

**Mary Walsh OAM**  
**24 Scherer Bvd**  
**Bundaberg Q4670**  
[marywalsh6@bigpond.com](mailto:marywalsh6@bigpond.com)  
**0418 887 976**



25 July, 2013                    **Community Advocate – Volunteer/Consultant**  
Board of Management  
National Council of Intellectual Disability  
PO Box 771  
MAWSON ACT 2607

Dear Board Members,

**Re: Federal Court of Australia: - FCAFC 192**

I am contacting you, as the decision makers for the NCID, to express my concerns – as an independent and unfunded advocate for people with a disability in the Wide Bay Burnett area of Queensland, - about public comments – by your representatives (Mark Pattison, and Paul Cain) in relation to the outcome of the above legal action, instigated by your Council.

To-day I have attended the local FACSHIA round of consultation with workers and their families at one of our local business services. I am also involved with a local Social Enterprise, so I have a reasonable grasp of all of the issues from a business and social perspective. I commend the Departmental facilitators on the conduct of those facilitations. Everyone was encouraged to provide input, assisted with information, where necessary, and all dutifully completed the survey form. No doubt these results will be used to progress the vision of all Australians – not just the biased vision promoted by Mark Pattison and Paul Cain – who have (historically) been assisted, legally, by Kairsty Wilson of AED.

You are a Peak Body – you would receive taxpayer funds, as such – to represent your membership at national Policy/Government level. In the area of employment you claim to represent (supposedly) the views of Australia’s 20000 people with disability, employed in some 600 Disability Enterprises – in various locations throughout the nation. On experience I am contacting you, as a Board, to assure you that the comments of Mark and Paul (your paid staff) are not shared by many of the 20,000 workers – and their families - whose work and social life revolve around their participation in their local job, and in their local communities. Those jobs happen to be in business services.

Ten years ago I represented workers – and their families - from Australia’s business services – before the AIRC- when the BSWAT (Business Services Wage Assessment Tool) was formally accepted as a Government approved assessment tool. No doubt, Mark, Paul and Kairsty will remember that – and their actions to prevent me from participating in those AIRC Wage “Safety Net” industrial decisions.

Your representatives asked that I be removed – as I had “no right to be there. I was not a “worker”, as defined under the Act”. This was despite the visible fact – tabled – of over 1000 signatures from workers, worker committees, families and carers.- collected from all over Australia – whose enterprises I had visited in my role as National President of Australian Parent Advocacy Inc. - a self-funded advocacy group established – by families – to counter the blind, philosophically “pure” ideals of funded advocacy groups. The NCID was, and still is, one such group..

During the Federal BSWAT process, (a decade ago) the attempts by representatives of your Council, to exclude the voice of families and worker advocates at that time, were not accepted by the judges. They endorsed the legitimacy of my role and suggested that if the NCID representative was not happy with my inclusion, then your representatives could leave the Court, “forthwith”. Further it was suggested, by the Court that I be appointed as a member of the National Disability Consultative Committee, where all the stakeholders, including the unions, were progressing this industrial matter. The BSWAT didn’t just happen – a lot of work, thought and consultation went into its industrial and Government acceptance.

I’m sure none of us ever thought the BSWAT would not need some “tweaking” into the future. A decade down the track it certainly does, but:-

1. Did the current suspension of the BSWAT have to happen in the manner instigated by your Council?
2. What’s wrong with community consultation? Surely that’s the role of Peak Bodies.
3. Do you endorse the outrageous comments of your staff?
4. Do you really believe the outcome is in the best interests of all workers, their families/carers – and the businesses they serve – in their local communities?
5. Where, within your advocacy, do people with intellectual disability exercise CHOICE – which you are actively determined to restrict.
6. We would all advocate open employment as an option, where it is possible. But, it is not always possible and does not suit everyone. What processes have you, as a Peak Body developed to assist when the transition to open employment is unsuccessful, as it sometimes is – and the worker has to return, to deal with their sense of rejection and failure?
7. The NCID – or your paid staff – will not be picking up the pieces – if you achieve your goal of closing business services. That will fall back on families/carers and State Governments.
8. The loss of a job in a business service means that the dislocated worker loses whatever income was being earned, and then has to pay for a day service – IF one can be found. This means the dislocated worker has to transfer from a Federally funded employment service to a State day service – for which access is determined by a funding package. And funding packages aren’t available.
9. NCID “*actions and priorities centre on issues that affect the lives of people with intellectual disability and their families* ([www.ncid.org.au/index.php/ncid-is](http://www.ncid.org.au/index.php/ncid-is)). As the funded Peak Body what national consultation, if any, have you conducted for business service workers – and their families – to support your agenda, and recent actions, for the Supported Wage System to become the only acceptable means of wage assessment?
10. “*Our Voice*” is a committee of NCID’s Board, the membership of which is exclusively people with intellectual disability representing all States and Territories” - ([www.ncid.org.au/index.php/ncid-is](http://www.ncid.org.au/index.php/ncid-is)). What input did these members have into the recent legal process? How many of them are employed in business services, and in what State or Territory?

Through your staff you promote the closure of all business services. Your endorsement of the open labor market as the only means of providing “real jobs- for real people”, social inclusion and meaningful employment is way off- the- mark. We would all endorse the ideal – but the vision and the reality are two different things. Many of these workers feel they already are “real people – with real jobs”. And – how dare you jeopardise that - when you know nothing whatsoever about THEIR lives in THEIR communities. That’s their words – not mine!!!

Wide Bay Burnett, at national level, has some of the highest statistics for disability, unemployment and aged care. It is classed as “socially vulnerable”, It has a disposable income level below the national level, and is heavily reliant on welfare. Bundaberg – one of its 2 hubs – has just experienced massive, unprecedented, flood destruction, with a loss of business confidence and escalating social problems. Able bodied people can’t get jobs.

I have been an advocate for 50 years – I understand the role of advocacy. My husband of 53 years, and I, parented four children, including Tony, a child with intellectual disability and complex medical conditions. Despite all medical prognoses – he lived to be 39yrs.of age. I have been the primary carer of my mother for 40 years. She passed away 3 years ago – aged 100. Do I understand intellectual disability, business, ageing and advocacy? - “Yes” - I do.

I also have the history of the BSWAT wage assessment process–and your earlier attempts to have the Supported Wage System imposed on Business Services - at national level. I strongly reject the public comments ([www.ncid.au/index.php/employment-first/108-commonwealth-discriminates-against-people-with-intellectual-disability-high-court-rules](http://www.ncid.au/index.php/employment-first/108-commonwealth-discriminates-against-people-with-intellectual-disability-high-court-rules)), made on behalf of your Board:-

**“It’s time to stop the pretense that ADE’s provide inclusion, meaningful employment and fair wages”.**  
*(There is a need, 10 years on to review wage assessment tools – but the answer is “review” – not “reject and/or destroy”)*

**“That rhetoric of “meaningful employment” in relation to ADE’s is “spin” of the most mischievous intention”.**  
*(Shouldn’t employees have some say about what is “meaningful” to them – in their communities throughout Australia – and how have you promoted the opportunity, as a Peak Body, for this to happen.)*

**“The segregation of people with disabilities is still prevalent and supported by a powerful service industry backed by Commonwealth funding”**  
*(As a Peak Body, the NCID also receives Commonwealth funding – on the premise that they represent the needs of the membership majority – not the agenda of a few).*

**“The BSWAT was designed to produce poor wage outcomes.....The Commonwealth’s refusal to truly consult with people with disability and their representative organisations, at the time, and since, will now have a huge impact.”**  
*(History confirms that the Commonwealth did consult, and so did families of those 20,000 business services employees. I was there, on the national consultative committee. I lived it – I know. A lot of people worked hard – with genuine efforts to come up with the best result – for the workers – not for NCID.*

**The Supported Wage System propounded by NCID then – and now- in the real business world – will make business services unviable. They are run by Boards, under the Corporations Act (not like NCID). They must trade solvent – or breach the requirements of the law. But then, NCID’s Board of Management would know that – or should.**

It isn’t all about money. It’s also about acceptance, self-esteem and camaraderie. Business services are designed around people with special needs, and a market niche – where it exists, or can be created. The open labor market- promoted by the NCID as the **ONLY** acceptable employment option - is a business created for the personal profit of the owners. It “hires and fires” workers who are expected to mould their own competencies and productivity around the requirements of that business - not vice versa.

I am not critical of your ideals. I am also an advocate. In addition to living disability for the past half a century (I am now the primary carer of my husband) – I also live in the real business world. The Supported Wage System will mean the end of business services. And YOU must also know this is the goal being promoted by your staff for the past 20 years. Improvement of business services must be an ongoing agenda – but it must remain a viable, available option. The NCID’s role should be to lead that improvement – not under-mine it by ensuring it is priced out of existence – using every technique you can.

My son worked in a business service for many years. As he aged and his needs got higher he could not cope with the increasingly commercial requirements. This meant his income, from your interpretation of his “demeaning” job, disappeared. He then had to pay for a day service – which entailed a 6 month battle to get State funding. He never really came to terms with the loss of his “job” When he passed away 9 years ago he did not have a home mortgage, a job, a wife, children or car – like his siblings. The things he did value were his electronic play-station, his workshop awards – plastered everywhere - his bowling trophies – and his 15 year service pin from his business service job.

He was dearly loved by his family, who built their lives around him, and he is sadly missed. He taught us many lessons, and I remain committed to advocacy, in an unfunded capacity, for this group of vulnerable people – as his legacy.

I have lived and walked, for decades, in the shadow of the NCID’s agenda, and my involvement has no conflict of interest. But, I have the history- and this should be shared with those who will wear “the huge impact” you so publicly predict.

This letter has been written after much personal deliberation but, someone, has to say what has to be said – because that’s what advocacy is all about. I walk in the shoes of the majority – not the minority and trust that “*the huge impact*” predicted by NCID will not become a roller-coaster of more legal challenges and all the aftermath that entails.

The consultations are taking place – and this is a positive contribution to the debate, for which we thank the Federal Government.

This letter is being emailed and will be followed by an Express Post hard-copy, to provide a proof of receipt. In the interests of all – this letter will also be widely distributed.

Sincerely

*Mary Walsh*

**Mary Walsh OAM, CPA, AIFS, JP (Q) – Advocate**