all Commissioners feel the frustration of not being able to look at every incident that comes up. I tell people - I sometimes fold up in the foetal position under the doona when faced with a magnitude of problems that I am faced with. You are sitting beside Damian Griffis, Damian keeps me honest around the disability issues and I think that those connections are really important, that if you can get on a phone and ring someone from an advocacy perspective. Sometimes it might be about a particular issue as Susan said. This is the importance of these forums such as this, where we can actually make a personal connection, so someone can get on the phone and ring someone when this has happened. I think if you sit in our shoes for a while, the frustration that we feel without the resources to look after everyone that comes to our attention. We have a different role to advocate at a national level but we can't do that without the information and the stories that you tell us to make that happen.

TIM WILSON:

Following on from Megan's point I have responsibility for the sexual orientation and gender identity issues at the Commission as well and I can understand your frustration in part because we are going through similar challenges being faced with people who are transgendered in Australia and some of that also overlays with issues around disability and as a consequence we are drawing a national map, I guess you would call it, of the issues that are faced to break them down into digestible parts. To really build on Megan’s point, our job is to drive systemic policy changes, using details, case studies and evidence from individuals that inform that process and also because of the distance both physical as well as in theory distance between those who make those decision-making powers and the experience of what is happening in Bundaberg or Broome or anywhere else in the country, it really needs to be put down in hard copy and transcribed by us so it can be made accessible for the community, for politicians and for the policy makers.

TODD WRIGHT, PRESIDENT, DEAF AUSTRALIA:

Hi I am Todd Wright and I am President from Deaf Australia. Unfortunately I have a difficult question to ask, I know it is almost getting up to morning tea. I am pleased to hear that the Commission is reporting to the Government and asking the Government things but I am just wondering about the funding for the Commission. This year it has shown the possible opportunity for indirect influence from the Government on the Commission through what happens with the Disability Commissioner's role as we have seen. I want to ask if there have there been any recommendations to make changes to that losing the role for the Disability Commissioner and having an independent voice from an outside influence?

GILLIAN TRIGGS:

Thank you very much for the question and in a way it is the question that I knew was out there. Thank you for doing it as courteously as you have done. I think that I have to say of course we were disappointed that Graeme Innes or a person was not appointed full-time to his position. It has been a big achievement for the disability sector to have a single commissioner in the area of disability and I can assure you that all of us urged a reappointment of a full time Disability Commissioner. However, the Attorney-General has made it very clear that he wanted to take a much broader cross-commissioner approach to our portfolios so that we were not too siloed in what he believes is a more balanced way and that we used our resources in what he believes is a more balanced way.

I am putting his view, but his view is that we have a very strong influence on anti-discrimination but it was also important that we look at core rights of freedom. So the Attorney has been very clear both before the election and after that that was the balance that he wanted to achieve. We had to do that within a certain budgetary framework so there was going to be no more money. No agencies received more money and we are among them. We have had to accept budgetary cuts as every other government agency has had to accept them. I think it is fair to say that the Attorney has stood up for us in Cabinet, we have emerged from this budgetary process in a relatively healthy position.

We have lost approximately $1 million this year, but we have retained our core funding and we have also retained some very significant funding from DFAT for the international aspects of our work. It is not ideal. I would like not to have lost any of that money, but we have lost some but we have emerged in a way that the Commission continues to be strong. You can see the range of six Commissioners and my role as President and about 130 in all staff. So I think in the current political climate we have done reasonably well and of course the government has a democratic right to reconsider some of the traditional roles of the Commission.

What that has meant is that the Attorney decided that he would like to roll the two positions together of Age and Disability. I cannot think of a finer person in Australia to carry this double burden, Susan with enormous grace, with her own full program for the next two years of her appointment - she does what all of us would do, to say that we have a certain amount of time left what are we going to do in that time to be productive? And Susan had that all mapped out. She with grace accepted from the Attorney to have that position doubled that up. It’s not what we wanted and it’s not what Susan wanted but I have to say we have emerged from this process relevantly well and the way we want to respond to this is for Susan of course to take the leadership role in this.

But that each of us, Liz, as she said, has an enormous background of learning from that gender area how that can be used to achieve better outcomes for gender equality including those with disabilities. Tim with sexual orientation and Megan with her very helpful and productive work over the last year of her appointment and making direct appointments, and Tim Soutphommasane in the area of race and of course Mick. We have talked about this as Commissioners, so what we have done, we are taking a whole of a Commission approach and each of us will pick up disabilities in the ways that makes the most sense for each of us. We are learning from Susan, we are learning from the work that Graeme had done and for each of our specialisations.

While I don't want to put a pan-gloss view to this, but I am enormously optimistic about the future of the Commission. We command respect in Canberra. Parliamentarians do listen to us and that is where we report and people do listen to what we have to say. It is not what we want to have a year ago but it is consistent with the Government's statements and I can't think of a better person to lead it, although we will now take a very strong cross-Commission approach and we will use whatever budgetary capacities that we have got to build into Susan's work and to make sure that we get outcomes that are really positive for the disability sector, particularly as we move into the business corporate sector and the delivery of goods and services. Perhaps I can say to you, bear with us, help us, because this is the environment that we are in. I think with this team led by Susan we will get some good outcomes. Thank you very much.

MICK GOODA:

The last question.

MARK PATTISON, INCLUSION AUSTRALIA:

I’m Mark Pattison from Inclusion Australia, formerly National Council on Intellectual Disability. I am not too sure about people with a disability being a burden but anyway. My expectation is that the Commission be more proactive. I have two questions. The first question is when the decision was made to axe one Commissioner, did you make any representation to Senator Brandis about the DDA or people with disability coming under the Human Rights Commissioner instead of the Age Commissioner?

There has been a long history of Age and Disability being two conflated together. The best example and the most visible one would be young people with disability in nursing homes and the difficulty in separating the needs of the two groups. I would have thought it would be better and that people with a disability would be more accepting if it had been placed under the Human Rights Commissioner rather than the Age Commissioner and the difficulties that go with that. That would enable the Commission to make a much more powerful statement about people with disability and their role within the community.

In regard to the statements about making complaints, one of the annoyances that I have had with the Commission over some years, and particularly with Graeme, is the fact that the Commission never appeared, and I acknowledge it as an appearance, never appeared to be proactive on a number of issues and relied upon complaints or relied upon people standing up, whether it is advocacy organisations or individuals. The example we have at the moment is that the Commission has granted a 12 month exemption to the Commonwealth and they were supposed to have quarterly reports.

The first quarterly report on my reading of it was abysmal. So has the Commission given any consideration to rescinding the exemption given the non-report by the Commonwealth? Again it is about the Commission standing up and making bold statements as it affects 10,000 people. So it is not a small group of people, it is quite a large group of people and it is about holding people accountable, both the Commonwealth, in terms of talking to politicians and the parliamentarians but it is also about making a clear statement to people with disability and it is about setting that example or setting those very clear guidelines.

GILLIAN TRIGGS:

You asked a question about the Attorney. I made as strong an appeal as possible to the Attorney for the appointment of a single portfolio on disability rights and for a Disability Commissioner. The Attorney did not accept that advice. In his view the better linkage was with Age. That is a judgment that he makes as a politician.

MARK PATTISON:

My question is; I understand that, that was fine, that was clear. But, did you go back to him saying "A better mix would be Human Rights"?

GILLIAN TRIGGS:

I did in fact suggest to him that it might be something that we would be willing to take on as a cross-Commission issue, whether it went under the Human Rights Commissioner or me as President. These were both options that I did positively put to the Attorney that I would be prepared to take it over myself, but also that the Human Rights Commissioner might be an appropriate place. They were rejected as proposals. I think it is very fair to say that we did everything that we could to make that point.

It was a very major achievement to have got a single commissioner on disabilities and we thought a retrograde step at the time. Now we have to live with the political environment which we are in and to accept that this was decision of the Attorney and backed by cabinet and the Prime Minister. We must respect that and we must work with the environment we are in. As for the decision in relation to BSWAT, as you may know as President I made that decision and I made it based on the Federal Court determination some year or so earlier. I will certainly take up your point that the reports are disappointing, if that is the case. I will look at them and see what initiative we can make to Government about that.

MARK PATTISON:

Don't you think that the report is disappointing? The first reporting. Don't you think the first quarter reporting is disappointing?

GILLIAN TRIGGS:

I don't want to make a comment about that but I will certainly look at it and consider it and maybe get back to you personally as to the way we think we need to respond. I will certainly raise this with the Minister.

MARK PATTISON:

Could I ask the Disability Commissioner if she thinks it is disappointing?

SUSAN RYAN:

I have looked at it, I have discussed the issue with the experts in the Commission. The matter has gone to the AAT for further consideration and I think we should await the outcome of that. But remember it was a 12-month exemption and those 12 months are moving along. I think we should be putting our thoughts to the future and whether the employers are going to be in the position to transfer to a more acceptable tool for assessing wages in that time. I can understand you are expressing great frustration about this and other matters. We have a set of decisions from the Government that have been made, they are in place. We will do the best we can.

I think that we will get some runs on the board under these arrangements. I, myself, in my discussions with the Attorney when I tried to persuade him that a better decision would be to go to a full-time appointment, I said well "You know what my view is" and he said "Yes, I do." . I said “Look I’ll do my best, I will make it work as best I can”. But my appointment as Commissioner now, Disability Commissioner, is for 12 months. I think you and other people who have your views have 12 months to really get up a case and put it to the government for, at the end of the that 12 months, what is going to happen then? I think it is in a way over to the sector.

The Commission made its views known. The decision is properly one for the Attorney and cabinet and executive council to make, we can't unmake it. But at the end of 12 months a different decision could be made and I really would like a person of your energy and awareness of all these issues to think about what should happen at the end of 12 months and, indeed, to think about how ready employers of people with intellectual disability and others will be, how fit they will be to move to the preferred tool at the end of the 12 months, because we know things can be better than they are. I think that we are all dedicated to that objective, to making things better than they are.

MARK PATTISON:

With respect, I take your point about approaching the Attorney-General and we shall go and bother him. In terms of the BSWAT though, this again goes back to the productive part of the Commission, the Commission said that you have a 12 months exemption and then the Commission turns around and says you have to report quarterly on this sort of stuff. They’ve reported quarterly but they haven't provided information which you requested, so in a sense I get the Commission just sitting there not doing anything. It needs to respond on behalf of those 10,000 people with disability in line what it said it was going to do and it is not good enough, I don't think it is good enough personally, to sit there and saying "Oh well, 12 months to play out. These things are happening", because which is what we are always getting, going back to 1986, we’ve been waiting now for how many years. We never get someone standing up on behalf of people with disability saying, this is what we said, this is the line that we have drawn, we are now going to enforce it. We keep on delaying it and relying on others to have the agenda and run with it.

SUSAN RYAN:

You have made your view.

MICK GOODA:

I’m glad that we have got people here who are invested in this and who feel passionate. I thank you for participating in this little bit. There are not going to be too many people doing the talking head thing today so we have a few panels to get through. So can I thank my fellow Commissioners and let's break and have morning tea. Thank you.

(Morning tea break 11.23 A.M.)

# Summary of Survey Results

SUSAN RYAN:

For this session that will start with the discussion of our survey and our survey results and broaden out to other issues we wish to raise. I have a most impressive panel, if I may say so. You are probably familiar with a lot of people there, or you won't all know everyone. But, we have Frank Quinlan, who is the Chief Executive Officer of Mental Health Australia. We have Damian Griffis, who is the Executive Director of the First Peoples Disability Network Australia. Al McEwin, President of the Deaf Society NSW. Rosemary Kayess who is a Research Fellow at the University of New South Wales and Chairperson at the Australian Centre for Disability Law, and we have Darren Fittler, from Gilbert & Tobin. All of these people are very experienced in advocating the rights and indeed securing improvements in the protection of people with disabilities.

I will take you to the survey initially. Will it come up as I speak? I am in awe of this actually. A little bit about the survey. Many of you would have responded to it. We decided to put out the survey, through SurveyMonkey a few weeks prior to this forum so we could be sure of two important things: one; that any person who had an interest in making their views known via the survey would be able to do so, and two; that we would utilise the response of the survey to guide us in how we conducted this forum and indeed to guide us in how we proceed to work in that team fashion that Gillian has explained to you. I have to say that we were delighted we had more than 500 people respond to the survey. So, we can take it seriously, and it is providing us with the evidence base that we want. In case you are interested in this, we distributed our survey through our own website, through social media, we sent it out through our own mailing lists and out through the email address list of people who we have invited to this forum. We encouraged people that received the survey to share it with anyone else they thought would like to make a contribution.

You can see now we will go to the summary of results. I should say, it is a very detailed survey. I am sure you will all be interested in the survey in full. It is now available. It will be going on our website in accessible format - is it already there Jacqui? This week - it will be up there. There will be a lot of food for thought, and a lot to signal for action for you.

To start off with, if we go to the first slide: Who responded to it? As you can see, 29% were people with disabilities themselves. 23% were an associate or carer of a person with disability. 13% were people who are members of advocacy groups or organisations, 10% were from an advocacy group, 11% were from service providers, 3% from employers or recruiters, and 11% will come under the heading of "Other", but you will want to know who the others were, and that group included parents, guardian, siblings, social or support workers, nurse, educators, students and researchers. So, I think you’ll agree we got a pretty good coverage of response.

[Note: These statistics have now been updated in the Summary of Survey Responses report available at this [link](http://www.humanrights.gov.au/publications/national-disability-forum-2014-summary-survey-results)]

The first big question we wanted to establish was: What are the most important human rights issues currently facing people with disability, by ranking? So if we go to that graph - and I hope my description is adequate for people who have difficulty seeing it, if not, ask me to speak more slowly or repeat what I have said. This is a very important graph. The top three issues as raised by respondents were: Number one, participation and inclusion in society. Number two, work and employment. Number three, access to services. They were the top ranking issues. Closely following were welfare and social security, health and safety, negative attitudes and stereotyping, the NDIS rollout, education, violence, abuse and neglect, housing, living independently, access to justice, reasonable adjustments or accommodations, and other; which included access to information, support, UN issues and so on, transport and assistance animals.

Again, you see how you and others who responded to the survey set out the issues. Certainly, those top three give us a strong signal as to what the respondents see as most important and again, they are participation and inclusion number one, work and employment number two, access to services number three.

As well as giving the numerical ratings on the survey, people were asked for comments and themes emerged from those comments. Those themes were - and I will just summarise them again - the first strong one was disability rights are interconnected and must be considered together. Then the next one was that key issues will differ dependently on the type of disability - that makes sense too. The National Disability Insurance Scheme featured as a theme, comments acknowledged it is at an early stage of development and it will take time to define really how adequately it is achieving its mission. Then, other themes: violence, abuse and neglect are too commonly experienced by people with disabilities. There are inadequate services for people with disabilities; particularly supported accommodation options. Stereotypes and negative attitudes towards people are too prevalent, both across the community and among employers, and a lack of services, disabilities and carers in rural places. The importance of education and employment opportunities for young people with disabilities, and negative attitudes towards people with disability in relation to sexuality and relationships. So they were the themes that came - I am summarising and you will read the comments yourselves - but, those themes featured very strongly in the comments added by the participants.

Then, the next issue went on to employment specifically, employment and disability rights. So as you see there, in our table ranking those issues by importance, again, to focus on the top three, and the top one was a very strong one, it was addressing negative attitudes as stereotypes. That was the number one issue in the question about employment issues. The second was availability of jobs, and we will have more to say about that this afternoon we do the employment panels. The third was assistance in finding, securing and maintaining employment. So they were the top three issues. Others, which were also important, didn't rank quite as highly, were flexibility in the workplace, skills training and education, mentoring and coaching support, reasonable adjustment, recruitment processes.

There was another other, and this time it included increasing employer awareness, accessibility and support, addressing negative attitudes and stereotypes again. See how frequently stereotypes is emerging as a barrier. Accessible transport, accessible workplace design and accessible technology in the workplace. In the employment section, the first theme that emerged is that many people with disabilities want to work. That theme came through very strongly, and it is a signal that we must all take on board.

Secondly, flexible workplace practices are essential. Mentoring and coaching to improve confidence, awareness among employers and recruiters of the benefits of employing people with disability. Bullying and harassment by co-workers was an identified issue. Several respondents said that the Australian government should adopt a leadership position by employing more people with a disability as a model employer. That particular view will get ample discussion when we have our employment session this afternoon, particularly with the Australian Public Service Commissioner Steve Sedgwick, Commissioner there. Remember to raise those issues with Steve. Other issues in this part of survey. The themes were the need to recognise that not all people with disabilities are able to work. An especially important message as we get very focused on increasing employment opportunities for those who can work and want to work, we must always remember there are those who will not be able to work. Again, of course we have the need for accessible and affordable transport and proper remuneration. That is the range of issues that have been brought to our attention there.  
Was that our final? Oh yes, how could I miss it? We asked the respondents to indicate the most important things that the Commission can do, by ranking. Again you see the results there. The number one was public education and raising awareness. Number two was engagement with government ministers and through Parliamentary processes such as submissions to parliament and other inquiries. Number three was guidance and advice to employers and industry. And the question of guidance and advice to employers is a topic that I believe we will cover this afternoon on the employers’ panel session. Other issues were, in relation to what the Commission could do, facilitation in bringing the disability sector together on key issues, development of standards and guidelines under the DDA. Investigation and conciliation of complaints - you have been reminded this morning what an extensive activity we have there in the complaints area. Research and public reporting. Engagement with the UN and international processes, and “Other” this time includes creating enforceable rights, strengthen laws, and advocacy and consultation.

Again, the themes that came up that the Commission could and should be doing, in this section, education and public awareness, including the need to normalise disability. A large number of respondents suggested that the Commission should consult widely with people with disabilities and their carers. Respondents urged the Commission to engage with the government and politicians on a range of topics, including policy, laws and funding. They would like to see increased guidance and advice to employers and industry, a topic that we will cover this afternoon. Some respondents mentioned a potential role for the Commission in facilitating a unified voice for people with disability. I know some of you here today are giving thought to how that might be developed. Many did emphasise the need for more proactive laws and increased accountability through enforceable rights.

# Panel and Discussion: Survey Results and Other Issues affecting the Rights of People with Disabilities

SUSAN RYAN:

So that is the summary of the survey results. I will now invite the panel to respond to that. Either by way of making an initial comment, as you wish to, or by taking questions from the floor. Does anyone on the panel want to kick off with an initial response?

FRANK QUINLAN, CHIEF EXECUTIVE OFFICER, MENTAL HEALTH AUSTRALIA:

I think not having seen the results previously or prior to now, it is interesting to me that it corresponds or seems to correspond in the general with much of the feedback that we receive when we ask people who experience mental illness, what they aspire to or what it is they reject about the way that they are being treated, which is to say that priorities around participation and inclusion are no surprise.

I think that that tells us in turn that the discrimination that we face is something that is much more deep-seated, and much more, I think, difficult to overcome than, dare I say it, simply problems of employment or simply problems of accommodation or those other things.  I was taken by Commissioner Tim Wilson's comments earlier in the day where he pointed to the important role that the Commission has to play in terms of that culture, and affecting the culture of Australia through its choice of issues that it might take on board to advocate.  I certainly encourage the Commission to continue to choose those issues that perhaps while not necessarily being the most even grievous forms of discrimination, but to take on those issues that possibly have the potential to have the greatest impact on changing the culture around discrimination.

SUSAN RYAN:

Any other comments? Damian?

DAMIAN GRIFFIS, EXECUTIVE DIRECTOR, FIRST PEOPLES DISABILITY NETWORK AUSTRALIA:

Sure. I mean, no surprises to me or to the Disability Network about those top three points.  I guess the thing that is important to note in our communities there really isn't a comparable word for disability, so in many ways disability is an accepted part of human experience in Aboriginal Australia, that the labeling – and we are all too familiar with the many labels that exist in disability sector – really are not evident in Aboriginal Australia.  People aren’t defined by brain injury or intellectual impairment or whatever it might be.  Inclusion is more a challenge in the wider Australian context, if you like, and participation in the broader context.

I think that is most dramatically shown in the areas of work and employment.  Very few Aboriginal people with disability are in employment.  Work does happen, but when it happens it tends to happen by chance than by design.  We note that the recent review doesn't make mention of Aboriginal people with disability at all.  That is an all too familiar experience for us, unfortunately.  Access to services remains a major challenge, a major barrier, particularly in regional and remote Australia.  I do note that that has been mentioned in the survey somewhere, that a lack of services in regional Australia is a huge challenge.

That is a massive challenge for the National Disability Insurance Scheme in particular, given it takes a market-driven approach.  In plenty of parts in remote Australia there effectually is no market.  There is people to purchase in the market place, but there is no market to buy things, if you like.  So there is a real urgent need to understand that better and to recognise that things might look quite different in regional and remote Australia.  Not just for Aboriginal people living in remote Australia, but for everyone living in regional and remote Australian.

AL MCEWIN, PRESIDENT, THE DEAF SOCIETY OF NSW:

For the deaf community and from our perspective, the results aren't surprising.  Deaf people are wanting to and willing to work and participate in general society.  It is something that we as a community want.  We are ready to work, but we face barriers constantly.  Barriers to employment, specifically.  For example many deaf people won't put on their curriculum vitae that they are deaf, because of the many stereotypes were mentioned in the survey are evident in deaf peoples’ lives. If they see the word "deaf" on the CV, those job applicants are not even successful in getting to the interview stage. It is an example of just the tip of the iceberg in the deaf community, in terms of seeking employment and seeking participation, and is an example of the stereotypes and attitudes and negative attitudes that out there, prevalent in the general Australian population. So, the summary of the results are not necessarily surprising in my perspective.

SUSAN RYAN:

Rosemary, I am sure that you have additional comments for us.

ROSEMARY KAYESS, RESEARCH FELLOW, UNIVERSITY OF NEW SOUTH WALES:

I would like to pick up on Damian's points about disability being recognised as part of human diversity, and as he talks about the Aboriginal culture and how there is no word for disability.  My background is as a human rights lawyer and an academic who teaches international human rights.  One of the big objectives for Convention on the Rights of People with Disability was recognition of disability as just part of human diversity.  Once we come to grips with that, we can analyse what we are doing in a policy space with that frame and with that architecture.  But, what that architecture requires is for us to have a very different approach to people with disability.  It is about recognising there is both a need to identify the disability-specific issues, but also be able to recognise the inclusion issues.

So, it is about recognising that you need to understand the experience of people with disability and how they live their lives, and the supports and personal resources that they require for them to be able to actively participate.  Then, what is it about building inclusive communities that we can do to ensure that they can actively participate on an equal level with other people within our community?  That is a huge challenge for us to be able to (a), recognise the disability specifics, such as the personal resources that people need - the NDIS is a way to start that process, but we have to remember that is for a very small number of people.  We need to marry that with a much, much broader focus and commitment to building an inclusive community aspects of the NDS.  It is the NDS will be able to take people from their homes and into the community.  Until we get that vertical; the recognition of the disability specific, and the horizontal; that is about the inclusive nature of our community, we will continue to struggle and address things in a very remedial way which won't get us much further advanced.

SUSAN RYAN:

Thank you for that challenge Rosemary.  I might Darren Fittler if he has any comments on our survey results. Darren.

DARREN FITTLER, GILBERT & TOBIN:

I don't have much to say about the results of the survey per se other than to echo the rest of the panel, that it is not overly surprising.  Although I did find it surprising that access to technology was .1% or 1.0%, somewhere down the bottom regarding access to employment.  I am not sure if people are kind of taking more things for granted within the workplace that, "Oh well, it is there and it is already accessible" or if perhaps the questions didn’t draw that out enough.

To further Damian's and Rosemary's thoughts, in my experience as a blind person out there working in the work force is that inclusion is a two way street.  That a person with a disability can't really just sit back and expected to be included.  That inclusion needs to be from the person with the disability as well.

For that to happen, there needs to be an understanding from policy makers, from employers and service providers that people with disability are expert in their disability, and in their experience of their disability.  In my workplace, I don't expect my employer to keep up-to-date with the most recent blind screen reading technology, you know, with the best apps for the iPhone that are accessible for blind people, with the best keyboards with macro keys on the side to make my life easier and quicker in the workplace. They have got lots of other things on their plate to do, running a law firm of 500 people.  What I do expect is if I, through my own research, find a tool that I think will aid me and I approach them and say "To help me be more efficient in the workplace, to be more included, I think this tool, this keyboard, this piece of software will help" I expect them to take it seriously and to consider it and go out and buy the thing. So, I am not sure if it was really supposed to come out in the survey or not, but I think that is a really important part moving forward.

SUSAN RYAN:

Thank you for pointing that out.  Even with my fairly new and growing knowledge of this sector, I was surprised too to see it as low ranking because it had already been raised with me by the Blind Citizens of Australia with an important submission which I referred to earlier. I am already acting on the Commonwealth’s procurement of accessible IT.  The only thing I can surmise is perhaps the people doing the survey had access to the technology and so perhaps, as you said, took it for granted.  We put the questions out there and ask for the responses and we take note, but I also take note of your comments, and particularly your observation that inclusion is a two-way street and that people need to make sure that they let their employers know what they need to do their jobs properly.  I would like to open the floor up on the survey findings or on any other issues that you wish to raise with the Commission today.  I think that we need the microphone.

MARK PATTISON:

I just wanted to quickly follow up on that last point, because I think it is a point that is missed. I noticed on the agenda today that there is no one from the Department of Social Services, and they fund nearly a billion dollars to service providers to assist and fund people in terms of employment.  The last speaker, the last person, mentioned the thing about people with disability being the experts. The DSS actually funds service providers, who support people and to make that business case which we spoken about this morning.  They are there, and they get funded to make that business case to employers, to businesses about the value of employing people with a disability, making that business case.  So, I was just a little bit surprised to find that they are not here – unless they are here – yes, they are here – and that needs to be put forward. And also, that the outcome for that $1 billion is only 22-25%.  The real issue that we need to tackle is that those service providers achieving that outcome and also the contracting arrangements with the DSS.

SUSAN RYAN:

OK, thanks. We didn’t attempt to overload the conference with the public service, but there are some members of the public service here, and as I said the Public Service Commissioner Steve Sedgwick will be joining us this afternoon.  The opportunity to make the point that you make will be taken.

CHRISTINA RYAN, WOMEN WITH DISABILITIES AUSTRALIA:

Christina Ryan from Women with Disabilities Australia. I just wanted to focus with Damian and Rosemary – I note that there was a particular presence in the survey responses around our international engagement and ensuring that we continue to work in that area and that the Commission should be part of that.  You two were on our CRPD delegation late last year, as was WWDA, I am just interested in your observations of that particular survey finding?

ROSEMARY KAYESS:

Christina, the survey findings pan out with lots of issues that were identified in the shadow report, that the delegation to Geneva covered.  I suppose it comes back to that interrelatedness of human rights.  The top survey point was access and participation. Well, it is very difficult to have access and participation if you can't get out of your house in the morning.  It is hard to separate transport from access and participation - if you don't have stable housing, how can you engage in the open employment fields?  So, it is that inter-relationship of human rights that is really difficult to tease out.  The survey results sort of marry very closely to what was identified within the shadow report and also the connectedness of all of those things.

It is very difficult to prioritise some of those issues, because you can't disconnect them.  So, I think the international engagement, both bilaterally and multilaterally gives us an opportunity to how others are addressing it.  The thing with disability is that nobody is really streets in front.  No community in the world can pointed to and can say "Wow, there's an inclusive community.  They've got their act together.  Let's just do what they are doing", that is not happening.  We are all emerging from the “darkness”, so to speak, which was one of the analogies that was used when the Convention adopted.  We need the voices with people with disability.  We need to be able to tease out the really important disability-specific stuff, and we need to be able to recognise that disability is a human diversity issue and a whole of government issue, and that things are interrelated.

If we have got the overall objective of inclusion, it is not just about one element.  So, yes, we can focus on one element.  But we need to recognise how it is interrelated with everything else.  Personal stability is an incredibly important first, and so I think about things such as legal capacity and living independently in the community.  So in other words, having people live, where and with whom they choose, and people having the capacity - the legal capacity to have a voice - and then, to build on that, to have greater access and participation, I think is a very good way to start.  But, it very much mirrors what is happening at the international level and I don't think that we in Australia can say that we are streets ahead.  I think both bilaterally and multilaterally there is still room for us to engage and it is important for us to engage because we lead in some areas, just not all.

SUSAN RYAN:

Thanks Rosemary, it is encouraging to know that others are not streets ahead of us, but maybe we can be the one to aspire and become streets ahead because we do some things very well and with the range of expertise within the disability sector itself I am sure we can begin moving.  I want to ask you Damian, you were also at the international meeting, do you wish to add to that?

DAMIAN GRIFFIS:

Myself and our Chairperson, Aunty Gayle Rankine, got to attend, we have attended a number of UN events over the last couple of years.  I - probably expressing a personal view here - I was perhaps cynical about the whole thing initially, it is certainly nice for the ego to go to the UN and talk to lots of people.  But, having been there a few times now, it has actually served our members very well, particularly in the access to justice.  It would be fair to say that many members of the UN Committee on the Rights of Persons with Disability had an idea that Australia was doing well.  In the context for them where they are dealing with a number of developing countries, when they see a report from Australia, they view it very positively.

But, when you start talking in a context about about why Australia has to be measured at a higher standard, you then have an opportunity to talk about the extraordinary situation that happens in Australia where a number of Aboriginal people with disability are in our gaols without being charged.  That is an opportunity to get that message out and some pressure applied, particularly to the NT government in this instance.  So, I know that many of the committee members are very shocked by that story, and also many of the issues that WWDA raised.  Having gone through the process a few times now it is a helpful process.  I think the challenge is how we still relate it to our members, the importance of it frankly.  There is still a real need to see outcomes and the machine will move very slowly, but all in all we viewed it as a positive experience.

SUSAN RYAN:

Thank you.

HAMZA VAYANI, EXECUTIVE OFFICER, MENTAL HEALTH IN MULTICULTURAL AUSTRALIA:

Good morning, I’m Hamza Vayani from Mental Health in Multicultural Australia. Just an observation in terms of survey results – they were really good to look at.  I know that we are a migrant nation; 49% of us probably have a parent who was born overseas, 27% of the population is from culturally and linguistically diverse backgrounds and 16% are people that come from a non-English speaking background or country.  I think that there is an opportunity here which is really exciting in terms of looking at disability and the debates that are going on in this space.  Just a quick question about what is the thinking about how we might be able to - accepting that the community should be responsible for coming out there and doing their advocacy - what efforts are being made to ensure that the debate and discourse that is happening in this space is accessible to people from culturally and linguistically diverse communities, and what opportunities are there to collaborate and make that better, because I think that there is a notable absence there.

SUSAN RYAN:

Well, first of all, thank you for attending, and I think you have a couple of colleagues with you. We were very conscious of the points you made about multicultural Australia and people from non-English speaking backgrounds in relation to disability. I guess we will be relying on organisations like yours to advise us as to how we might encompass more understanding, and hear more directly from people with those particular variants to their experience of disability.  There is some capacity in general for translation of languages into community languages.  I think I was telling you - it was specifically disability - but I recently produced a publication from the Commission called ‘Your Rights at Retirement’, which dealt with all of the rights, services, opportunities, legal circumstances for people as they enter retirement or live through retirement. Now, I have managed that very practical and useful publication translated into Greek, Italian and Chinese, with support from those communities, I must say.  Maybe that is a model as to how we might proceed if we have material that we think is not available to people who don't speak English and would be of use to them if it were available, then we would be looking to organisations like your own to guide us as to how that might happen.

Front row.  If I seem not to be looking at some of the people at the back to the right-hand side of my room is because of the huge column and I can't see you all.  This question happily comes from the front row, and I can see you perfectly, so please proceed.

MATTHEW WRIGHT, CHIEF EXECUTIVE OFFICER, FEDERATION OF DISABILITY ORGANISATIONS:

Matt Wright, of the CEO of the Australian Federation of Disability Organisations.  I have a point to make and then a question.  Darren, I thought your point was really good about technology.  Certainly in my community - the deaf community - technology is a very important issue.  I think it is one of the areas where Australia has a fantastic program, the employee assistance fund where people with disabilities are provided with technologies when they get a job.  However, the scheme could probably be advertised a bit better.

My question though is for Frank.  Frank, this issue of employment for people with mental illness is an important one and I think over many years the issue of stigma has helped people with mental illness.  I often thought a sustained national advertising campaign would be part of the strategy, what are your thoughts on how we address that issue?

FRANK QUINLAN:

Thanks Matthew.  I think that you are right.  We have said for a long time as an organisation, Mental Health Australia, that one of the core ways in which we can address a whole lot of challenges that flow out of our current situation is through a national sustained anti-stigma campaign.  Unfortunately, I think a lot of politicians, when they hear you say that think that you mean an advertising campaign - some TV ads.  I think that we need something much more sophisticated than that.  Ultimately - and I had this discussion with Janet Meagher just last week - what we call stigma, is in fact discrimination, and I think it has to be named such and if it is going to be named, it has to be named in the particular circumstances in which we encounter it.  I think the opportunity for the Commission to play a role in changing culture around some of these things is enormous.

I would certainly make an argument and I would make it David, but I note that the National Mental Health Commissioner is taking notes now about what he has to include in his report in November, and hopefully the national anti‑stigma campaign is part of that.  I also think there are opportunities - I think Damian hinted at this too, and it also goes back to Hamza’s question - I think that we take the approach that we have to pick your particular issue or our particular part of the world - I am talking now as a broad sector.  I think sometimes we would do well to take a step back and say "What are the strategic issues that we could make a difference on that will really set about an ongoing effect to change culture?" I think the issues around seclusion and restraint not just in the mental health space, but in the disability space is one of those issues.  It is an issue in the mental health space because we fail to provide adequate services to people. People are routinely under restraint both chemically and physically against their will.  It happens both within our treatment system - so in hospitals and care facilities - and happens in a de facto way within our gaols.

SUSAN RYAN:

And in education.

FRANK QUINLAN:

And in education.  So, I think sometimes part of overcoming that stigma and discrimination will be a task for us all to find those key issues where there is a sort of cascading effect.  Whereas if we can target this and raise awareness and change practice, there is a whole cascading effect that can flow from that.  Yes, to an anti-stigma campaign but to some key strategic campaigns that we think can build the attitudes.

ROSEMARY KAYESS:

Can I just add to Frank’s point? I think that we need to build on the work that is being done.  The National Mental Health Commission has been working seclusion and restraint - that work should be built on.  The Commission's work on access to justice, the Law Commission in the UK is looking at fitness to plead.  I think that we can build on that work that is happening internationally and the work that the Australian Law Reform Commission has done into legal capacity, to work on areas such as legal capacity, so indefinite detention can be eliminated, so seclusion and restraint can be eliminated.  But we can't keep starting different projects. We need to build and be much more strategically focused, and we need to build on the work that is being done and continue that cascade approach, I think that is a good analogy.

SUSAN RYAN:

Thanks. Further questions, yes, Kelly.  For those who don't know Kelly, Kelly is a Member of Parliament in South Australia and she was the youngest person to become a Member of Parliament and I think still the only person with a disability to be a member of that Parliament.

KELLY VINCENT, MP, DIGNITY FOR DISABILITY AUSTRALIA:

With declared disability, yes. My name is Kelly, and I represent the Dignity for Disability Party in the South Australian Parliament.  I want to make one passing comment and then I have a question with the issue of fitness to plead and things like that for people with disability.  We have actually been doing a lot of work in that area and now in South Australia we have something called the Disabilities Justice Plan - that is something that I will be happy to discuss with you in particular, Rosemary - if you are interested.  The question I wanted to raise was something that you also alerted to Rosemary - that was education.

We need to look at access to employment in a holistic issue and I think that a lot of those issues around the stigma around disability and the presumed incapacity of people with disabilities arise in the education system.  There are a lot of stories I could tell, but just quickly, one of my own and another person’s.  I was contacted recently by a constituent who had an intellectual disability, and I was concerned that his support worker had not got his money out of the ATM for him to catch the bus. Now, that is a problem in and of itself, but I found myself thinking: how is it that this person has gotten to being in their late 20s, and they don’t know how to – I mean, they can’t count numerically - surely there has to be a way for them to identify money, either by the colour, or some other kind of way.  So, I think we have a real problem in terms of - like I said - the presumed incapacity of people with disabilities.  I am wondering if any of you can comment on that within our education system and how we might tackle that as a society.

SUSAN RYAN:

Thank you Kelly, you have raised a very specific case where the education system doesn't seem to be - it is an example - any comments on how it is that our education system doesn't assist people?  Up the back.

FRANK QUINLAN:

Can I just say I think the former Human Rights Commissioner, Graeme Innes, captured the spirit of what you were saying.  I think that he was quoting George Bush.  Ironic, in a way, because I suspect Graeme doesn't quote George Bush very often.  When he talked about the “soft bigotry of low expectations”. I think that that is one of the most important forms of discrimination that we face, is what you have outlined, which is that idea of low expectation and low opportunities for people to participate.

ROSEMARY KAYESS:

That is incredibly important within the education sphere. Senator Zed Seselja mentioned the *Scarlett Finney* case earlier today. Whilst it is an incredibly important case in raising awareness in terms of having people with a disability in mainstream schooling, it was about enrolment.  It wasn't about the actual engagement of the curriculum of the school. That is incredibly important.  We need to make sure that the education system is not just open for kids with disability but is truly, truly an academic field for children with disability and to address some of the stigma and attitude problems.  Unless - I am such a huge advocate for inclusive education - unless kids with disability are in schools from the word “go”, we will never be able to address attitudes and discrimination, because people with disability will not be recognised by their peers or their cohorts as being part of the community, whilst they continue to be isolated and secluded. Education of kids together - in playgrounds, in classrooms – is incredibly central, essential to that being broken down.

GRACE FAVA:

I have a differing opinion.  I understand what you are saying.  Sadly, where I work we deal with cases on a daily basis from around Australia of children who are suspended, expelled and on partial enrolment from their schools.  The issue is, while I understand what you are saying and I agree, inclusion is important, however, it’s horses for courses.  There are some children who cannot cope in a class of 30 with all of noise because of, perhaps, sensory processing disorder.  They need to have the smaller class experience.  Having said that though, inclusion at sports, inclusion at assemblies, inclusions at playgrounds - definitely.

Some children can't learn in a huge 30 people in a classroom environment.  I have seen it from both angles.  We have children who have been forced to be home-schooled.  As a result because of their, not just their disability, there are mental health factors that sort of cross over, and yeah.  It is rife, you have cases where it can be done very well, and that is because you have principals and teachers in school who are flexible and open minded to take each case individually.  However, for each one of those you have another 10 or 20 who are inflexible, policy-driven, and don’t think twice about saying, “well, you have just had a meltdown, and as a result you are suspended”, not seeing what the trigger is.

ROSEMARY KAYESS:

And I don’t think the solution is to take the child out of the school and to home school them. I think we need to address the resources and truly understand what inclusive education is about.

DARREN FITTLER:

This is where I got into big trouble at the United Nations. So, I am a person who is blind and a very strong advocate for inclusive education.  We had certain organisations involved at the international Convention level still trying to argue "No, no, no, blind kids need special schooling because they don't get the braille taught to them in the right way if they have got large classes".  And I thought, well, we are really then trying to write a Convention on what is and not what should be.  My view at that point and is still today that if the issue is a large classroom, then we should be trying to ensure that we have policies and resourcings to shrink the classrooms.  Not to take the children out of the classrooms.

What we are aspire to and what we say to aspire to and what is reality on the ground for individuals, is not at the same point yet.  So, I guess it is this concept of progressive realization, that we need to move to get there.  How will we have a world that is truly inclusive?  As Damian and Rosemary has said, accepting that disability is just part of human diversity, we are not going to get there at all if we keep taking kids out of classes and moving them back at home and moving towards that isolation approach.

GRACE FAVA:

Yes, but also you have the New South Wales Department of Education who are ramming the disability standards of education down every employee's throat and yet, in many cases, aren't following through with putting that policy into practice.  That is how this all comes to be.  Yes, the pot of money is only so big; however, we need to make a choice on whether we let these kids down now because of a few dollars, or whether we support and encourage and make an environment, an educational environment that is fitting to each of their needs and it is not just something that you’re doing for one child, because it is happening to many children, that is happening across the board regardless of where they are located. So we need to do that now to save money in the future and to let them go into meaningful employment that we will talk about later.

SUSAN RYAN:

Thanks. Now I think, Al, you were keen to get in there?

AL MCEWIN:

Yes, I just wanted to quickly follow up on what Rosemary and Damian and others have said about exclusive education.  It is extremely important for deaf people too, however education in their own language is also very important.  Because, what we have found at the moment is that deaf children grow up and go out into the world without any education in their own language, in their classroom, which means that they are not ready for employment, they are not ready for that engagement in the world. So, the link between education and employment is often not there for deaf children being educated in their own language.

DAMIAN GRIFFIS:

Flowing on from Frank and Rosemary and the panel’s points.  This issue of discrimination of Aboriginal kids in the education system across the board is one of major concern to us.  We have a particular challenge because it is almost like an intersectionality issue between race discrimination and disability discrimination. That point that Frank made about “soft bigotry”, yes, all too common experience in Aboriginal Australia and even more extreme perhaps institutional racism in some cases.  We talk about it as a bad black kid sort of syndrome, where there is a kid at the back of the room, who may be acting up and may end up getting suspended or expelled from school.  When we meet with the family it turns out that the kid can't hear properly or can’t see the blackboard or a range of other needs that hasn't been met, but the assumption is that the Aboriginal kid is not going to achieve in any case.  This issue and that point you made, Frank, echo that entirely and one that concerns us greatly. Without access to education, access to employment naturally becomes the next barrier of course.  One that concerns us very greatly.

SUSAN RYAN:

Next question over here, I think.

CASHELLE DUNN, WOMEN WITH DISABILITIES AUSTRALIA:

I'm Cashelle from Women with Disabilities Australia.  I think it sort of goes back to what Rosemary was saying before - everyone is discussing education, which is very important, that is where youth starts off.  But it needs to be discussed with youth in general as well.  The stigma that comes to all youth, not just with people with hearing disability but with hidden disabilities who have to hide them - psychosocial and neurological.  I think the stigma needs to be addressed in schools and at a young age for education for all children for the understanding of disabilities and different disabilities, most people don't understand what any disability is.  Most children don't understand what they are.  Additionally, young women like you were discussing with the race intersectionality, young women have the intersectionality of disability and gender, and this can cause a lot of issues, including the feeling of being trapped and manipulated into abuse and violence and so this is another area that needs a lot of education in that young age group, for those young women as well as for other people. It can't just be within the disability community.

SUSAN RYAN:

Thank you for that.  I notice - we have certainly got lots of really important points being raised and comments starting conversations and they are conversations that I think that we will have to continue as we go along.  But for right now I think just one more question and then we have to break for lunch because I think that you all want to have your lunch after all this hard work.  We have one up the front here.

BONNIE MILLEN, UN COSP WORKSHOP YOUTH DELEGATION:

My name is Bonnie Millen, I have a question for Damian in regard to doctors.  What strategy are Aboriginal Australia hoping to put in place in terms of justice programs for Aboriginal Australians that are stigmatised with disability or even without?  I just wondered how you are tackling the program of higher gaol rates and higher unemployment and higher basically rural and remote issues in terms of Aboriginal in prison rates?

DAMIAN GRIFFIS:

That is a great question and thank you for the question.  There are a number of strategies in the play at the moment.  Mick’s work here at the Commission, which he began with Graeme Innes led the way of rising the profile of this issue. It is an extraordinary violation of Aboriginal people in Australia that their human rights – which shock a lot of people, I am sure, that there are a number of Aboriginal people with disability - I don't think that we really know how many who are indefinitely detained in prisons in the Northern Territory.  Not just in Northern Territory but in Western Australia and Queensland and you could bet your life everywhere, frankly.

Most of those people ending up in those situations without any support around their disability at all.  They have often lacked support around their disability and their life has taken a trajectory that is almost pretty predictable. We have to change the conversation, I think, and raise this as a major issue in terms of the Aboriginal prison population. We need to better understand how many people have a disability in the Aboriginal prison population.  We have approached the United Nations, because we haven't had a lot of success dealing with the NT government around this issue.  Only last week they were using tear gas in juvenile detention in the Northern Territory.  As Australians I think that we ought to be outraged by some of this stuff.  I think it is sad that we are not in some ways.

There are a number of other things, in November Mick will be chairing a First Forum, which we are calling ‘A Line in the Sand’.  I have to congratulate the work of Patrick McGee, that have the on the ground experience what is a very challenging problem for them.  One of challenges is sometimes people are - truth is that sometimes Aboriginal people with disability in some cases are in gaol for extreme crimes, but they are still requiring support around their disability and that simply doesn't happen.  There are a number of other Aboriginal people with disability who are in gaols for a long period of time, and if they had pled guilty for their crime, they would not have served as long as they served for being unfit to plead, if you get my logic there. So it is an extraordinary issue and the commission is leading in a lot of ways, the Aboriginal Disability Justice Campaign, I encourage you or anybody else who wants to get involved to apply pressure.

SUSAN RYAN:

I will have to wind up this session, I could have gone on for many more hours, days and weeks, I would say, with the seriousness of issues that are being raised.  We have a lunch break now and I will ask you to enjoy your lunch and the break and ask you to be back here for the employment session with Commissioner Elizabeth Broderick at 1.30.  Thank you to the panel for their important contribution.

(Applause)

Please enjoy lunch outside.

(Lunchbreak 12.47 P.M.)

# Introduction – Employment and People with Disabilities

ELIZABETH BRODERICK:

We might get started, if that's okay. I'd like to begin by acknowledging that we're meeting on traditional lands, to pay my respects to Elders past and present and to thank Aunty Norma, for those of you who were here this morning, for her really lovely Welcome to Country. I'm delighted to follow on from my fellow Commissioner Susan Ryan and to really pick up on the theme of employment as I chair two panel discussions this afternoon.

This first panel will follow on employer perspectives. That is a critical issue for people with disability. You will remember that when Susan put up her slides and the results of her survey, what we saw was that work and employment was the second most important human rights issue facing people with disability and, of course, equal participation in society. There is such a strong link between people's ability to be in paid work and therefore in equal participation in all aspects of the society.

What we do know is that 18.5% of Australians have a disability, so we know it is 4.2 million people. Despite the size of the disability sector, which is very significant, people with disability have worse employment outcomes. If we look at that, two-thirds of people with disability earn less than $320 per week compared with one-third of those without disability. We know that workforce participation is 30 percentage points lower for people with disability than those without. We also know that 48 per cent of people with a disability in Australia are living below the poverty line. I think those statistics speak very strongly to the importance of really some different thinking about how we can open up and move to a huge shift to ensure that people with disability have equal opportunity to employment in Australia.

Being the Sex Discrimination Commissioner, I look at it from a gender perspective. We know that women and girls with disability, the situation is particularly acute as often they're subjected to intersecting gender and disability discrimination. So women with disabilities are currently half as likely as men with disability to find full-time employment and twice as likely to be in part-time employment and that's often in casual positions in the more precarious portions of the labour market, so they have less job security than their male counterparts.

You will probably know quite well, but one of the reasons for this is the issue around violence against women that continues to be a really significant issue here in Australia. It is not just an Australian issue, it is a global issue and I recently attended the World Bank Gender Council meeting where it was reported that violence against women and girls is at global epidemic proportions. For the first time, the number of women and girls living with violence is higher than the number of malnourished people in the world and by that I'm talking about intimate partner violence. It is a major impediment to all girls and women's contribution to be able to contribute fully to society and the economy.

We know particularly from the work I have done with fabulous NGOs like Women With Disability that are represented here today that women and girls with disability are vulnerable to additional forms of violence. Not just domestic violence, sexual assault, but violence against them in institutional settings and other forms of violence including forced sterilization and terminations. They are twice as likely - so women and girls with disability are twice as likely as women and girls without disability - to experience violence throughout their life.

Just to put that in perspective, women and girls with disability represent one in five of Australia's female population and not only experience violence at much higher rates, but more frequently, for longer, in more ways and by more perpetrators. That is one reason that when we look at employment for women and girls, violence against women continues to be a barrier.

There is no doubt then that disability discrimination in the employment sector, together with the issues of violence against women, together with the issues we heard about this morning on the opening panel - and that's about education, inclusive education, because there's such a strong link between education and employment opportunities - that these things require close attention. Graeme Innes, the previous Disability Discrimination Commissioner, conducted an inquiry into disability and employment back in 2006.

His report found that the main obstacles facing people with disability in employment were firstly a lack of easily accessible and comprehensive information and advice; secondly, there was concern about the possible costs for employers and employees with a disability; and thirdly, this risk factor or concern about the financial and personal impact on employers and employees if for some reason the employment was unsuccessful. At that time the Commission recommended that governments improve public sector attitudes towards disability in an employment context which would then lead the way into the private sector, because as we all know, human rights starts as home.

In 2010, the Commission also released a report which was entitled ‘Workers with Mental Illness: A Practical Guide for Managers’. The Commission will continue to advocate for the rights and interests of people with disabilities in the workplace. We had up on the previous slide a survey that public education and awareness on these issues is very important and that includes in organisational settings. So I hope that our discussions this afternoon will be important for informing, firstly, the role that the Commission can play in this work, but also for our panellists, for you to hear from them about the employment opportunities, what is happening, what is innovative and what is best practice. Also for them to hear from you some of the lived experiences of you, yourselves, or of constituents that you represent and what could be different to open up employment for all Australians.

Just before I introduce our very esteemed and distinguished panel this afternoon, I do want to provide an opportunity for you to hear from a young advocate who is here with us today because in June this year the Commission sent a Youth Delegation to the UN headquarters in New York to attend the 7th session of a Conference of State Parties to discuss the CRPD. We are lucky enough to have with us here today one of the key advocates that travelled to the United Nations, Joel Wilson from the Autistic Self Advocacy Network of Australia and New Zealand and People with Disabilities Western Australia.

I would ask Joel, who is going to speak to us from outside the room today, about his experiences with disability discrimination in relation to employment and it is a great pleasure to have him with us here today. Thank you, Joel.

JOEL WILSON, UN COSP WORKSHOP YOUTH DELEGATION:

Thanks Liz. Just before I start, you might notice I am hiding outside. This is because of the feedback of the speakers to my voice. It is well known in the autism community as a sensory processing issue sound can be a big struggle for me with everyday life tasks. Amplified volume and specific pitches can cause headaches, enhance my anxiety and affect my ability to function. Even a too dark or well-lit room has the same problem.

Functionality, there is days I can function for 20 hours without problem and then days I can't function for half an hour. These non-routines and the effect of this, means I really struggle to get work and when I do, I find it hard to maintain it. At the moment, I have four hours a week paid work as a mentor of a 12-year-old boy with an autism diagnosis. I love that job, as seeing the changes within the boy from my support over the last few months has been amazing and has left me with a real sense of achievement.

Unfortunately, that is only four hours a week of paid employment. I would much rather do it a lot more, preferably four hours a day so that it doesn't overload my sensory issues, but the lack of funding and also lack of opportunities due to the precautious community not really being supportive of autism people still. I do a lot of volunteering for universities, advocacy organisations, et cetera. I also do the odd paid public speaking gig too and discuss multiple topics to do with my life experiences. Until last week I wasn't going to be speaking today, however, when I received the rundown for the forum, I noticed there wasn't anyone speaking who was either unemployed or on minimum hours. I applaud the Commission for listening to my suggestion and asking if I would be willing to fill that void today.

I was at an Abilities Expo in Perth last week for high school students with “special needs”, they said. Some terminology is horrible and language is important, I feel. In regards to future planning, a young lady spoke about how she works one day at McDonald's, two days at another restaurant and one day somewhere I didn't quite hear and volunteers at Anglicare one day a week. The MC commended her on the achievement of having three paid and one volunteer job and the crowd cheered and supported her. I saw it a little bit differently. While it is great that she's employed, why is she working three or four different jobs?

Could you handle four different workplace environments each week? That would be really stressful and it is also not inclusive because none of them are offering her more hours than four or five hours a day, although she is clearly showing she can handle a full week's work.

Unfortunately, the community saw that as amazing which in a way it is, but in other ways we're still not at an inclusive world and that is something I would like you all to think about.

When we talk about inclusion, I would like to see an inclusive world where environments accept everyone for who they are, not focus on individuals who may need flexible environments. In closing, there are multiple factors as to why I can't get more permanent work, and I believe social understanding and change would go a long way to make jobs flexible, to meet mine and others’ needs. Thank you.

(Applause)

# Panel and Discussion: Employer perspective

ELIZABETH BRODERICK:

Thank you so much, Joel, for sharing your experiences and not only that, just your wise insights into what needs to change if workplaces are to become sufficiently inclusive to incorporate the diversity of human experience. I think you can't have a more powerful advocate than someone who lives these issues every day and not only that, is mentoring the next generation of Australians and - not just Australians with disability, but all Australians to help to understand these issues. Thank you so much, Joel. It has been a great pleasure to have you here.

(Applause)

So we're joined by a fabulous panel of speakers this afternoon, who are going to share their experiences of advancing employment of people with a disability within their organisations: the challenges, the high points, what could be done differently and a vision for the future. Most importantly, it is your opportunity to connect with our panel today to really provide advice, but also to ask questions.

We are joined, and I will start on my right, with Stephen Sedgwick who many of you know as the Australian Public Service Commissioner. We have Jane Counsel, Head of Diversity and Flexibility at Westpac Banking Corporation. Beside Jane is Suzanne Colbert, who many of you will know also, the Chief Executive Officer of the Australian Network on Disability. Finally at the end is Mark Bagshaw, Managing Director of Innov8. Thank you very much to the panel members for joining us today. What I am going to do to get the conversation started is just to ask one question to each panel member.

I have asked the panel to limit their answers just to no more than about 2 minutes because I know there will be so many questions from the floor and today it is a very participatory environment – we really want to engage with as many people as we possibly can. So, Stephen, if I can kick off with you. As we say, human rights starts as home and it is about the government has had some really strong stated objectives around employment of people with disability. How important is employment culture in creating inclusive workplaces? What is it that the government is doing? What is working well and what needs to change?

STEPHEN SEDGWICK, AUSTRALIAN PUBLIC SERVICE COMMISSIONER:

Culture is fundamental in these environments. Often the culture is driven by lack of comfort or discomfort in dealing with particular issues, whatever they might be. This isn't so much a government issue. This is a matter for the senior leadership of the Public Service. You have given me two minutes. There is no way I can tell you everything that is happening in this space.

There is a lot of effort that has been put in at the moment to try and improve both the understanding of people with a disability of the likelihood that they will find a welcoming home in the Public Service, but also the comfort level the Public Service managers have in dealing with people with a disability. So to give you a couple of examples, we have had a longstanding principle of reasonable adjustment in the Public Service which says that someone who has got the competencies for the job that can be assisted by one means or another - you know, with voice activated software or whatever it is. What typically happens, though, in times of fiscal tightness is managers get a bit stingy sometimes about some of that stuff. We recommended and now think that throughout the system we are seeing agencies centralise those funds.

So it is not a manager's budget now at risk for spending a couple of thousand bucks, they are usually small amounts of money on these reasonable adjustment things. It is a sensible budget with changes that are now mixed around some of those things. We have a strategy called ‘As One’. There are 18 separate elements of that and I won't bore you with them. One important part of it though is called the RecruitAbility scheme. The idea behind the RecruitAbility scheme is that if you have someone who declares a disability at a certain level, who has the competencies for the job, they are guaranteed to go to the next stage of that process. There are 15 agencies in that and a number of them advertise every job as being open to a RecruitAbility option. That includes both defence and DHS, two of the big employers.

We have a diversity council that has got the major employers on it. They have got me, God help us. We do a whole lot of punch around show and tell, inviting agencies to come in and tell us what is working and what is not so we can share practice across the system. We have champions in agencies. We have networks of champions in agencies and the champion of the champions of agencies is a member of that diversity council. There is a whole bunch of stuff being done in the awareness raising space. One we are working through at the moment with Suzanne, again on a trial basis, is the notion that over a period of time we send every SES officer out to have some deep immersion in the disability space. For example, they might spend a period of time, might only be a day, but they spend some time working with a disability employment service provider. The idea here is to try and break down the barriers on both sides.

We have lots of online videos, we have lots of guidance material, particularly around mental health. There is an awful lot happening in this space.

ELIZABETH BRODERICK:

Thank you very much.

STEPHEN SEDGWICK:

I took my three minutes.

ELIZABETH BRODERICK:

Thank you, Stephen. We might move on to Jane. Jane, Westpac has been one of the leaders in this area and, as I understand it, one of the highest disclosure rates of people with disability within corporate Australia. What do you attribute that high representation to? What has been one or two things that have really worked well in terms of employment for people with disability?

JANE COUNSEL, HEAD OF DIVERSITY & FLEXIBILITY, WESTPAC BANKING CORPORATION:

I would probably reinforce the point that Stephen has just made around culture. There is no secret formula that Westpac is using that other organisations aren't using for driving great outcomes around disclosure. I think the three points I will make to support culture, it is something that is not built overnight. We have been building a culture of accessibility in Westpac for a long, long time.

In addition to building a strong culture, we are also focusing on creating a disability confident workforce and empowering employees to lead the agenda. We have particularly seen a big change in the advocacy and awareness over the last two and a half years in the time I have been in the role because we have actually given our employers a really strong voice at the table. For us, the approach is not just about being compliant. When I first started in this role, one of the things that constantly really annoyed me was that the end of the process in property design, as an example, I would get consulted at the end of the process around accessibility and we actually said not good enough, going forward we want to be consulted at the beginning.

That is just one of the things that by driving a change in culture and having the right people accountable and having an employee action group who actually informs and advises now has made a big difference. We have also got a combination called hard wiring and soft wiring change. We have learned a lot from what has worked in the gender space, I have to say, but we have also applied it across other areas. That is having the voices of the people at the ground and having a diversity council with an executive sponsor who happens to be, conveniently, our Chief Operating Officer and is responsible for group property. He has driven a big change in the way we look and to embed accessibility across everything we do, both in the organisation for our employees and for our customers.

So, property design, technology requirements, I have to say I am incredibly impressed by the progress we have made over the last few years. The disability confidence piece, I will speak quickly because I am conscious of my time, is about making sure we have got the right training programs to actually dispel some of the myths that prevent people from being open to hiring candidates with a disability.

We operate on the premise that everyone comes from the right space of wanting to help, but not always knowing how and not always understanding. It has been amazing having that Employee Action Group driving some of that training. They have been able to advise us on what is appropriate and what is working. We also work with Suzanne and AND around what is best practice around training. It really is moving a mind shift.

One of the examples I want to talk about where I see a real success is where we identified about a year and a half ago that our customers were having a very inconsistent experience in our branches. So we worked with our Employee Action Group. We worked with our property group and legal and compliance. We actually - and, of course, AND - we came up with a solution that we rolled out to the frontline staff that we had a very consistent set of principles and guidelines, we were managing it, appropriately managing customers. That is one great example of how we are creating a disability confident workforce.

I will just touch on the last piece around the Employee Action Group. They have been an incredible group as I indicated a couple of times. The chair of the Employee Action Group has a visual impairment and has been a fantastic role model for us across the organisation. We hold a number of events throughout the year where we bring employees together. We actually do things like training programs and, as I said, dispelling some of the myths. Really I guess trying to normalise in many regards that we don't focus on people's disability, we focus on their ability. That is a very strong matter to hardwire into the organisation. From our perspective, it is a combination of having the right policies and the right training, but also driving a really strong culture where you have strong role models and really strong support right from the top and coming from the bottom.

ELIZABETH BRODERICK:

Thanks Jane. You have about 12.1% of employees with disclosed disability working at Westpac.

Then if I can move to Suzanne. You work with a range of organisations to increase their capacities to engage with people with disability. What are some of the key drivers of success you have seen in different organisations, which ones are doing well and why?

SUZANNE COLBERT, CHIEF EXECUTIVE OFFICER, AUSTRALIAN NETWORK ON DISABILITY:

Well, firstly, I've got the great privilege of only working with organisations who are interested in investing the agenda of increasing their capability to include people with disability. So I work with a select group of employers, probably Australia's best. I don't think there is any rocket science. Employers recruit for skills and what I notice in organisations, just like any other business goal, is if the business leader has a goal to achieve something - and I know that Gail Kelly diversity on the score card - so when it is important to the Chief Executive, it becomes important to the rest of the organisation.

So in our organisation, we often use the term, you know, “what fascinates my boss is also my obsession”. So if we've got the leader of an organisation focused on achieving something, then it is pretty easy to bring the rest of the troops along by cascading some key performance indicators across the business and managing like any other business strategy.

It is about having that right leadership structure. It is about ensuring your employees with disability have a strong voice and if they feel that they're in a culture where they can call it out when it is not working. You know, when they are invited to a meeting that doesn't cater for their needs and to be able to call that out, then that's really important. That takes more than just the soft work that you might do. It is actually requiring courage in the workplace. I think, you know, we all need a little bit more courage if we're going to make progress on employment of people with disability.

Also we have a system problem. So, you know, people with disability and employers are not at the heart of our employment service system. So the architecture doesn't really take those needs into account. It is essentially a transaction between providers and government and our members have asked us to set up a taskforce about how, you know, what can we do to help people with disability and employers be at the heart of the architecture of the employment service system.

So I think it is a case of an organisation saying this is important to us because they've got a well-articulated business case. They've got some stated goals. They have got some accountability. They've got the right governance structure in place to deliver as they would deliver on any other business process.

ELIZABETH BRODERICK:

Thank you very much, Suzanne. I think you make a good point. If jobs came in all shapes and sizes, that would open the market to everyone, including people with disability.

Mark, attitudes and stereotypes, I look at this a lot in the gender space. The negative attitudes and stereotypes are major barriers to employment for people with disability. What strategies do you think we can employ to really break down some of that negative stereotyping?

MARK BAGSHAW, MANAGING DIRECTOR, INNOV8:

Yeah, I think there's something absolutely fundamental going on here. I have a strong sense of Groundhog Day sitting up here today. In fact, sitting next to Suzanne, I suspect you might have much the same feeling that we've been talking about this stuff for decades. We're not making any real progress. The numbers just haven't changed at all. There are people with disability of all types and all severities getting jobs, which proves to me one very simple thing: disability is not a barrier to employment. It is just not the barrier to employment. Something else is, and I think it is the attitudes in the end. I think the attitude challenge that we have got here is as absolutely fundamental as a reflection of Australia's lack of belief in the capacity of people with disability to participate in just about anything

I think the average person in our community, the average employer in our community, simply doesn't believe that people with disability can hack it. They just don't. They just don't think a person with disability can potentially work full-time in mainstream employment and move up through the management levels. They just don't believe it.

So I think we're stuck with our disability employment system. I don't mean the disability employment service specifically. I think our whole model of disability employment in Australia is stuck. We've been getting people with disability jobs for a long period of time. The way we are going around doing it at the moment, the numbers are not increasing and the gap is not decreasing. Therefore, I think we need to be looking for new solutions and it needs to start, in my view, by confronting Australia's belief in the capacity of people with disability, including confronting the belief of people with disability themselves in their own capacity to participate in the world. I think the most effective way of doing that is to tell stories, real stories, about ordinary people with disability who, as we in the room today know, all around this country are just getting on with life.

Not the superheroes and the paralympians - they are great role models as well. But the real role models that are out there in this nation today are ordinary people with disability who are just getting out into the community, getting out into the workforce and contributing to our community and we need to be gathering and telling those stories, telling them to every Australian, to every employer, because in my view, it is those stories will ultimately change our nation's belief in the capacity of people with disability.

ELIZABETH BRODERICK:

Should that start in the education? Our views are formed from the ages - you know, from the minute we put our feet on the ground and our community attitudes then start to be strongly developed. Is that where you think that is?

MARK BAGSHAW:

Absolutely. There have been comments made this morning about inclusive education. There should be absolutely no segregated anything, in my view. There should be no segregated employment, no segregated education, no segregated housing. I mean, we either believe that people with disability in our nation can participate fully in everything our world has to offer or we don't.

I believe that people with disability are capable, with the right support, are capable of participating in our community. Anything other is a cop out, in my view. Let me tell you a very, very quick story that really brought it home to me last week just how far we have to go in this area. I was up in Newcastle with a group of people and I was doing some work in the enclave that's formed around the national insurance office there in Charlestown. Those of you who have been up there will know that that has been disability central now. Virtually, every shop in this arcade, this open arcade, is now taken up by a disability employment service.

After the meetings, I was sitting with the group I was with, we needed to get a cab to get to our next meeting, and many of the people sitting with me looked over and saw the office of The House with No Steps. They said to me, "Do you notice a problem with The House with No Steps?" The House with No Steps has got steps from - from the footpath into the shop with no alternative access. When they went inside the office and said, "Hello, what's going on with The House with No Steps having steps into the office?" They said, "Oh, yes, but, look, we're going to be putting in an application for a ramp into the front of the office." Not only had they taken out a lease on an inaccessible office with no guarantee whatsoever they would get approval to put a ramp in, and they had no guarantee, but they were offended that we would call into account for that. That is how absolutely fundamental this issue is here when a disability service provider doesn't see it is a problem to take out a lease on an inaccessible premise. You know, it is just not on.

ELIZABETH BRODERICK:

I think what you are suggesting is that we need to reimagine normal. At the minute, we are stuck in normal, which is a model of exclusion and we need to reimagine what normal looks like. Great comments from all our panellists. What I would like to do now is to open up to each of you. I know there is a question here.

TODD WRIGHT:

Hi, I am Todd Wright, I am the President of Deaf Australia. With my everyday job, I am a manager at IBM, and I am pleased to say I am at one with people with disability that proves that I can hold down a full-time job. I am a chair of staff for people with disability as well called Diversability. Joel alluded to - in his previous speech, he said that one person had three different jobs under three different employees. I want to ask you really do you get any feedback from employers about their staff coming with lower skills and meet the job description and, if they do, does that mean the employers need to have greater involvement in educating those people that are employing them? I know some managers get funded, or it depends on having a university degree, et cetera, but by that time it is often a bit late. You need to look at the early education sector and encourage that inclusive education and, you know, get them to join spreading the message. So, yes.

SUZANNE COLBERT:

I can make a comment on that. I think it is that journey from education into employment that many people struggle with and the steps that are required. I mean, employment is a bit like, getting a job is like trying to navigate a system, and if you haven't had experience, it is hard to know how to work through that.

So it is about getting the right skills and capabilities. At the Australian Network on Disability, we run a mentoring program. You might be surprised to know that we have many more people from our members offering to mentor people with disability than we can actually - it is really hard for us to get mentees. Even though we contact the Disability Employment Services and we work with many organisations, it is just not - investing in people's journey towards employment doesn't seem to be as important as placing the person even in a short-term job.

For many people with disability, getting advice from employers along the way around the skills and capabilities that they need that will help them build a long-term sustainable career is really invaluable. So mentoring is one way. In saying that, our internship program for university students with disability to help build the capability of managers in organisations by providing paid employment opportunities as Westpac and Telstra, who are here today, provide, it helps a young person with disability making that transition from education to employment get a sense of how they're going to go, how will they manage with their disability and what kind of work will best suit them and to set them up to navigate a long-term career.

But these are relatively small programs. Our mentoring program is unfunded. Our internship program is funded by our members. But we should be doing this all over Australia and it should be articulating then into leadership development opportunities so that the business - those high potential young people with disability are going to be sitting here at this table having a very different conversation than what we are, but talking about reflecting on their success.

So we do need to invest much more carefully in peoples’ skills and capability, line of sight into world of work, real time opportunities that are paid as well as ongoing career progression and advancement.

ELIZABETH BRODERICK:

Thanks Suzanne. I would imagine for those businesses who are fortunate enough to have a young person with a disability come and work with them, there would be reverse mentoring the other way as well, you know, for the business to learn very much. Sorry, Stephen, you had a point in relation to that, and then we will move to the next question.

STEPHEN SEDGWICK:

Yeah, our environment is very legalistic. We have very strongly enshrined in our culture this notion of merit. Merit most often means equal opportunity to apply and sometimes we find that people take themselves out of the pool because they believe that when they apply and they're assessed against other people that, well, somehow or other they'll be disadvantaged in that. That's why we did RecruitAbility. The idea behind RecruitAbility was to say to somebody with a disability, "Put your hand up. Put yourself in a field. If you look like you have got the qualifications, you will get through to the next stage, we guarantee it." That was one of the lessons that we learnt from the gender issue actually, was having women in fields, also having women prepared to tell us their stories, Mark [Bagshaw]. It is mightily powerful because most of us don't experience life. I don't experience life in the eyes of the world and I don't experience life through your eyes as well, so someone has to help me and tell me.

JANE COUNSEL:

Can I just add to that as well?

STEPHEN SEDGWICK:

Can I make one more comment? RecruitAbility is what is called an affirmative action measure. We have had another affirmative action measure which says particularly with someone with an intellectual disability, that we can work with a disability employment service provider to almost design a job around the individual. It is not quite like that, but it comes very close. What we're looking to do now is to see whether we can widen the categories that might be considered as special measures - employment opportunities for people with a disability. That challenges our culture a bit because of this entrenched notion of merit, but nonetheless, we are going to have a go.

ELIZABETH BRODERICK:

Would that include targets?

STEPHEN SEDGWICK:

No, it wouldn’t include targets. That is a different issue all together. We have had targets for the employment of Australians who identify as indigenous for some many years now. We are nowhere near them. I am not too sure they are really that effective.

ELIZABETH BRODERICK:

Although targets are sometimes necessary to ensure that everyone is starting from the same starting point, but it sounds like there are some good initiatives happening there. Sorry, Jane?

JANE COUNSEL:

As a large employer, I wanted to sort of say to Mark, we share your frustration around employment. We have certainly, through the AND and BCA given our feedback of the failings of the current national employment system. I think a point that I would make as a large employer - a lot of our employment is volume based which means that specialist requirements sometimes can fall between the gaps.

We have taken matters into our own hands. We are currently running a pilot with Mission Australia as a bit of a test on how we can improve direct employment opportunities for people with disability. I just wanted to flag to this audience it is something we are very much focused on. The other point I wanted to make is story-telling, the role modelling and the opportunities Suzanne pointed to. They do make a difference. We had a young gentleman who participated in our ‘Stepping Into’ program earlier this year who so impressed our staff at Westpac, he has been fast-forwarded for a graduate role starting early next year. We are certainly trialling a number of ways, but, as I said at the outset, there is no one single ingredient.

ELIZABETH BRODERICK:

OK, other questions from the floor. There is one over here, one and then two. Sorry, the woman in the red dress. Then we will move forward.

JANET MEAGHER, FORMER COMMISSIONER, MENTAL HEALTH COMMISSION:

I am Janet Meagher, my interest is in the mental health as well as the broader disability field. I had a conversation with Mark outside and this has got three elements to it, this question. The first is why is it that Mark and I - and I could name a dozen other people in the audience - have been around for a hundred thousand years yet there seems to be very few of the next and other generations coming through who are active in the disability discrimination area. This is a big concern. Some of us are ancient.

The second thing I will say is that a lot of the service providers, probably present company excepted, think they are doing a wonderful job when they're just doing what they're basically contracted to do rather than excelling in the rights of people that they're supporting. Having been a judge on one of the disability awards to do with employment, some of us were really shocked at the numbers of people putting themselves up for an award for doing what they were paid to do. So I think the quality assurance side of disability employment programs needs to be raised.

People should be paid to excel, to go beyond the mere requirements of the service that they're offering and that they should not just be milestone payments, but real achievement payments. The last thing I say is in relation to that last point about people with disabilities being helped to move through into employment by quotas or positive action programs.

I wouldn't dare ask how many businesses are given government contracts. Why isn’t it a requirement of every government contract, Federal and State, to employ a proportion of people with disabilities in any new roles that are created? Why are we not putting requirements? There are many competent people out there like myself and others who just need a hand up, who really don't need a lot of support, but need to have supporters in place.

ELIZABETH BRODERICK:

Thanks for those comments. I don't know if there is any comment from the panel, particularly around that about making it part of a procurement.

SUZANNE COLBERT:

As you know, the US have enacted recent legislation under Obama where any contractors to the Federal Government, 7% of new hires need to be people with disability and they put in some really strong governance and accountability measures as well as made it very clear the way to collect data for those contractors.

Here in Australia, we haven't yet provided employers with any guidance on how to even ask our employees or our candidates whether they may have illness, injury or disability that impacts on their working life. So I think the - if we were going to do that, one thing we would need to do is first agree - how do we sensibly ask such a question in a way that doesn't offend people, but helps employers get a line of sight into whether they are attracting a diverse workforce. I am really pleased that, you know, Susan Ryan and I have started to have conversations about how we might get such guidance going.

Overseas, yes, there is a requirement. Obviously there is massive leverage in achieving outcomes. The NSW government spends $500 million a year. I just want to repeat that, $500 million a year on contracted labour services and so if we could help those contracted labour services be more inclusive of people with disability, you could see that we could actually pretty soon move the percentage points of participation of the employment of people with disability. We could do that, just by getting those settings right.

Now, I know the contract trend is on red tape reduction, but we have somehow got to balance our trends around red tape reduction to our absolute desire to have more people with disability participating economically and with having more inclusion and so I think they're the kind of sensible discussions that really do need to take place.

ELIZABETH BRODERICK:

Steven, do you have a point on that so far as the government is concerned?

STEPHEN SEDGWICK:

I can't speak for the government on that. I am not a fan of targets. Liz and I disagree on this. I think one of the important issues here is the disclosure one. You know, there are some disabilities that are obvious, others that are not. Particularly around the mental health space, both sides feel uncomfortable and in circumstances in which the meds are working and you can do your job, then, you know, in many respects, it is actually a brave employee who says to their boss, “I’ve actually got a mental health condition, but I’m treating it and it's okay”. So until we kind of solve some of these cultural issues and there is a degree of comfort and a sense of being welcomed and supported in the environments, we are also going to have a non-disclosure problem. In our world, it is a third. A third do not disclose their disability status in our world. We have to work on that, I think.

SPEAKER:

But it is unsafe to do so.

STEPHEN SEDGWICK:

That is my point. Until such time as we change the cultures and people feel that it is safe, then we will continue to have this issue.

JANE COUNSEL:

I guess that is the point I make from our perspective. It has been very much a focus on safe environment for disclosure and that has really made a difference around our disclosure rates. I would add to Steven's concern, it is one thing to collect the data, but how do you use it? Then, how do you actually have confidence that people, for example, will act with some sort of bias in the process? I am not convinced even at Westpac with the strong culture that we are quite there yet. It is human nature unfortunately. We need to keep working on that. Certainly from a procurement perspective, I think it is the next opportunity, but I think there is a long way to go before we find a model that works.

ELIZABETH BRODERICK:

Thanks. We have two questions. There is one just in front, there, and then there is one at the back. Then we have to close this session off, I think.

BRUCE MAGUIRE, DISABILITY RIGHTS UNIT, VISION AUSTRALIA:

Thank you. It is Bruce Maguire here from Vision Australia. I have a comment which will lead into a question for Steven. The comment picks up a point that was made this morning around accessible public procurement for IT. The research that Vision Australia has done is that 63% people who have blind to low vision are unemployed. That is four times the national average and is also considerably higher than the average amongst people with disabilities.

There are a number of reasons for that, including negative employer attitudes. There is certainly a strong correlation between education and employment and also, incidentally, between braille and employment for people who are blind. One of the biggest barriers that our research identified is the inaccessibility of much technology in the workplace.

Obviously if there is 63% of people who are unemployed, then a lot of those people don't have the technology to complete surveys to talk about the technology. Irrespective of that, much of the technology that is in the workplace is not accessible for blind people. You go into an office, and if you are a blind person, chances are you won't be able to use the printer, won't be able to use the photocopier and you probably won’t be able to use the phone system, let alone all the software that the office has purchased to make it run.

Yes, there is an Employee Assistance Fund which can provide some technology, but it can't reconstruct the whole office. It can't make the photocopier accessible if there is no accessible photocopiers on the market. It can't make the coffee machine accessible if your coffee machine is an inaccessible touch screen as more and more often do these days. It can't put an accessible lift in a building if the lift system itself is inaccessible. I think governments have a leadership role to play by introducing policies around accessible public procurement for IT.

It doesn't matter how good you are, as a person who is blind if you can't use the technology then chances are you are not going to be able to do the job. I think this is particularly the case in the Australian Public Service where whilst there may be some good initiatives, if those initiatives aren't backed by accessible infrastructure, those initiatives will be significantly diminished in their effectiveness.

That leads into my question for Stephen. Stephen, we have heard over the last few years in particular about a decline in the percentage of people with disabilities employed in the Public Service and some say that there is actually a higher number, but it is a problem with disclosure. Others say the actual percentage has dropped. Thinking about the initiatives, the RecruitAbility initiatives and the other things you mentioned, has there been any evidence that the percentage of people employed in the Public Service has increased, and in any case do you think success would look like - that is, do you have a percentage in mind of the number of percentage of people employed in the Public Service with disabilities? How are you going to measure the success of those initiatives?

ELIZABETH BRODERICK:

Thank you, Bruce.

STEPHEN SEDGWICK:

OK, two part answer. I agree with you about the infrastructure and the accessibility or not of the infrastructure and you are dead right, if the lift system isn't blind friendly, then the lift system isn't blind friendly and it is really difficult to reengineer the building. You know, that is one of those interesting things about life. As the building infrastructure gets renewed over time, then those things will be sorted. At the moment I understand your frustration and I would be pretty angry if it were me, frankly.

Around the accessibility of IT, you know we have 117 separate systems in the Australian Public Service because each agency is its own boss in these spaces. It is interesting that we kind of go through cycles here. We have a strong evolution cycle and all 117 went off and did their own thing, then in circumstances where anyone in the centre said, "We’ve got a great idea for you. We think you should do it this way". Well, call out the troops and we basically shot that poor person at dawn. We are now operating in an environment where it is coming back the other way.

The economics are more in favour of central procurement than they used to be. More in favour of collaboration against - around common software and common infrastructure rather than have 117 versions of truth. One of the consequences of that - and it came out of the work of the Diversity Council - we have actually set up in the Department of Human Services an accessibility hub.

What this thing is meant to do is to try and prevent 117 agencies having to reinvent the wheel. It is for them to go out and identify, you know, what are the IT options, for example, that can improve the accessibility of IT and our various systems to people with disability. So we can improve the take-up of those things. If you have got small agencies, you know, having to be the front of all knowledge on every disability type, they're in all kinds of deep trouble. This notion of centralising this centre of expertise is intended over time at least to put us in the position where we can do a better job than we currently do. Sorry.

ELIZABETH BRODERICK:

The other one was just what you think - what level you would like it to be. If I could ask you to be reasonably quick because we are running out of time.

STEPHEN SEDGWICK:

OK. Our objective has been to reflect the diversity of our population, so in that sense our aspiration is to get 15%, which is the working age population as we understand it. In the confidential surveys where it is 7, we did take a big hit some years ago. People have claimed that it is the redesign of jobs, outsourcing, a whole bunch of other stuff that had an impact on that. What we managed to do over the last couple of years is stabilise. We're not falling further. It is too soon to say whether RecruitAbility has had an impact or not. We happened to introduce it at the time when the Public Service started shrinking, so we're not hiring anything like the numbers that we used to. We will be doing an evaluation of those things in a couple of years time. I will be happy to go over the data with you.

ELIZABETH BRODERICK:

Thank you. I am sorry, we have to cut this off. There is a couple of other questions. The panel will be around for a few minutes after this. Could you join me in thanking, please, Stephen, Jane, Suzanne and Mark. Thank you very much.

(Applause)

Now, before we move on to the next session, I would like to invite the next panel to come up, but while this is taking place, please feel free to stretch your legs for the next five minutes.  We will be starting five minutes sharp from here.  Thank you very much.

(Short break 4:21:39)

# Panel and Discussion: Employee and Peak Body perspective

ELIZABETH BRODERICK:

If I could have your attention, please. If I could just have your attention, please. We will now start our second panel on employment for the afternoon. It is great to have two complementary panels with such talented speakers. This panel discussion is from the employee and the peak body perspective.

Once again we're joined by a really talented panel. Starting from my right, we have got Ace Boncato, who you all know as the advocate for Multicultural Disability Advocacy Association of NSW. Beside her is Matthew Bowden, the Co-Chief Executive of People with Disability with Teresa Sands. Christina Ryan from Women with Disabilities, and Christina has been to the UN with me a couple of times to pick up on the issue of women with disabilities. We have got Matthew Wright beside Christina who is the CEO of the Australian Federation of Disability Organisations, a peak body. We have, of course, at the end Wayne Hawkins who is a Disability Policy Adviser for the Australian Communications Consumer Action Network. Welcome to today's panel and thank you very much.

(Applause)

Just like the last panel, I want to have as much engagement with the floor as we possibly can. So panellists, if you just keep your responses to a very short period of time. So, Christina, I might kick off with you. Has Women with Disability noted much in the way of gender disparity in the provision of services, particularly when we look at employment services, and if so, why?

CHRISTINA RYAN:

Well, yes. Generally speaking, there's a massive disparity in access to services of any kind for women with disabilities. Nationally, we get about 35% of what is on offer. Yes, 35%. So one of our biggest barriers generally is simply leaving the house, if we have a house. Many of us rely on informal supports as a result. So as Liz has already highlighted earlier, our exposure to violence is extremely high.

What we also then know is that when we do manage to access an employment service - and only 33% of employment services are provided to women with disabilities – they often don't know how to support us well. Many of our members have experienced appalling workplace violence or discrimination as a result of not being properly placed or well supported in the workplace by their employment service.

We have had terrible stories of women finally getting a job in a small town, excited about starting and then they are being gang raped in the storeroom at lunchtime. They fear they can't speak about it because it is the only job they are ever going to get and they feel if they speak up, they will lose it. Which they probably will.

So there is a huge gap in the right sort of supports for women with disabilities. We aren't men. We actually need things done differently. But because we are not getting the basic supports for our basic disability needs, we actually are struggling just to get by generally. We are really needing the NDIS to come to the party for us here. We really need the NDIS to plug that gap so that 50% or a bit over, in fact, of the services provided to people with disabilities in this country actually go to women. That doesn't mean men get what they need, it means we actually need women to be finally getting what we need so that we can actually have housing, we can live independently, we can be job ready, that we can sustain employment and that we can actually leave our houses on a regular basis in a predictable fashion.

It is a really big ask and it is going to take us a long time to get there, but we really need to understand that things like agenda analysis of the statistics for the NDIS need to start at the beginning, they need to start now, and they need to be pretty robust. That is one we need, Susan [Ryan], for you to be pushing for us.

We also need to know that the types of services that women need are actually being supported and we already had some stories from the NDIS in Victoria and New South Wales particularly where some of those services are actually being denied to women with disabilities because they are not seen as the traditional disability types of services and supports. We need to rethink how women with disabilities are supported and that is how we will start to overcome that disparity.

ELIZABETH BRODERICK:

Thanks very much, Christina. Matthew, as the CEO of the Australian Federation of Disability Organisations, what do you think needs to change to improve the employment of people with disability? We had a bit of a discussion about targets and quotas before. What do you think about them? Do you think they are a good idea?

MATTHEW WRIGHT:

Firstly, I think the system needs to change from a compliance based system to a system that engages employers more and a NDIS style market driven approach to allowing people with disabilities to make decisions about their service provision. In relation to quotas, I think 100% they are the way to go. I’ll tell you why. When our friend from the Public Service talked about quotas in relation to indigenous employment, that they didn't work, it is because nobody lost their job and they didn't happen. I think a dirty word in the disability sector has been consequences. In relation to quotas, in relation to consequences for not complying with the Disability Discrimination Act, I think that we need to have consequences for things not working or things not happening.

ELIZABETH BRODERICK:

Continue, please.

MATTHEW WRIGHT:

I think in other countries they have some good systems. Even in China, for example, where companies who don't hire people with disability have to pay a fine that is relative to 1.5% of their workforce of what they - if they had hired a person with a disability into the company and the wages they would have paid, they have to make a contribution to a fund and that fund then works to recruit and hire and train more people with disability. So I think these are the types of models we need to look at. I am not sure that the Australian society is yet ready for quotas and I think that we will have to build the case as we did with the NDIS.

ELIZABETH BRODERICK:

The target would crystallise intention which would mean if a strategy wasn't delivering against a target, the strategy would be thrown out and something else would be tried.

MATTHEW WRIGHT:

I think again, things don't work if they have no consequence. I think if you put consequences to them and people are responsible for them, then suddenly things start to work. Suddenly you get that change. Change is painful. It is hard. But you won't get change without consequences.

ELIZABETH BRODERICK:

Thank you very much, Matthew. Wayne, how can we raise awareness amongst employers that there is financial assistance to help meet the cost of workplace accommodation if those things are necessary?

WAYNE HAWKINS, DISABILITY POLICY ADVISOR, AUSTRALIAN COMMUNICATIONS CONSUMER ACTION NETWORK:

OK, I think this is - there has been so many fantastic points raised today. I think this has been raised a couple of times, the fact that we do have an employee assistance program and that it is a system that could be better, but the way it stands right now, it is a really great system to provide those funds for workplace accommodations, things that we have heard about, ICT, software, you know, physical improvements to premises to make them accessible for people with disability.

There is a lack of awareness about that amongst most employers. You know, it was great, the last panel with the big best practice of Telstra and Westpac and Commonwealth Bank and organisations like that that are doing a really good job to promote employment of people with disability within their organisations, but there is a huge disconnect with most employers about what the cost of employing somebody with disabilities is going to be. When the government is willing to put some funding towards that, you know, and in a lot of cases cover the cost of employing someone with a disability, you know, that information needs to be out there. It needs to be made publically available, so that everybody knows that somebody with a disability who rocks up for a job and gets told this isn't going to work for us because it is going to cost too much to employ you, they then have to put the business case of why it is a good idea to employ them and they have to have all that information about what is available from a government assistance program to let the potential employer know that it is not going to be a financial cost on them.

There needs to be a way for us to do that across the board so everybody knows that, you know, employing somebody who has a disability is not going to put you on the back foot financially as an employer, it is going to - you know, the funding is there. It is available and it shouldn't be the role - in some sense it is like making a complaint, you know, that the citizen has to bear the brunt of making a complaint because the system is not working because they have a disability. There is a fundamental problem with that, as I see it, that the onus is on the citizen to rectify the problem that exists.

That is what, in a sense, is happening when, you know, we don't have this full awareness of this government program that is available and I think - you know, I don't know what the answer to that is, but clearly, you know, a public awareness program would be a really good first step and making employers across the board knowing employing somebody with a disability is not going to hurt their bottom line.

ELIZABETH BRODERICK:

Thanks very much, Wayne. Ace, what are some of the specific issues that arise for people with disabilities from CALD backgrounds?

ACE BONCATO, SYSTEMIC ADVOCATE, MULTICULTURAL DISABILITY ADVOCACY ASSOCIATION:

Actually, MDAA is in actually quite a unique position because it's the only advocacy organisation in New South Wales that looks at the interaction between ethnicity and disability and how they interrelate. Other organisations tend to focus on disability or ethnicity, but not both. So a particular issue that people from culturally diverse and non-English speaking backgrounds face in accessing to employment is the lack of that knowledge of the effects that culture have on a person with disability.

Now, this all begins at the very basic stage in terms of looking at what disability means to a person. It is important to understand the way disability is perceived differs from one culture to another. These perceptions not only impact on the way a person with disability actually defines her or himself, but it also forms the basis of how their society designs and creates a system or infrastructure to support people with disability.

So, for example, in many countries people with disability are seen as unemployable, therefore the system within the particular culture is not designed in a way that encourages or even allows equal participation of people with disability in the workforce. So if you're coming from a country with those cultural understandings into the Australian culture, and your first language is not English, you will need support and accessible, culturally responsive information every step of the way to make sure that you are well informed, know your rights, and have the equal opportunity to be employed.

People from culturally diverse and non-English speaking backgrounds may need some further training and education in, for example, the English language. This means finding an accessible facility. It is also often the case that migrants who try to find a job within their specific field of expertise do not get the recognition of their overseas qualifications which means that they may have to do some further study and gain some local experience to even be considered to get a job here.

We need to keep in mind that many of these hurdles need to be overcome, while also trying to eat, trying to live, pay the rent and get an income in a completely unfamiliar culture and be part of an unfamiliar system. So MDAA therefore works with people from culturally diverse and non-English speaking backgrounds with disability to address the specific issues and ensure that all people we work with know their rights and have appropriate information to make sure that they can make informed decisions. But at the same time, we also play a role in raising awareness within the wider community about the need to be culturally responsive in the way they work and it is great that Australia has really taken on the social model of defining disability through its implementation of the national disability strategy and Australia's commitment to the UN Convention on the Rights of Persons with Disability. We're now looking at the individual as an individual.

We're taking on a person-centred approach. What we really need to understand is that if we really want to take on a person-centred approach, we need to be culturally responsive. When we relate that to employment, it has been said that for an organisation to be successful and to truly do a good and honest service to its community, that organisation needs to reflect the diversity of its society within its workforce. So it's up to the government to provide these policies that can be implemented at grassroots level and that is actually where the real work happens and that's the most important indication for success. It is at the grassroots level.

ELIZABETH BRODERICK:

Thank you. Thank you for pointing out the issues around intersectional discrimination as well, that was terrific. Matthew, what are the views of people with a disability in Australia on the supported employment system which is run through Australian Disability Enterprises?

MATTHEW BOWDEN, CO-CHIEF EXECUTIVE OFFICER, PEOPLE WITH DISABILITY AUSTRALIA:

Australian Disability Enterprises - or, as our members prefer to call them, sheltered workshops - provide a place of work for about 22,000 people with disability in over 600 ADEs around the country. It is critical and it is fantastic that the government invests in supporting people with disability to enter the workforce, to develop skills, maintain that employment, increase their income and reap the social rewards that come from participating in a workplace, but can we do better than this? Can we provide better work training and skills building opportunities to the people with disability who are currently in ADEs? I think that we can.

The ADE system is a specialist disability setting and one that is segregated. We have had some discussions already this morning about the risks of segregation. These also apply to this particular setting. It is separate from what we term the mainstream or open employment. Segregation, wherever and whenever it occurs, needs a careful examination and inquiry into whose needs and interests are really being served by the act of segregation. In other segregated settings, we see inherent risks associated for the people with disability who are situated there. Segregation and congregation of groups of people with disability has been proven over time to enable cultures of control and compliance, increased stigma, and the risk of violence, abuse and exploitation.

So, it is no longer acceptable for people with disability to be compelled into segregated environments where they are congregated with other people with the same or similar impairments in a sector where there are greater risks of discrimination, extremely low pay, fewer employment conditions, in environments that are stigmatising in order to receive the supports that they require. The segregated employment sector plays to the myths and attitudes of workers and employers in the open and mainstream sector. In other words, this group of people are different, unable, can't be with us and need to be over there in a specialised setting. Many people with disability describe the ADE sector as inhibiting rather than enabling their transition to mainstream or open employment.

People say the sector traps them and as their skills and outputs increase, they are too valuable to the sustainability of the business that their employers are reluctant to lose them as an employee by supporting and aiding their transition into open employment. We see the same traps for people with disability in other segregated environments, like education, housing and service delivery, that people rarely transition to the mainstream despite the rhetoric about this being the goal.

Approaching these from a human right's perspective and examining ADEs through the lens of the Convention on the Rights of Persons with Disabilities demonstrates that we are not getting it right. Article 27 on employment supports the right to work for people with disability and compels us to provide employment on an equal basis with others in a labour market and work environment that is open, inclusive and accessible and provides equal pay for work of equal value. This doesn't sound like ADEs.

We're also compelled to prohibit discrimination around pay, conditions and career advancement. This speaks to the problems we have seen highlighted in the use of the business services wage assessment tool and the issues of transitioning from segregated to mainstream employment.

We would also benefit from looking to other jurisdictions to see how they are modernising and providing more effective supports to people with disability and closing down their segregated and congregate disability employment settings. The paradigm shift away from congregate housing and service delivery for people with disability and the reforms that we are starting to see through the National Disability Insurance Scheme need to be extended to the employment environments and support provided to people with disability.

We need to take a similarly innovative approach. I think if people with disability were able to unbundle the funding that they receive from their block funded ADE on an individual basis, take this funding and purchase specialised employment support to places where they aspire to work, we would see much better outcomes.

We should allow the people with disability and ADEs to set their own mainstream employment goals – to develop a plan with them on how they will reach those goals and then have the tailored individual course provided by disability employment specialists in the mainstream.

Providing on the job training, mentoring and support though an employment support package in the mainstream will model to other workers and the employer good inclusive employment practices. This would likely see them pick up informal and sustainable supports becoming embedded for the employee with disability so that the need for the funded packages would phase out or lessen.

The job access program, many people know about that could compliment an employment support package to provides aids, modification and adjustments to the working environment to remove other barriers to include - to achieve inclusion. It is really time for us to engage in a sophisticated process of reform so that we produce better outcomes and true meaningful inclusion for these 22,000 people with disability.

ELIZABETH BRODERICK:

Thanks very much, Matthew, and thanks for reimagining what the supported employment system could look like. I think that is a great analysis which we need to keep in mind. What I would like to do now is to open it to the floor. If I could ask you to be - to just do short quick questions. We are running a bit over time. I can ask the panellists to be very quick in your responses. Who would like to ask? We have the first question from Kelly over here. She has the microphone. There.

KELLY VINCENT:

Thank you. Matthew, thank you for that amazing statement on ADEs. I am just wondering, I know that People With a Disability Australia have a petition in that kind of thing going where organisations can join saying that they do not support. Are there any other movements that your organisation or others that you are aware of are running that people wanting to get behind changes in terms of stopping sheltered workshops can join?

MATTHEW BOWDEN:

There were a number of advocacy organisations and disabled people's organisations who have join together to speak out on the issue of discrimination based through - for people with disability who lost wages through the system. There's a lot of information online there.

One of the things I think would also be very useful in an approach to sort of dismantling the ADE system is perhaps to have no new entry policy so that we're not having sort of new workers going into the system or dealing with congregate institutional housing, living arrangements for people with disability, keeping the numbers static for a period of review and reform and then having a staged process for transition.

ELIZABETH BRODERICK:

Thank you, Matthew. Joel, did you have a question? Thanks.

JOEL WILSON:

More a comment rather than a question. Just over 10 years ago I was living in a group home and working at an ADE and just for anyone that really doesn't know what an ADE involves, we were working sticking velcro labels on X-Ray sleeve things. Looking back at it now, like, I registered that for about six hours work a week I got about 15 dollars. To me, I reached that stage where I would rather be unemployed than go through those conditions.

ELIZABETH BRODERICK:

Thank you for that comment, Joel. We have a question over here. Sorry. Oh – Christina?

CHRISTINA RYAN:

I think it is worth acknowledging that the ADEs are almost exclusively designed to keep people on the disability pension. There is actually a counter movement for people who are fearful about losing access to their pension, when there is actually also a whole bunch of people with disabilities who really don't want to be on the pension, they are not interested. So it is a really interesting kind of dynamic about how you can almost control an entire population through segregating them into an environment where they are not being given the appropriate information to understand what employment could look like. They literally are being told that if they don't work there, they will never work anywhere else, when we know that is bullshit. So it is actually really important that we counter this and call it out for what it is. People are being paid stupid amounts of money for doing - for sticking velcro tabs on X-Ray labels.

ELIZABETH BRODERICK:

There is a question up here, thanks, Christina.

MARK PATTISON:

Mark Pattison from Inclusion Australia. Thank you. Something needs to be pointed out in terms of ADEs. There are a very small number of ADEs which pay the supported wage system which are inclusive which actually give people decent jobs. I go back to the previous presentation which was about culture, where when an organisation wishes to change, they can change. What we have is a large group of organisations which don't want to change as Matthew pointed out. ADEs, the structure of the ADEs, the funding of the ADEs, however you wish to look at them, is actually not an impediment to the actual change, because someone made it, and then after the Businesses Services Wage Assessment Tool (BSWAT) decision by the High Court, you know, some others are now switching over and having to change, but again it is - we're talking a handful. So in looking at ADEs, I think we need to look at those that actually are making the change and pointing out it is very possible for all these organisations to actually make those changes in terms of inclusive jobs, decent wages, decent working conditions, career structure and all those sorts of things.

ELIZABETH BRODERICK:

Thank you for that observation. Matthew, any comment? Otherwise I will take other questions. Yes, there is one here. Thanks.

PHILIP ENDERSBEE:

I'm Philip. I am an employer. I've got to say, you know, we're raising a whole lot of issues today and I mean, my throw-away comment is you can't take a promise to the supermarket and buy your groceries. I think the think about it is over the last couple of decades this sector has obviously talked about a whole raft of things and actually got nowhere.

You know, I have got to say as an employer - I'm also a part of the Outdoor Trade Association in Australia, which is everyone in our outdoor industry. I have got to say from the disability sector, the engagement with our people is just not there. In fact, we've been proactive with our company to actually seek people who have a disability and embrace them in our company.

Now, having worked in the corporate sector for 20 years and run my own company for the last 25, in the last place in some ways I would want to work with disability is in government or in a large corporate. I think when one sort of says we've got 800,000 small to medium enterprises in Australia. If 5% employed one person with a disability, there's 40,000 people. I think the thing about it is, you know, I really wanted to raise with the chap from the Public Service before that there's nothing actually written into guidelines where people are asked the question about what are they doing to employ someone.

In a similar way, you know, when I sort of say something to Westpac, it would be you have got enormous leverage with procurement outside. The printing companies, the cleaning companies, all of those sort of things, I would even say to Westpac when you outsource to call centres to the Philippines, how does that represent relative to employing people with a disability?

What I am sort of saying is I think we have just got to think outside of the square. There are a number of organisations out there who would like to be approached and I think the idea - one of the things we have is that when we have someone with a disability, the whole thing with the case person is to get them off the books. “Come on, let's get them up Phil, let’s get them to 100% skill level”, when in your own heart you know that is just not possible. So you actually want to work out a system where they can get a living wage that you may be contributing 60% to, but works around the disability and accommodates all their needs in the workforce.

The great thing about an SME (small to medium enterprise) is they become part of the family. You are never going to get that in some of the large enterprises. You will in some. So I just sort of say, you know, let's think about what are we doing? How best can we engage people and what are the changes that we can make in legislation that is going to encourage people to embrace what it is to be part of the community and make sure in a realistic way that their efforts are being rewarded. At the moment, we don't do that. So we're sort of pulling on everyone's heart strings. You are never going to get a cultural change by pleading to people's betterment. You have just got to do things and say, “This is the way it's going to be done. These are the rules. These are the guidelines”. You have got to get people in the hip pocket.

Unless you get people in the hip pocket and it is costing them, they're not - that is an employer - they are not going to make a change and so to be honest, I don't want money from the government for taking on someone with a disability. But I would like to work with people from government about how we can employ more.

ELIZABETH BRODERICK:

Thank you very much, Philip. I think that point about putting it down the supply chain, using the power of major corporates, and Jane was talking about it before, and I know Westpac are doing some good work about that, but really making sure it comes down the supply chain because by the time you put government together with major corporates, you have hundreds of billions of purchasing power anyway and hundreds of thousands of SMEs as well. Thank you for that.

Ace, I don't know whether you have been - when you are looking at the multicultural aspects, do you have any employers that you work with who are doing it well in terms of employing people from CALD backgrounds with a disability?

ACE BONCATO:

I don't want to toot my own horn.

ELIZABETH BRODERICK:

Apart from your organisation.

ACE BONCATO:

But MDAA does - well, look, it is about - I think it is just that whole - it is changing - it is conceptualising that people with disability from culturally or linguistically diverse backgrounds, they don't see themselves as employable. Take me, for example, I come from Southeast Asia. I was born in Australia, but my parents are from Southeast Asia. The attitudes within that culture is very different with the attitudes of the Australian culture.

I would go - I would be coming home from work at 6 p.m. and my mum would actually come - would actually - you know, at the end of the day my mum would say, "Oh, this and that person actually saw you and was wondering what you were doing outside without anyone at 6 p.m". You know, I was headed home. They were asking, "What is your daughter doing out there by herself?" No, I'm actually on my way home from work, as any other person might want to be doing. So I think it is that whole shift in thinking within the CALD community itself and for the Australian community to understand that that's where people may be coming from. So it is about a targeted communication strategy and actually taking out those myths. It is making it - providing that opportunity, that real opportunity for people from CALD backgrounds with a disability to be employed, but knowing that is where people may be coming from.

ELIZABETH BRODERICK:

Yes. You are a great role model for all of us. Some more questions. Sorry, there is one there and one there. Sorry.

GERARD THOMAS, NATIONAL WELFARE RIGHTS NETWORK:

It is great to hear from the panel about - and all the speakers today - about various barriers to employment. I think another one - that was certainly on the survey we had recently from the Commission - It mentioned welfare and social security. I think there is a significant barrier that I want to mention for people with disability, and that is $35 a day. There is a whole lot of people who are - and particularly the government are -rhetoric about getting people off the disability support pension and getting into work, of course people are keen where they can to engage in employment

But the threat of moving people on to lower payments - payments that are now $130 a week less than the pension - strikes me in the heart of the whole range of people with disabilities. On the DSP there was already a whole range of support built into that payment, like it is a tax free 40 cents per dollar, you can keep your concession card, but these incentives actually don't work. It is because people are fearful that if they try, it doesn't work out, they will be put back on to the Newstart. Threatening people with that sort of thing and you have media saying that all these people and the SPR are bludgers that is not going to encourage business or government to open the doors and employment with disabilities. I think there is a whole lot of education and other sorts of initiatives and addressing stereotypes that need to be addressed.

ELIZABETH BRODERICK:

Thank you very much.

CHRISTINA RYAN:

I will say something. You have actually hit something really important here because one of the biggest difficulties about not having a formal support package that goes with the disability - it doesn't matter who you are - is that you end up having to buy your own stuff on the open market. A lot of us end up having to do that because there is not enough out there. That is why we have an NDIS on the way. We all know that. But what it effectively amounts to is that it actually means you have got a ceiling before it is worth leaving the house, to put it crudely. So it is not worth getting a job unless you can break a certain income barrier.

It depends on your disability as to what that is. For me, I have got to earn 20 grand more than somebody else before it is worth me getting out of bed. Now, that is just ridiculous. I shouldn't have to be doing that. That is what it is like for an awful lot of people.

So we're actually preventing it being worth peoples’ while. You can get a job and particularly for people who work part-time, for whatever reason, it might be their disability or might be other circumstances, it makes it even more of a barrier to leaving the house. Because the minute you do, you start racking up costs associated with your disability that you can't get support for and quite importantly, you might be able to get an employment service to get you a job, but what they cannot get you, because it is almost invisible out there, there is nothing happening, is the personal care support.

So you can have your job redesigned so it works for you as a person with disability. You can go to Job Access and get the IT stuff if you need it. There is a bunch of stuff like that there. But, if you need personal care support, no, doesn't happen. So you're actually prevented from working because you can't actually have somebody to support you in the workplace. In the community sector, something that we have done, because we don’t have money to pay great wages, we are much better at flexible working conditions. We actually are able to provide the hours that might suit people better. We might also be able to provide them with other ways of working and we do a hell of a lot of that and that is how we end up employing people with disabilities. Often people who are told they're not going to ever be able to work anywhere.

I think we need to be looking in some ways at those sort of things. If you are looking for generic employees who spit things out like robots, then that is not the sort of person with a disability type employment. If you are looking at being highly flexible as an employer, you are probably going to get more runs on the board, metaphorically speaking, when it comes to picking up people with disabilities and keeping them, because you are actually picking up anybody better in the workplace. It works well for women, how we have employed more women in the workplace as well and the community sector, of course, is 87% women. I think flexibility is a key one. It is the things that don't cost money sometimes.

ELIZABETH BRODERICK:

Thank you very much Christina. We need to wrap this session up now. We will move to afternoon tea and our panellists will be there for any further questions. I think we had a really interesting afternoon. We have heard a lot about need for cultural change, so disability aware organisations. We have heard about the importance of special measures, whether you believe in targets or not, but some form of special measures, strong laws.

We need these issues built into the procurement processes of governments and also corporates. We need the power of large corporates to drive down their supply chain, to ensure that people with disabilities are employed in a whole range - the 800,000 small and medium enterprises as well - We need flexibility. We need jobs to come in all shapes and sizes.

It is like someone handed us this construct from on high called “work” and said, “look, don't mess with this, this is what works looks like”. It is a human construct. If it is not working for us, we need to change it, we need to reimagine it. So I think - and then finally I think Ace, you made a great point there. That is we need to work with people with disability themselves to ensure that all of us know that we can be our very best selves and that we provide value and not just in the caring work that we all do, but also in the paid employment work that we all do and that that is what is really important.

So I think we have got some really great ideas also to take back to the Commission. I do think some of the issues that we see in gender, particularly about working with power and ensuring that those in power care about this issue, not just cognitively and intellectually, but they buy it with their heart as well, so need engagement of head and heart which will take people from being interested in this subject matter, we need to take them through to strong action.

One thing I know from the energy in this room is that the time for talk is over, we are about action. I think that is some of the great work that we can continue to do with your assistance, your strong advocacy out in the community and with the employers that we engage with. Thank you so much to our fabulous panel today and to all the audience for your participation.

(Applause)

I would like to now invite you for a bit of an abbreviated afternoon tea. We will be back in here in about 15 minutes. Thank you very much.

(Afternoon tea break)

# Next steps

PADMA RAMAN, EXECUTIVE DIRECTOR, AHRC:

I think we will try and resume.  Just checking on the Auslan interpreters. Hello, everyone, my name is Padma Raman, I am the Executive Director of the Commission and I have the task of looking where we go next and facilitating the last session.  Luckily, my task wasn't to be the rapporteur for the day - that is Darren Dick's job. Darren is head of policy at the Commission. Darren has been sitting at the back, taking detailed notes right through the day and will try and sum up what you have told us today and we can then have a bit of a discussion about that and look at what the next steps are.  Thanks, Darren.

DARREN DICK, DIRECTOR, POLICY & PROGRAMS, AHRC:

Thanks, Padma.  Yes, my notes are really current up to 3 o'clock.  So hopefully you will give me any latitude that comes from that. We have had a broad ranging discussion over the course of the day and commenced with Senator Seselja giving us an extensive overview of development of disability policy from a medical model to a social model.  Really I think we are moving now hopefully from a more social model to a rights based model with things like the Convention on the Rights of Persons Disabilities and its focus on individual choice and self-determination and so forth.

We also heard from Senator Seselja how there are very significant commitments and bipartisan commitments in place from government that apply across all governments such as the National Disability Strategy, the National Disability Insurance Scheme, as well as the processes that have been underpinned by the Disability Discrimination Act.  We have heard also very strongly from participants that there is a vast gulf between the rhetoric and the commitments made in some of these documents and the day-to-day realities of people who have disabilities living in the community.

There is also, I think, we have to acknowledge the ‘elephant in the room’, in the first session, which is the decision of the government not to appoint a full-time stand-alone Commissioner.  Mick Gooda referred to precedence for this in the past where there was an Acting Commissioner for eight years up until 2005.  It is properly the decision of government to make and that there is work to be done to persuade the government to a different decision at the end of Susan’s 12 month term if that is what people desire.

The Commissioners, I think, strongly emphasised that they're focussed on ensuring that the Commission can have impact and be strategic in the work that it does with the capacity that it has and this includes by listening and engaging with the sector and taking a more explicit cross-Commission approach to the work that we do. Mick, I think, was very clear about this in talking about how Liz is the Commissioner for Women with Disability, how he is the Commissioner for Indigenous People with Disability and so on.

We are, of course, as a National Human Rights Institution not government, we are also not an NGO.  Our reference is human international rights law and applying it through evidence-based policy, advocacy and research.  So we will expect that we will be held to account by you as well as by government.  There are going to be times when we take a different path to that which you would hope, and hopefully won't be too often.

So I think the first session, the challenge that came out of that, really is how do we focus the Commission's distribution to be most strategic and to ensure impact and to quote Susan in her opening remarks, so we can contribute to the “shared mission of protecting the rights of persons with disabilities and ensuring the full inclusion and participation in society”.

In the second session we talked more about the substantive issues facing persons with disabilities informed by the results of the survey that was conducted prior to the forum.  I won't summarise the survey findings, but it is on the Commission's website.  Instead, just a few of the recurring issues that came up there, upfront it is important to note that the rights issues are interconnected.  Barriers in relation to access to services, education and employment are interlinked with negative attitudes, stereotypes and discrimination.  The key issues that are faced by persons with disabilities differ depending on the type of disability a person has, geographic location, age and a range of other factors.  I didn't want to overgeneralise in that sense.

Most of the panelists in the first session also indicated they weren't surprised at the issues that came out of the survey and I think that indicates something fairly important for us and that is basically we have a high degree of awareness of what the issues are and a question as to whether the real challenge - we probably also have the frameworks and the solutions identified in the commitments to identify it.  It is probably looking more at implementation than anything else.  And the National Disability Strategy probably deserves a special mention in that regard as being a document I know Graeme Innes, for example, was deeply disappointed in how it has been implemented.

The conversation really identified two interrelated challenges to be faced.  So the first are those specific discrete issues that are very specific to particular disabilities and context.  So a rural area, accessibility of technology in relation to disabilities, and secondly, the broader systemic issues that apply across issues and Rosemary neatly described this as the “vertical and horizontal challenges”.

There was then the next session focusing largely on employment.  Some of the survey results there neatly encapsulate issues around addressing negative attitudes and stereotypes, availability of jobs, assistance in finding, securing and maintaining employment, flexible workplace practises, mentoring and coaching, reasonable adjustment, a range of other issues.

In the discussions, Mark and Suzanne put powerful arguments about the need to reimagine what ‘normal’ is in the disability employment space.  Suzanne referred to the system as being transactional with persons with disability not at the centre.  Mark talked about the experience of ‘Groundhog Day’ with having been discussing the same issues for years and decades.

There was a lot of focus on the cultural challenges of getting persons with disability into employment, including creating disability confident workplaces, achieving senior leadership for better outcomes, the provision of information to dispel myths and have the basic information to know what questions to ask and what steps can be taken for reasonable adjustment, mentoring needs, understanding the gender dimensions to employment and the different supports that may be needed for women with disabilities and similarly understanding the cultural context for people from linguistically and culturally diverse backgrounds.

Some of the basic issues raised were around disclosure rates and promoting the culture as supporting better disclosure, addressing procurement requirements, particularly in the Public Service, creating greater awareness of existing support such as those that exist for reasonable adjustment and providing better information for people to understand their rights, particularly where English is not their first language.

Matthew, I think, talked about particularly the current system being without consequence for lack of compliance and we also started that session, I think, with a very powerful presentation by Joel which I think really showed what business is missing out on.  It is pretty amazing.

Matthew also finished the session too, I think, talking about ADEs and a very thought provoking way of looking at the issue in terms of how you could reimagine that system similar to something like the NDIS with an individualised funding approach and a system built on choice and individualised support which was very interesting.

So moving forward, a few things that the Commission does have in place, this is some regular things that we regularly do, we have a staff who regularly undertakes scrutiny of all legislation for compliance with human rights instruments and the CRPD is one of the instruments that that regular scrutiny work gets done in relation to, there welfare reform type bills up at the moment that come within that process.

We have a lot of education work that we do.  At the moment we have a tender with the NSW government to train public servants on the CRPD and how it relates to the new Disability Inclusion Act in NSW. In October we're launching three sets of educational resources related to the 20 Years 20 Stories project under the national curriculum and that is in the health and PE and geography curriculums.

It is worth pointing out that there are three reasonably significant international engagement opportunities coming up in the next 9 to 12 months.  The first in November is the UN Committee Against Torture which will raise some issues around forced sterilization and some other issues.  In March next year the Commission for Status of Women has a Beijing Plus 20 Review, which will look back on 20 years since the Beijing platform which will be a very significant opportunity for advancing issues around women with disability. Then Australia appears before the UN Human Rights Council under the Universal Periodic Review in November next year, but the deadline for NGO submissions to that is March next year, so preparations are starting to get underway for that.

Moving forward, it seems that there is a few fairly basic steps that I know Susan is interested to take as the initial steps.  One of those which she's already mentioned in her comments is around procurement processes and accessibility of technology.  There has been a range of discussions and, I think, letters and meetings with Ministers around that issue already.

I know Susan is quite interested in working with AND (Australian Network on Disability) and others perhaps around guidelines and material for employers and similarly this broader notion around what does inclusion look like and diversity within society. I’ll steal a story that Padma told me when she was recently at a meeting in India, they say that in the Indian context there isn't a phrase for disability, it is just not a word that is understood in that context and, instead, they use the phrase different abilities.

PADMA RAMAN:

Differently enabled.

DARREN DICK:

Differently enabled, which I think is an interesting way of reconceptualising the issue.  That is my quick overview of today. I guess how I finish would be by saying that when we designed this as the process we saw it very much as the beginning of an engagement knowing that we have had in place something different in terms of a full-time Commissioner for a lengthy period of time and that that was not the card we have been dealt at the moment, I think it is a demonstration of both the Commission and Susan's commitment to engage.

There is some discussion about there being some State level forums and I think one question perhaps in this closing session might be about what type of engagement do you think would be productive moving forward, whether there is value of, you know, annual forums, other forums going forward at a state level, et cetera.  They all, of course, come with a caveat of resources.  Everyone knows that.  Don't need to emphasise that.  Thanks.

PADMA RAMA:

Thanks, I think that was an amazingly good summary of today.  I will try and have some version of that up on the website.

DARREN DICK:

It is typed up already.

PADMA RAMAN:

That will be for people to look at.  Is there anything that Darren missed in that summary?  Is there anything that we should be looking at that we haven't discussed today?  Hamza?

HAMZA VAYANI:

Look, it's been really good.  Thank you for having us.  It has been good to speak to so many people.  There was one little practical thing, because I kind of (inaudible) what did I get from being here in the day.  The one thing that I would like to see happening is and it was touched on in the summary as well around translation and interpretation of resources.  I think that is absolutely important.  It is not just about ticking off the box and saying, "We have done it", it is actually about having a uniform consistent method around the country because there is lots of translation work that happens and some of it shonky and actually misses the mark.

So actually when we are talking about translation and interpretation, having a really clear approach around what that looks like in terms of mental health and disability so we have a methodology in place so we can get the best value from translated and interpretive resources going forward.

PADMA RAMAN:

Fantastic, thank you.

AL MCEWIN:

I just wanted to re-emphasise on the critical importance of the leadership from the Parliament and Government. I have been a little bit disappointed with Stephen Sedgwick's response to Bruce McGuire’s question about the lifts being inaccessible.  His response was, well, practically that's life.  I'm a little disappointed in that type of response.  I think we need to incorporate the leadership in terms of the government level, leadership from the top to make sure that the Commission is really driving that message home to the government, that the leadership comes from the top before it can be flowed down into every day society.

(Applause)

PADMA RAMAN:

I think there is one right down the back.

JOEL WILSON:

One of the guys I went to the UN with, Brendan, is watching at home because he had something else on, he wanted to bring up youth engagement and I guess the future of young people and particularly school age as well and moving on to university and employment and the next generation.

PADMA RAMAN:

Thank you.  I know that we're having a meeting of the Youth Delegation that went to the UN following this.  Maybe that is something the group could talk about in terms of how the Commission can aid that process.  Any other final comments?

JANET MEAGHER:

Just a thought.  You know, as the Commission progresses these issues, one of the things that I think would be really good is this survey that just happened and, you know, bringing this forum together was a very short timeframe, so - and you have got a really good response, I think, in that timeframe.  But it would be great to do something a bit longer and, in particular, to have it made into an Easy Read, Easy English format and available for the self-advocacy groups around the country.  They would need, you know, a three month sort of timeframe really.  Most of them only meet monthly, so they need the information provided, sent out through the advocacy groups usually and translated into Easy Read, made available to them so they can work through those things over a period of time and then give you some really good grassroots information about their view of human rights and what is happening on the ground for them.

PADMA RAMAN:

Very handy, thank you.  Can I just check about the forums in other states or whether people here think this is a worthwhile thing to do nationally, annually or biannually?

HAMZA VAYANI:

Look, I think it’s good.  What would be good to see in the write-up is some of the key focuses that come out today and then perhaps follow up with an initial opening of those sessions if there is a follow-up of looking where we have travelled from what came out of today.  Otherwise it is a talk fest.

PADMA RAMAN:

Yes.

SPEAKER:

Look, I think it is going to be really important for many of us in the room about what is happening with the various key reviews that are going to affect many of our constituents.  I am talking about the Welfare Review and the Forrest Review in particular.  They have got significant impact human rights and on the rights of social security amongst them as well which is a key issue for the Commission along with the disability issues and employment that we are looking at today. I don't know, I think certainly keeping, through your website, I suppose, people informed about developments in some of these things and to follow what is happening in that can be a bit daunting at times, let alone people who (inaudible).  It would be useful to try and think of a way to keep people informed about developments on those key issues.

PADMA RAMAN:

Great, thank you.

CHRISTINA RYAN:

Christina.  Something I was talking to a couple of colleagues at lunchtime about, I think the Commission could be thinking if you are moving state by state, using that opportunity to visit people in residential care, making sure that you speak to official visitors in those locations and advocacy groups, but particularly self-advocacy groups that are part of the data network, so talk to Mary about where to get hold of them.

These are the people who don't get to speak.  They don't get the things, they are not supported to engage in these sorts of processes.  Less than half of them have internet access at all, much less independently, so it is really important to actually be speaking to these people.  These are the people that the NDIS will be supporting.  These are the people that so much government policy is targeted at.  They're not here today and they're unlikely to be here today unless anybody makes an effort to bring them.  It is really important to reach into that space and to work through that and there is a number of us that can assist in that if you need help in getting it done.

PADMA RAMAN:

Yes.

BONNIE MILLEN:

Thank you.  I'm thinking along the lines of I would really like that this was to be more followed through for something to be on the website and such and such.  I am thinking it may be worthwhile when you say should it be something nationally, it should be something that travels around so each state can also contribute from rural and remote access, be able to travel to their capital city, rather than interstate.  I think it can be something that can be held more often and create more of a voice and I know that we have got a large turnout today, but we can have more substantial voices from all different ranges, youth, middle age from educated backgrounds, from non-social economic backgrounds.  I think we can have a range of voices.  Should be more national, more often and I think moving from state to state to also create more of a voice.

FRANK QUINLAN:

Thank you.  Frank Quinlan from Mental Health Australia.  I encourage us to find places - I think I did earlier in my presentation, of finding some key strategic focuses or issues that could act as a uniting force and I think we have heard about a lot of issues today and they're all very important and we will all go back to our own little worlds and beaver away on most of them.

I think the Commission is uniquely placed to find those two or three key issues that in a way sort of break down a whole lot of barriers.  You heard my pitch earlier.  I won't repeat it.  That was around seclusion and restraint, but something like that that looks at seclusion and restraint or incarceration issues or supported decision making, a focussed activity on some of those issues can really have that sort of cascading effect that we talked about before.  I would be encouraging whether it is through these sorts of forums or other processes for the Commission to continue to work in all of the important areas that you work in, but also to try and find perhaps one or two things that for a little while we could be united on from a range of different sectors.

AMANDA TINK, PROGRAM OFFICER, ARTS ACCESS AUSTRALIA:

Hi, my name is Amanda Tink.  I am from Arts Access Australia.  This is not so much for the Commission, but for the rest of the disabilities sector since we are all here. I just wanted to remind everyone of something that Susan said earlier in the day, that her appointment is only for 12 months.  I wanted to talk about the importance of us as a sector getting together to start action about what we want to happen after that.

PADMA RAMAN:

Fantastic.

PHILIP ENDERSBEE:

The Commission, if it is at all possible, to build up its database relative to the employer groups.  I am not necessarily saying go out to whatever the Chambers of Commerce are going to be, but I really think you need a reference group of people who have been successful in the area with employing people so that you can clearly analyse what are the hierarchy of needs.

A lot of different offers out there are coming from government and none of them are being taken up per se, so what are the needs?  Get a bit of a scope, if you like, around manufacturing, something about mining, something about the services sector, something for each level, not everyone is going to have the same skill level, so where are we in the factory space?  Where are we in the management space?  What are the things that are important to those people that employers need to be mindful of?  What are the things that are important to the employers?  The employers and employees, just analyse their needs so that you can bring the two things together.  I am just saying, I don't know whether that is possible in the Commission, but I think that's the sort of 360 that needs to be done.

PADMA RAMAN:

Fantastic.  We've actually just done our new strategic plan and business and human rights is one of our themes, so we are working towards developing better relationships with business and a database and we have got an annual dialogue with a range of companies that we could potentially build this into. Have I missed anyone?  I might then just pass on to Susan to conclude the day, but also to give your thoughts on what the next steps might be.

SUSAN RYAN:

Yes, well, first of all I want to thank you all for coming.  I don't know how you will assess the usefulness of the day in terms of advancing the agendas you want to advance.  I can tell you from my point of view as a new Commissioner in this area, it has been very useful and very informative.  I thank you all, all of you who came, all of you who sat on panels, all of you who asked questions and all of you, I know, are going to send me emails and suggestions and comments over the next period of time when you leave the Commission here today.

I would like to say a couple of things.  First of all, I particularly want to thank my Commission colleagues, the Commissioners themselves, the President and the other Commissioners who have spent - Megan and Tim are still here.  The others spent most of the day and only had to absent themselves for situations beyond their control.  Tim Soutphomasane is here, I thought you were a stayer.  It is a very genuine new way of doing business.  We understood that in the absence of a full-time Commissioner we would have to try and make different arrangements so that there would be no loss of coverage, no loss of engagement with you and by getting all of the Commissioners together, as you can see very clearly today, I think we made the right approach.

I think as one observed to me, this is actually an opportunity because when we had the absolutely wonderful and outstanding Graeme, I think most of us, the Commissioners, felt we were informed by what he did, but that he could do it all because he was so extraordinary and so knowledgeable.  But I can't do it all.  I am not as knowledgeable and extraordinary as Graeme and I want you to get very clearly the message that the Commissioners will be all working in the way that we have described.  So that is very important.

As you can see, the staff, our senior staff, Padma and the people who actually got the thing going today, did the nuts and bolts, Penny and Jacqui and Leon who handles all of the IT, which works so successfully today, you can see that the staff is also totally committed to making these new arrangements work as best they can in the interests of people with disability.

So I think we've got a constructive approach.  I think we've got an energetic and committed approach.  From today, I've picked up some - two kinds of things that are going to be seared, you know, in my brain about how we go forward.  One is that there are specific projects manageable, doable which can happen over the next period of time, and you have heard about a couple of them with procurement and information for employers and so on.  There are people amongst you who are already working in those areas who will be able to work with us, so we will get some.  In the short-term, we will get some practical products there that will, I believe, result in better employment opportunities.

As well as that, there is the great big idea that several of our speakers have touched upon, reimagining normal, reimagining a world in which people were not defined or segregated in any way by happening to be a person with disability.  This is the big cultural challenge, getting rid of the stereotypes.  I suppose tackling stereotypes of one kind or another has been the main theme of my own working life and it is no less of a challenge here in the area of disability and normal in front of us.

Now, that is a huge challenge.  I can't promise you that I will achieve it in the next 12 months because it is a deep, deep cultural change and it is a change in mainstream culture in Australia, but as we heard from some of the multicultural contributors, it is also a change in the thinking of various other cultures that make up multicultural Australia.  So that is the big one.  I don't think we can do it in a year, but if we all agree that that is where we are going, then we can assess the different projects we do, the different meetings and forums we hold in terms of are they working towards this big objective, which I believe we all share.

I hope to organise similar meetings in other parts of Australia.  It will depend on cooperation with other organisations and it will also depend on yourselves and others giving me the message that, look, yes it is a worthwhile use of the Commission's resources.  I think it is, but of course, I won't - who wants to hold a forum that nobody comes to?  That won't happen.  But we can continue these discussions.

This is the beginning of a broader discussion with the sector.  There will be many more elements of that discussion going forward with all of you here and with the others who aren't here physically today, but I hope might have been streaming, watching it on streaming or certainly did the survey.  We have a lot to do. I feel I have even more to do now than I thought when I came to work this morning.  But I think, you know, I want to do it because I believe it is what you want and I think we can all achieve together, progress towards the world in which disability and normality will be redefined as the same thing, diversity is where we are going.  Thank you very much.

(Applause)

PADMA RAMAN:

Thank you again everybody and we will stay in touch.  Thank you.

(Concluded 4:09 p.m.)