



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON HEALTH, AGEING  
AND COMMUNITY SERVICES**

(Reference: [Inquiry into the employment of people with disabilities](#))

**Members:**

**MR C STEEL (Chair)  
MRS E KIKKERT (Deputy Chair)  
MRS V DUNNE  
MS C LE COUTEUR  
MR M PETERSSON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 23 MAY 2017**

**Secretary to the committee:  
Ms K Harkins (Ph: 620 70524)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9.15 am.**

**GOJ, MS PURITY**, Program Manager, ACT Mental Health Consumer Network  
**CORCORAN, MR CHRIS**, Deputy Chair, ACT Mental Health Consumer Network  
**DREXLER, MS DALANE**, Executive Officer, ACT Mental Health Consumer Network  
**HARGENSE, MS JO**, Acting Policy and Participation Officer, ACT Mental Health Consumer Network

**THE CHAIR:** Good morning, everyone, and welcome. I now formally declare open this public hearing of the Standing Committee on Health, Ageing and Community Services and our inquiry into the employment of people with disabilities. On behalf of the committee, I would like to thank you for attending today. The proceedings this morning will commence with the committee hearing from the ACT Mental Health Consumer Network. I remind witnesses of the protections and obligations afforded by parliamentary privilege and I draw your attention to the privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement?

**Ms Goj:** Yes.

**Mr Corcoran:** Yes.

**THE CHAIR:** I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live. Before we proceed to questions from the committee, would you like to make an introductory statement?

**Ms Goj:** Yes. Good morning. Before I begin I would like to acknowledge and honour the traditional owners of this country, their culture and continuing connection with and contribution to the land and community. I pay my respects to all Aboriginal and Torres Strait Islander peoples and to their elders past, present and future.

The ACT Mental Health Consumer Network would like to thank the Standing Committee on Health, Ageing and Community Services for the opportunity to appear as witnesses before your inquiry into the employment of people with disabilities. The network is a member-based organisation committed to social justice and the inclusion of people with disability with lived experience of mental illness.

Run by consumers for consumers, our aim is to advocate for services and supports for mental health consumers which better enable them to live fuller, healthier and more valued lives in the community. As such, the network sought input from our members, who generously contributed written stories for the inquiry into the employment of people with disabilities. Our submission also drew on the experiences of our members in recent years.

It is widely acknowledged that people with mental illness are more likely to manage their illness and maintain a contributing life when they have secure employment and appropriate housing. In our submission we highlighted five key areas with regard to

increasing the employment of people with mental illness. We outline that the needs of people with mental illness are very different to those living with other forms of disability.

We illustrated that reasonable adjustments need to be made to enable workers with disability to carry out their jobs to the best of their ability, making them productive members of the workplace. Like people with other types of disability, a large number of mental health consumers rely on the disability support pension and need to survive on very low incomes. This creates significant difficulties for people with mental illness, juggling essential costs such as rent, utilities, groceries, child care and medical treatment whilst also seeking employment, with limited resources at their disposal.

Making matters worse, countless mental health service consumers face stigma and discrimination in the workplace and while searching for work. As one consumer wrote:

After a particularly bad episode of repeated depression, my manager, executive officer of the not-for-profit organisation, told me to go see our HR officer, who I was advised was independent and in confidence. At this meeting they asked whether it would be okay to contact my psychiatrist. I said sure. I had nothing to hide. Following this I had some time off due to mental illness during which I worked at the office because I needed to finish off items of work for an event. I was asked not to come to the event, "Just look after you." The day after the event I was invited to meet the HR manager at a local coffee shop, thinking that I was going to discuss a return-to-work plan. But instead I was asked to resign and asked to sign the paperwork there and then. I refused and asked why. Their reply was they had concern that I was a danger to people in the workplace and there were problems with my work. I left the coffee shop feeling terribly fragile. If my parents were not visiting, I'm not sure what would have been the result.

Clearly, a lot more needs to be done to address stigma and discrimination. We recommend that employers should begin through education and awareness raising. In our submission we also discuss the importance of safe and healthy workplaces that allow consumers to thrive and maintain their employment. We emphasise that employers need to foster safe and healthy workplaces that are supportive and inclusive for all employees throughout their employment.

Mental health should be prioritised equally with other health and safety issues. This is important because any employee may develop mental ill health at any time during their employment. There need to be better supports for workers to maintain their employment and good mental health, and improvements need to be made to human resource processes to help employees raise their mental health in a safe, non-judgemental environment.

In our submission we also discuss how many employers are not aware of government supports and programs. We therefore recommend that more resources be utilised to inform employers of the available supports and that more resources be provided to make it easier and more attractive for employers to access these supports. I would like to finish with this quote from one of our members:

My recent experience of attempting to find employment when reporting that

I have depression has been one of profound frustration. A major employment agency asked intrusive and inappropriate questions, leaving me feeling insecure. I have received no reply from any application for roles that do include lived experience as a desired quality, and the competition for roles that do require lived experience is fierce. Whilst I have had the opportunity of casual work and reimbursed work—for example, committee work—finding secure permanent employment has to date been unsuccessful. Eventually I decided to form my own company mainly to provide personal training services but currently to work as a contractor delivering newspapers.

Thank you for giving us this opportunity to make an opening statement.

**THE CHAIR:** I will kick off with some questions. Thank you for providing those case studies. They assist us to get an understanding of what the issues are for particular individuals. I want to ask about some of the individualised support that you have said is so important to support people with mental health issues in the workplace. Can you give some specific examples of what those positive supports could look like in the workplace, noting that it is probably different for each person?

**Mr Corcoran:** A typical example might be just recognising that our capacity can be impaired at times. I have had times when I am able to work. I used to work in engineering and I would be doing 70 hours a week. At other times I might not even be able to get out of bed. It is just recognising the need to be flexible with demands, understanding that we are not being lazy. It is purely a disease, an illness, that is preventing us. An example would be last year when I was studying to be a personal trainer. I had a bout of depression and I did not attend classes for a whole month. Luckily, CIT do provide that kind of support. They allowed me to catch up with my work. They allowed me extensions on submissions. It is that type of thing.

I know there are serious business constraints, particularly in construction, where I used to work, but it is just about being flexible. For me, that is the really important thing. I hear so many stories where people get told otherwise. I know PhDs who have been told, “You may as well go and work in the RSL kitchens. You can’t handle stress. Go and work in the kitchens,” which is totally demoralising. It is not recognising their abilities. The abilities are not totally impaired; there are times when we need a bit of space. That, for me, would be the big one.

**MS LE COUTEUR:** Are there other supports that people might need apart from a bit of space? Chris’s question was basically mine: how do we give better support?

**Ms Goj:** In the case studies that we provided there is a particular consumer who highlighted how they just needed a later starting time for work. I do understand that in the public service there is a lot of flexibility in start times, but I guess it is just about being aware of flexible start times, being flexible in terms of duties that are carried out. For example, a consumer may indicate that they need some flexibility with some of their roles and duties for certain periods of time. There are also things about being able to work from home, for example. It is things like that.

**Ms Drexler:** This is not so much a support, but it is something that gets overlooked or is not very well understood. For example, we have had employers who have come to the network. We actively employ consumers, although we do not have peer roles in

our paid work staff. One of the things that happens most often is when we have somebody who is an identified mental health consumer and they are having a bad mental health day. Because of previous experiences, they feel the need to try to explain and explain and explain that they need a day off because they are having bad mental health or they might use another excuse instead of just saying that they are experiencing bad mental health.

Mental health is not treated in the same way as physical illness. If you are experiencing poor mental health, you feel the need to say that there is something else wrong, that you are feeling sick. They may legitimately need a day off due to illness, but due to past experience they do not feel as though they can say it is because of their mental health rather than their physical health. There should be recognition from employers that mental illness and physical illness are the same. It is an illness; you need time off.

**THE CHAIR:** How do you deal with disclosure to the employer about mental health? What is the best way that you have seen that that is dealt with?

**Ms Goj:** It is about fostering that understanding that there is no place for stigma and discrimination. For example, our organisation is quite small. In the office we are five staff members. I guess there is a workplace culture where we are very supportive of each other. We feel very safe working in the place that we work in. With regard to how that can be translated to other, bigger agencies or government departments, I guess it would be good relationships within the different levels so that employees can feel secure and know that they have that safety in disclosing. Also, I guess, the important thing for them is to know that they do not have to disclose. They have a right not to disclose their mental illness if they do not feel safe to do so. But, of course, if they do feel safe, there should be that opportunity to be able to disclose.

**Mr Corcoran:** I will go back to construction because I had 30-odd years there. There is a massive amount of depression, alcoholism and drug use within the construction industry. A lot of that is down to the financial pressures that their employers are under. This then translates to pressures being placed on the workers. It is a vicious system. It is a very macho environment. People do not want to admit to feeling weak and under pressure.

That spirals often into addictions. I think the current rates are about 20 per cent—20 per cent of the Australian adult population are likely to have a mental health issue annually and 25 per cent in their lifetime. If you are disenfranchising 20 per cent of your working population, that is a massive amount. That is a huge cost to the Australian government. So it is very much in the public interest to address these stigmas, address these issues and make it safe for people to feel that they can say, “I do have this issue,” and not then be taken to a coffee shop and told, “We think you’re a threat to other employees. Goodbye.”

**MR PETTERSSON:** In your report you say that one of the most critical issues in the workplace is individualised support. You say, naturally, that there needs to be more support. Do you have any examples in place at the moment of individualised support and the organisations providing that, and any workplaces that are doing it well? Do you have any examples of people doing it right currently?

**Ms Drexler:** The difficulty responding to anything in relation to individualised supports is they are just that—they are individualised to tailor the needs of both the workplace and that individual. One that Purity has already raised that we implement at our workplace successfully is that we have an employee who, due to her health needs—and in this case, it is physical health, but it could just as easily be mental health—is unable to start work before 10 am. She has her own health constraints which prevent her from being able to do so. When things are not going so well, we have policies built in place so that people can draw on negative time in lieu, for example, and then be able to work that back over the coming few fortnights.

Because in the same way that you do not know that a physical health problem is going to happen—you do not know that you are going to break your leg, you do not know that you are going to be in a car accident—you also may not know about mental health. This could be somebody's first experience of mental health concerns and they end up in hospital or stuck at home not able to go anywhere or with some other type of issue affecting their mental health. They need that type of support as well, just like any other employee does.

It is about recognising that any employee at any time could experience mental ill health whether they have a diagnosis or not and then working with that employee one on one to try to see what is going to work for both the workplace and the employee. This is not about saying, “Well, okay, we're going to meet all the employee's needs and not worry about what the organisation actually needs.” It is about coming together as a partnership to find ways to move forward for the employee and the workplace to be able to work effectively together.

**Mr Corcoran:** From my perspective I do not want special treatment; I want to be able to feel that I am part of the team and that I am valued as part of that team. It is not a case of special treatment; it is a case of individualising the workplace so that both parties win. I like one of the things I have seen recently: people with Down syndrome say they are not special needs people; they have human needs to make them feel inclusive. They do not want special needs because that makes them feel excluded and different. It is just human needs, and for me that is the same thing.

**MR PETTERSSON:** Do you have any specific examples of organisations or companies in the public sector that are doing it right?

**Ms Goj:** We are happy to take that on notice and get back to the secretary.

**Ms Drexler:** Yes, it is a difficulty in that, being a systemic advocacy provider, we generally hear the bad news stories rather than the good news stories. That goes for individual advocacy as well. People do not seek out advocates for good stuff, to put that bluntly.

**Mr Corcoran:** Sadly, I cannot. None of my recent employers would fall into that category. I did work for a company in Hong Kong that was a multinational that was pretty good on it, but, unfortunately, recently, no.

**THE CHAIR:** Are the individualised supports documented in some sort of plan for

each person? Is that what typically happens or what should happen?

**Ms Goj:** I guess that could happen. That is something that can be worked with with the employee. At present in our organisation, because we have quite a small team, there is not anything written down specifically, but we do have some conditions in that some of the employees have had particular things written down. As Dalane was saying, there is a particular staff member who starts at 10, and that is something that has been written down. Some of these conditions are in our workplace. The employee has gone to the extent of having them written down so that, should the executive officer leave the organisation, those individual needs are on paper. So, yes, we do have some in some cases.

**THE CHAIR:** Finally, in relation to the commonwealth Disability Employment Services program, are there any issues around the eligibility of people with psychosocial disabilities and getting support through DES providers?

**Ms Goj:** In our submission one of the consumers outlined their experience. I want to read that because it outlines some of the difficulties that they have experienced. They know this is at the federal level. They said:

I am 55 years old and am currently on long term medical leave from my job as a Commonwealth Public Servant. I was initially diagnosed with an anxiety disorder and sleep apnoea in early 2013. I then had a graduated return to work lasting for about 6 months. One major issue was that I did not receive any useful rehabilitation on this occasion. I was also not offered any advice on potential workplace accommodations.

I continued to experience some difficulties in performing my work and on my own initiative obtained an assessment by a neuropsychologist. She provided a report which included suggested accommodations [adjustments] which I then shared with my employer. They did not accept the report because the APS does not accept reports from anyone other than medical practitioners. They required me to attend an assessment by an occupational physician. This assessment did not recommend providing any accommodations and only suggested that my employer [should] reduce my level. When my employer sought to do so I obtained at my own expense a report from another medical practitioner (on the advice of the union). My employer accepted this report but did not agree to provide any of the accommodations proposed in the first report. As a result of both stress and expense of multiple medical examinations and the lack of any accommodations on top of at that time undiagnosed memory issues I experienced high levels of anxiety, depression and suicidal ideation.

I think this particular quote answers your question with regard to what supports there are with regard to the commonwealth.

**THE CHAIR:** There is an issue with that sort of health lens being applied rather than looking more broadly?

**Ms Goj:** Yes. And in this particular consumer's experience, they were ignored basically; they were not taken seriously. From my understanding there is a lot of stigma.

**MS LE COUTEUR:** Is it also showing ignorance in the medical profession? You said she was told she had to see a medical doctor, which arguably could be fair enough, but that that person did not come to the same conclusions? Is that a broader problem mental health consumers have—that the medical system is not recognising their issues?

**Ms Goj:** Absolutely.

**Ms Hargense:** I had approximately seven years experience in the commonwealth public service and on two occasions went through fit-for-work assessments and the process of rehabilitation. Certain mechanisms are useful and others are not so much. The first time I was sent to a psychologist for a fit-for-work assessment, he deemed that I was fit for work and that there should be no reason why I could not perform my duties to the normal level. Therefore, returning to my work, my supervisor had quite high expectations and I found there was a lot of pressure.

Then a few years down the track depression and anxiety raised an issue for me again. I went through the process again and the opposite happened. This particular psychologist wanted to reduce my hours. Whilst that was a relief because I was experiencing periods of cloudiness—one day I might go in and a task would be really, really difficult to concentrate on or to perform; another day I might go in and think, “What was so difficult about that?”—I needed that capacity for flexibility and understanding. But having my hours limited and reduced, I was not allowed to work any longer so there was a lot of financial stress put on me that exacerbated the mental health issues for me.

I can see there can be a genuine attempt from the commonwealth public service to find mechanisms to support people, but they do not always have the effect that is intended and there is definitely room for improvement. It is not a simple thing to resolve. Hopefully that helps.

**Mr Corcoran:** I think Jo’s example there demonstrates the issue: it is either black or white. It should be flexible. If you are feeling fine, you can do full duties full time. But if you are not, then maybe just a few reduced hours, maybe take a reduction. But it should be a process that is two way. Unfortunately, it tends to be, from what I have seen, “Oh, it’s got to be either X or Y.” Like Jo said, she had no choice on the number of hours she could work, which then led to financial hardship, and I can appreciate that.

**Ms Hargense:** Some of the requirements for me were to work with a rehabilitation coordinator, and so in some ways that was helpful. I was also asked to attend regular sessions with a psychologist. Initially that was stressful for me because I could not afford it, and I was lucky enough to be able to seek assistance through returned veterans services, the VVCS. My dad was a Vietnam vet so I was able to access assistance that way, which was great to discover. That was sort of my end of the deal to do what I needed to do to show I was helping myself. My work was trying to be flexible, but, you know, they needed me to meet certain requirements. I think the rehab coordination can be of assistance because it has that slight flexibility and it is a third party that is brought in to assist you and mediate to some extent.

**MRS DUNNE:** You have spoken a lot about the sorts of individualised needs of clients and, as you say, you advocate for people who are in a tough place, so you are not seeing any good news stories, if they exist. In an example where someone is working on a project which has a tight time frame—you, Mr Corcoran may have some insight into this—where suddenly they are in a haze or they cannot get out of bed or whatever and they might be part of a team, how does the organisation that a client might work for accommodate that on a day-to-day basis, when someone is a crucial player in a team that is working towards a particular deadline?

**Mr Corcoran:** It can be difficult. As I acknowledged earlier, there are tight financial/commercial constraints on organisations. But an organisation's biggest assets are generally its employees. A company will lose its assets, its employees, if it does not treat people well and then it will not be in a position to do all these jobs. It can be very difficult, and I fully understand that. That is why a lot of people will push themselves through the barrier, which can make things a lot worse. As I say, I have done that, and it was a profoundly uncomfortable experience.

If there is a good team, then people can pick up the slack. Sometimes that is very difficult. If it is a team leader, for instance, or a project manager, it may be necessary to temporarily bring somebody in to replace them. It is very much a case-by-case instance. I fully recognise that a business is there as a business; it is not a charity. That is why I said we do not necessarily want special treatment but we want treatment that allows us to feel included and a valued part of that team. Being a valued part of the team sometimes means that you have to say, "I'm sorry; I cannot do this."

**Ms Drexler:** I would add to what Chris has said by saying that you would handle it in the exact same way as if somebody had a heart attack and could not come to work and finish that report. It does not mean that they can never come back to work; it just means that right now they cannot. As a consumer myself with post-traumatic stress disorder, I do not understand why one type of illness is completely understood and accepted by employers but another type of illness is not. Illness is illness, and whether you have had a heart attack or whether you have experienced unexpected severe depression, it should not be any different to the way it is handled within the workplace. It is the workplace's responsibility to make sure that adjustments can be made to the way they operate in order to make sure that the work is done.

**MRS DUNNE:** Putting aside people who have their first experience of mental illness partway through, if an employer has disclosed to them that someone has mental health issues or any other sort of health issues, how do you as a consumer advocate encourage employers to ask the right amount but without prying? People ask, sometimes innocently and sometimes through ignorance, the most inappropriate questions about people's illnesses, whether they are mental health illnesses or anything else. How would you create the best environment so that there is sufficient understanding on both sides of people's needs—the individual's needs and the organisational needs—but without being inappropriately intrusive into individuals' personal circumstances?

**Ms Drexler:** As an employer in that situation myself, I have had people disclose, whether it is physical illness or mental illness or intellectual disability. What I would say is that you just have that one-on-one conversation where you say, "Is there

anything that we can do? Is there anything that we should be aware of? Have a think about it. If something comes to you later down the track, you can feel free to come and have a chat with me and if you need us to make an adjustment for you, we can write that up.” We essentially have a small contract that we write up if people need to have a later start time, if they need to take a longer lunch break, if they need to work Sundays but not other days, those sorts of things. Adjustments can be made, and you just try to openly and honestly say that you are there to support the employees within the workplace and mean it.

**Ms Hargense:** I think feeling free to be able to disclose it—you are going to be heard and your employer is going to try to accommodate you and there will not be that much stigma—is what makes it easier. If people do not feel they can talk about their mental illness and disclose it, obviously it is a lot harder for the employer to understand why there might be recurring absences, and that is where it gets complicated. The more stigma that can be relieved so that employees are able to be up-front, like I chose to be, will make it easier. I thought, “This is crazy. I can’t just keep saying, ‘I’m sick, I’m sick.’” I made the decision to go and sit down with my supervisor and have a meeting and explain, “This is the situation. I’ve been diagnosed with anxiety and depression. These are the ways it affects me in my role.” We had that discussion, and there were times I felt that it was not handled the best initially, but it is not every day that employers and supervisors have to deal with these things. They need support and they need training in how to handle it as well.

**Mr Corcoran:** It is really important. It is difficult if it is the first time. I have had numerous bouts of prolonged depression and I now can recognise the symptoms when they are coming on. For instance, if I would notice my diet is dropping off or I am not exercising or I am no longer enjoying reading a book, I can pick these up before it gets to the stage where a couple of years ago I spent a month at home and missed all my lectures. If you have got a good relationship with your employer you can say, “These are the signs. If you start seeing these, maybe ask me, ‘Are you okay? Do you need any assistance?’” It is all part of getting away from that stigma.

People checking for breast cancer and having regular testing for bowel cancer is perfectly acceptable. Nobody would consider that to be out of the ordinary. So looking for the potential signs of onset of a depressive episode should be treated in the same way. It is having that understanding and that knowledge and having the confidence to talk to your employer and know they are not going to stigmatise you. As I say, it is making sure that people recognise it is a disease; it is not a choice; it is not laziness. We want to be valued members of the community. It is just being able to freely do that, I think.

**THE CHAIR:** On behalf of the committee I thank you for attending today. When available, the proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections. Thank you very much.

**MAY, MS FIONA**, Chief Executive Officer, ACT Disability, Aged and Carer Advocacy Service

**THE CHAIR:** Thank you for attending. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the coloured privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement.

**Ms F May:** Certainly. I understand, thank you.

**THE CHAIR:** Before we proceed to questions from the committee, would you like to make an opening statement?

**Ms F May:** Yes. We provide people with disabilities with independent, individual advocacy on pretty much any kind of issue that they might be experiencing in their interactions in the community or accessing services, a whole range of things. We know from our experience as advocates that having meaningful work is often seen as a fundamental part of being an active and equal citizen in our community. But too often our clients tell us that they want to work but they are unable to find work that they can do.

Before the NDIS rollout commenced in the ACT, we did a piece of work interviewing a whole group of our clients and asking them what the NDIS meant to them and what they wanted from it. The big thing that surprised us—because we had not been expecting it—was, “We want to work.” Even somebody who lives with quite complex and high levels of disability, somebody whose main way of interacting with the world is through an iPad, is going, “I’ve got an iPad. I can work. I want a job where I can do something.” The will is there in people with disability. They really do want to work as equal and active participants in our community, along with the rest of us. They saw the NDIS as being a pathway to that dream of having a paid job.

One of the outcomes of the NDIS is supposed to be increased economic participation by both carers and people with disability. However, if the jobs are not there, this outcome of the NDIS is never going to be achieved, regardless of how much support is provided by the scheme. It is the responsibility of all employers—particularly governments, because they can lead the way—to ensure that they work to overcome the barriers to employment that people with disability experience. Our submission to you outlines some of those barriers as they have been experienced by ADACAS clients.

An additional barrier which I would like to add to that list is that of the digital divide. People with disability are all too often on the wrong side of the digital divide, for several reasons. One is accessibility. Of course, that is key: that our computer systems and internet systems are accessible by people with all sorts of disability. Poverty is also a determining factor in the digital divide. If you cannot afford to purchase a computer or pay for the internet, your opportunity to develop digital proficiency that might lead you to paid work is severely limited. As more jobs shift into the digital space, it is important that people with disability are not further marginalised from the workforce. Consideration must be given to how people with disability can be included

in the new jobs of the future.

I am sure that you are all aware that the national disability strategy identifies economic security as a key outcome that must be addressed for people with disability and that the areas for action include a focus on public sector employment. Implementation of the national disability strategy has unfortunately been hampered to an extent by the all-consuming focus that the NDIS has become. On its own, however, it is not going to be sufficient to achieve the outcomes that COAG has set. The work of your committee is an opportunity to highlight opportunities for improvement in the employment of people with disabilities, not just in the public sector but across the ACT. I have recently been appointed by Minister Stephen-Smith to the Disability Reference Group, and I am confident that issues of employment of people with disability will continue to be a key priority for that group. Thank you for the opportunity to have a conversation with you today about this important topic.

**THE CHAIR:** I will start with a question about the NDIS. You mentioned that one of the objectives is economic participation. In practice, what has been your experience for your clients?

**Ms F May:** It is a mixed experience. We have a lot of clients who are very happy with the experience that they have had with the NDIS once they get through the bureaucratic hurdles of getting onto the scheme and getting a plan that meets their needs. But we have other clients who are not so happy with the outcomes that they have achieved.

**THE CHAIR:** Specifically, how does it support the job outcomes?

**Ms F May:** We have had some carers who are telling us, “This is great. I might be able to look at returning to work.” We have had other carers who have said, “They’re not giving enough support. I’m going to have to not work.” It is, unfortunately, a mixed bag. I am trying to think of the ADACAS clients and whether we have any who have specifically moved into employment because they have an NDIS package. None are springing to mind, but I could check that with my team if you would like me to.

**THE CHAIR:** Yes, that would be good. I am just wondering whether it specifically funds a package, whether the NDIS might fund training or those sorts of things that might lead to a job.

**Ms F May:** They fund the support you might need to do the training. We have clients, for instance, who have NDIS support so that they can attend CIT and do a course. They do not pay for the course, but they pay for the support that you need in order to participate in the course.

**MS LE COUTEUR:** Do they pay for people supporting someone who may be working in the same sort of—

**Ms F May:** Supports in the workplace? Yes. There are already job access schemes and some of those sorts of things to try to make sure that if an employer needs to buy a different desk, because they now have an employee with a mobility issue, they can. Those schemes are already in place. But if additional support is required for a person

to be in the workforce the NDIS should be funding that.

**MR PETTERSSON:** One of the points you make in your submission is that the ACT government should be doing more, mainly to provide positive outcomes in employing people with disabilities. What are those positive outcomes?

**Ms F May:** People with disability are actually terrific employees. I remember attending a Press Club presentation given by Graeme Innes, who talked about this research. He was a human rights commissioner, and his research showed that people with disability stay longer in their roles; are more reliable in their roles; and are very keen, if they have a job that works well for them, to stay in that job and to do a good job in that role. People with disability make good employees. They are a good economic investment for an employer because they are reliable, committed employees.

**MR PETTERSSON:** Interesting.

**Ms F May:** It is.

**THE CHAIR:** You specifically mentioned that targets might be a useful way for the ACT government to support the employment of people with disability. Can you expand on why you think that is a good idea for us?

**Ms F May:** Yes, sure. We are what we count. We are what we measure. As a society, the things that we measure are the things that we focus on and we put energy into. If we are not measuring anything to do with disability employment, the impetus for the focus, the drive to ensure that we are actually doing it, is lost. We can see that with almost any facet of our community life: if it is being measured and being reported on, we pay a great deal more attention to it than if it is not. That is just a simple, practical reason why targets make sense.

They also make sense because people with disability and the rest of the community learn that this is a priority for government, that the government recognises and takes seriously the responsibility it has to be an equal opportunity employer and to have a diverse workforce. And the targets send those cultural signals not just to people with disability but also to other employers. Other employers might stop and think, “Well, you know, I could do that too.” There might be a flow-on impact of the government’s investment and energy in having targets that it meets for people with disability, as its employees, that makes a difference across the community more broadly.

**MS LE COUTEUR:** You talked about targets. In that context, clearly people have to identify as being disabled.

**Ms F May:** Yes.

**MS LE COUTEUR:** Would you like to talk about some of the issues with that.

**Ms F May:** Absolutely. That is genuinely an issue. With people with a disability that is not a visible disability—they are not using a cane; they are not using a mobility device; they are not using a dog—it is very difficult perhaps to tell whether they have a disability or not. For people in those circumstances, there can be very genuine fears

and reluctance about disclosing that they have a disability. I know you heard about that from the previous witnesses.

The thing that employers need to do is to make sure that they create a culture in their workforce where it is okay and safe to disclose disability. If it does not feel safe to disclose, people will not disclose. If they know that they will be treated with respect, that there will be no retribution, that there will not be a long-term impact on their employment future and their career prospects by disclosing disability, they are much more likely to do it. It is a hard thing to achieve, but it is an important thing in the culture of how we respect people with disability in our workplaces.

**THE CHAIR:** Thank you very much for attending. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and suggest any corrections. Thank you very much.

**Ms F May:** Thank you.

**ALTAMORE, MR ROBERT**, Executive Officer, People with Disabilities ACT

**THE CHAIR:** Thank you for attending today, Robert. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Can you confirm for the record that you understand the privilege implications of the statement?

**Mr Altamore:** Yes, I do understand the obligations of a witness before an Assembly inquiry.

**THE CHAIR:** Would you like to make an opening statement?

**Mr Altamore:** I do not think I will make an opening statement so as to give you more opportunity to ask the questions you need to ask me.

**THE CHAIR:** Thank you very much. In its submission PWD ACT talks a lot about how we should be more selectively recruiting people with disabilities to roles in the ACT public service. Can you expand on how we are currently doing that, from your experiences and from what you have heard from other people with disability, and how we might be able to improve that in the future?

**Mr Altamore:** My understanding is that currently the ACT public service has a merit-based recruitment system and that people with disabilities are part of that system. The problem we see is that the outcome of that system over many, many years, as revealed in the *State of the Service Report*, is that the rates of engagement and employment of people with disabilities have been gradually declining, despite the 2011 initiative taken by the previous government to have an employment strategy for people with disabilities. The current strategy, whereby there is no targeting and no selective placement, is not working. We think the time has come to try new measures, new ways of doing things.

The ACT, as we said in our submission, is a well-placed jurisdiction to do better for people with disabilities in the area of employment. We are a high income jurisdiction and a high education jurisdiction, a jurisdiction in which the city does not have as many mobility problems—it is much easier to get around than Melbourne or Sydney—because of its geographically confined spaces. So Canberra is wonderfully placed and we are not maximising our ability to create good employment outcomes for people with disabilities. That is why we are saying that one of the options the ACT public service might try is a selective placement system whereby positions suitable for people with varying disabilities are identified and people are selectively recruited.

**THE CHAIR:** What sorts of positions do you think might be deemed suitable and what positions would not be suitable?

**Mr Altamore:** We could be very narrow in our thinking and say that maybe positions relevant to lived experience of disability, such as in the Office of Disability, might be targeted positions, but I think it goes further than that. I think you need to look at the position and then ask whether this position could be modified for a person with a particular disability. People with disabilities have to do that themselves at the moment.

For example, throughout my public service career I have looked at several jobs and said, “Yes, I can do this,” and “No, I don’t think I could do that.” I once went for a job and, of course, was unsuccessful. I sat down with the person after—I was working in another section—and they just said, “Robert, I don’t think you could ever do this job because of the amount of written paperwork involved.” Then I had to look at a job and see what it did. In the end I found jobs that suited me, jobs where the information came to me electronically. Just so people reading this can understand what I am saying, I declare that I am a blind person.

**THE CHAIR:** If they were going to advertise specific roles for people with disability, in doing so, would they have to really think about what sorts of disabilities might be applicable for that role? I see that as a potential issue, given the whole range of different—

**Mr Altamore:** Selective recruitment and placement is a system which has not had much trial, and I would like the ACT public service, if it could—and maybe this committee—to look at selective recruitment and placement as it is being practised in other jurisdictions. I do not think it is much practised, but it is something the ACT might pioneer.

**MS LE COUTEUR:** Could you expand a bit more on what that would entail?

**Mr Altamore:** My understanding of it is that it is a refinement of the merit approach. Basically it is saying that this position is one for which we could invite applications from people with disabilities and maybe target people with disabilities. It might be that you might put the application out to disability recruitment agencies or you might say, “This is a suitable occupation for people with a disability,” and you might then, as well as having your normal advertising, target your recruitment to specialist disability recruitment agencies or disability organisations and publicise on their websites or in their publications.

**MR PETTERSSON:** One of your recommendations is that this committee should consider investigating the intersectionality of a bunch of groups—cultural and linguistic diversity, gender identity, Aboriginal and Torres Strait Islander identity—who are also experiencing disability. Can you give me some examples of how that combination is worthy of further consideration for inquiry?

**Mr Altamore:** Yes. The background to this recommendation is that, as I mentioned in our submission, the terms of reference do not cover this matter, which we consider a major defect in the process. We are aware from the situations that come across our desk that the socio-economic disadvantage experienced by people with disabilities is compounded if you are also a person with disability from a culturally and linguistically diverse background, if you do not speak English, if you are of Aboriginal or Torres Strait Islander origin or if you are a member of one of the gender diversity communities. Therefore, we think the issue of advantage needs to be addressed. It is an under-researched area of disability employment and disadvantage.

**THE CHAIR:** Another question I have relates to some of the comments you have made about the ACT government’s current IT systems and whether they are compatible with adaptive technology software. I know personally that every time I log

into my computer I step back about 10 years. What sorts of issues have you experienced and heard from other people in relation to ACT government's software and IT systems?

**Mr Altamore:** One of our member organisations is the RSI and Overuse Injury Association of the ACT. The PWD ACT is a peak group. We have individual members and organisational members. The executive officer of that group came to me with this problem. It was a problem I was well aware of as a blind public servant in the commonwealth sphere. Public service departments acquire software that is ostensibly accessible. They then make their own modifications to it, which makes it inaccessible. I would say they actually purchase inaccessible software.

That means, for example, that people who depend on specialised software to do their work, such as people who use Dragon Dictate because of dexterity disabilities—they cannot use a keyboard or a mouse—or people like me who use Joy Software cannot do so. Where we were once able to do our jobs, we are not able to do our jobs properly.

For example, towards the end of my public service career, I personally found that there was a third of my job that I could not do because of the technology systems. The Attorney-General's Department where I worked, the government solicitor, though supportive, could not do anything about it because to rectify the problem they would have to bring in consultants from Vision Australia. Because I was working in a security environment, the people would have to have the same security clearance as I had, that is, top secret.

It is a widespread problem. It is problem that I know personally. Other people in Canberra in the public service are experiencing it both with the blindness-related software and software such as Dragon Dictate, which is used by people who have dexterity disabilities.

I should also tell you that we did write to Minister Rachel Stephen-Smith and the Chief Minister Mr Barr about this matter. We were given a meeting with Rachel Stephen-Smith, the minister, who was very supportive of our concerns. She is going to talk to her people in the ACT public service to ensure that managers in the public service are aware of their obligations. We feel that this committee should make a strong statement on the matter because there are significant numbers of ACT public servants who are prejudiced in their employment by this problem.

**MS LE COUTEUR:** This goes beyond the ACT, but you mentioned a problem that you had had because of a lack of appropriately cleared advisers. I do not think that would be a big issue in the ACT—

**Mr Altamore:** No, not a cleared adviser. The problem I had is that I was in a security environment; so they could not get advice on the problems.

**MS LE COUTEUR:** That is what I mean. The person who would have given the advice had not been cleared so that they could not be—

**Mr Altamore:** Or could not be cleared. It could take six months to clear them.

**MS LE COUTEUR:** Yes. Where I was going with my question was this: while I do not think this would be a big problem for ACT employment, is this a problem for commonwealth employment, that people with a disability cannot get assistance for any adaptations because the consultants who would do this work almost certainly do not have appropriate clearances?

**Mr Altamore:** The answer is yes, it could be; I am sorry for taking you down this alley because it is taking me away from the ACT. I do not want to go too far down that alley. There is a general problem, though, of getting assistance. There is a general problem with the software and the responses to it by the managers.

**MR PETTERSSON:** Following up on that, I hear your concerns about the current failings of technology in many aspects. But this technology has progressed quite quickly. Have you noticed, I guess, an increase in employment opportunities because of this technology even though there are still these shortcomings?

**Mr Altamore:** I have noticed it going a bit both ways. Yes, there are many advantages, but a lot of the progressions in technology are to enhance the visual features as opposed to the accessibility features. I guess the quickest way to illustrate that would be the number of times I receive correspondence in inaccessible PDF documents. Just recently I had an example where a minister's office sent me the same document twice in an inaccessible form. If that happens in your employment, if you are constantly getting inaccessible documents in your employment, it is affecting the way you do your work.

**THE CHAIR:** Following on from that, one of the sections of your submission talks about preference being given in ACT government purchasing decisions to suppliers who employ people with a disability. Could that also potentially include, say, if we are purchasing a software package, that there is that sort of accessibility feature provided as well?

**Mr Altamore:** Yes. I believe the ACT and the commonwealth should have a provision similar to section 508 of the Rehabilitation Act in the United States. It mandates that when government purchases things—equipment, software and technology—those purchases are accessible.

As I said, it goes to the whole thing and the ways that government can help. We believe that one of the big problems when employing people with disabilities is the attitudes. We believe that government should play a major role in changing these attitudes. We believe the ACT government should be using and leveraging its purchasing power to promote the social outcome of employment of people with disabilities.

**MRS DUNNE:** Could I follow up on that? It is Vicki Dunne, Robert. You were saying that as a consumer, as a constituent, you receive material from the government which is not accessible. Stepping outside the remit of this inquiry, would you also be making recommendations that people like us, as members of the Legislative Assembly who might write to you or to others, need to be more aware of how we approach you so that you do not have the problem of saying, "You have sent me

something but I cannot read it because it is inaccessible”? What sort of basic recommendations would you make in that space?

**Mr Altamore:** Yes, I would make the recommendation that people in government be aware of their clients and their readers, that where they know the person has a requirement they be sure that the correspondence is in an accessible format. One of the ways in which we can sort of enhance awareness is by putting people with disabilities closer to the decision-makers.

That brings me to another key recommendation of our submission. That is that the ACT Assembly lead the way in promoting employment for people with disabilities by encouraging its members to create positions on Assembly staff. These would be internships for people with disability. The internship concept is currently being used federally to promote part-time employment of people with long-term unemployment. We think it would send a very strong message to the community if as many Assembly members as possible engaged at least one member of staff as a person with a disability.

**MS LE COUTEUR:** One of the issues that we have touched on before, and I think your submission touches on, is how people actually identify in the workplace as having a disability and the barriers to doing that. Is there anything you could add to how we can encourage people to tell their employers they are disabled so that it can be at least countered?

**Mr Altamore:** I think the key to doing this is to have a supportive culture in the workplace. We are still very much in an environment where people are afraid to disclose their disabilities for fear of prejudicing their prospects of retaining employment or advancing their careers. I have been in a situation a number of times where people have told me, “Robert, don’t say I came to this meeting of blind people because I do not want my work colleagues to know I am losing my eyesight.” It is that sort of thing.

Those are the sorts of attitudes that we need to address. We need to look at our workplace cultures to make sure they are supportive of disclosure of disability. In this sense, I do not know if we can do it, but there may be learnings we can use here from the Aboriginal and Torres Strait Islander sector. That is a sector which has achieved substantial growth in numbers and percentages of employment of people from its community cohort in the ACT public service. I think that we need to learn from and adopt practices which have worked.

**THE CHAIR:** Could people report anonymously if they were being surveyed? Is that one way of capturing everyone who has a disability, including people who may not be able to disclose publicly?

**Mr Altamore:** Yes, anonymous reporting that captures statistically, but we need to go beyond mere statistical capturing in this matter. We actually need to have a workplace which is supportive. In the workplaces I worked at, from my experience and the experience of my colleagues, the support of the workplace is the thing that makes for successful employment. A non-supportive workplace is the one that does not.

In particular, the people with the key roles in this matter are the person’s immediate

supervisor and, let us say, the head of the section—two or three above them. If we can have the heads of department very disability competent, hopefully support will trickle down to people who work for them.

This takes me very nicely to another aspect and recommendation of the PWD submission. We would like to see leaders in the ACT public service have what we call disability competence, that is, being aware of disability, being aware that disability is a social concept, being aware of an interaction between the person and their environment, being aware of particular disabilities and the steps that can be taken to help people and create supportive environments. What we are suggesting is that the people in the ACT government undertake disability competence training and that community organisations be resourced to provide that training.

**THE CHAIR:** On behalf of the committee, thank you for attending today. When available, a proof transcript will be forwarded to you to provide you with an opportunity to check it and to provide any corrections. We will now adjourn for morning tea and will resume in 15 minutes at 10.45.

**Hearing suspended from 10.29 to 10.48 am.**

**FOX, MR STEPHEN**, ACT Manager, National Disability Services

**THE CHAIR:** We will resume the public hearing with testimony from National Disability Services. I remind you of the protection and obligation afforded by parliamentary privilege and draw your attention to the coloured privilege statement before you on the table. Could you confirm for the record that you understand the privilege statement before we proceed.

**Mr Fox:** I do, thank you.

**THE CHAIR:** Would you like to make an opening statement?

**Mr Fox:** Yes, I would. I want to thank the committee both for this opportunity to speak and for holding this inquiry at all. It is an important topic that we at National Disability Services believe can benefit from your consideration and broader engagement with the community.

National Disability Services is the peak body for disability service providers in Australia. We provide advocacy, policy, research, learning and development and a range of other supports in the disability sector. Part of our membership is service providers that support people with disability to obtain work. Disability employment service providers are members of ours; not all of them, but a good number. We also have members who provide supported employment for people with disability: employment for people who, because of their condition, may lack the capacity to work full time or to perform tasks without significant support. Usually it is less than eight hours a week; they can work longer, but it just depends.

These issues are not new. In our submission, we have set out a range of areas where we believe that better implementation, coordination and intent can get better results. There are some issues of capability with some job seekers with disability for which there is a range of supports to help them prepare better for the job market. That includes support in improving their job skills and basic capabilities in communication, writing, reading and numeracy.

People with disability, as we say in our submission, are not a homogeneous group; in fact, they are far from being homogeneous. Responses in relation to a particular impairment that are specific to that impairment can make a huge difference, particularly, as Robert has been mentioning, in relation to, say, vision impairment, where you have screen readers and other kinds of technology that can assist folks who have that impairment.

In relation to what we propose in our submission, I want to highlight a couple of areas in this opening statement. The summary of our submission in a sense is on the front page. On the front page is a cap which says, "Every Australian counts." Employment is part of the inclusion of people with disability, but we need to move beyond the rhetoric, which requires actual implementation commitment. We have focused on trying to move beyond frameworks and general adherence to basic notions of inclusion, diversity, fairness and equity, which I think is now becoming part of the common mantra. That is a good thing, but we need to go beyond that.

First, we think that there have to be drivers. There must be something to drive change. We think that overall targets can be part of that something, but they are more in the nature of enablers rather than being the driver. What we have said in our submission in the first instance is that we think that there has to be not simply a requirement set out for a chief executive or a broad target associated with an organisation, but that that has to move down into the ACT public service or any other employer, to the requirements of particular managers. We suggest that there is a very effective way of being able to better support the enablement of people with disability both to get and then to stay in productive work, which is to include targets of inclusion for people with disability within the performance requirements of senior managers.

That, obviously, needs to be supported with other tools. Those tools include education and information. They include exposure to different types of and understandings about disability. But they can also include harder targets associated with reporting about processes, about recruitment processes, for example; about the ways in which people have gone about doing performance assessments for their staff; or about what education people have been provided with in their work area. There is a range of things that we say can be done, which do not need to have a great deal of extra cost associated with them and which can actually address some of this attitudinal change.

One of the things that we also say is that enablers are important in this space. Enablers include education and information, but they also include expertise. You will hear, and may already have heard, a range of different views around the role of disability employment service providers. In the ACT, there are five registered disability employment service providers; they are the commonwealth-funded organisations to support people with disability to both obtain and then hold work.

Whilst we note in our submission that there is a range of requirements associated with the provision of that support which can have some perverse impacts in the way in which people can perform their tasks, we would suggest that they have the relevant expertise and they are the relevant bodies that are funded to provide that kind of connective expert advice about how you include and properly facilitate and accommodate people with disability in the workplace.

The other thing that I wanted to highlight in this opening statement is that we support much of what the ACTCOSS submission had to say, particularly the broader things that we can do as a society and as a community, both with accessibility and in addressing attitudinal change, the kinds of things I heard Robert say at the end of his evidence where the government can send signals to the community about supporting enterprises that provide employment for larger numbers of people with disability. We would say, in particular, that supported employment providers could be better enabled to obtain government contracts, for example, through preferential tendering. We have, in our work, sought to provide some mechanisms around that through a campaign which we have called buyability. Buyability is intended to both provide guidance and information around the nature of the services that supported disability enterprises provide and also provide connections for people who are looking for those goods and services.

The last thing that I will say in this opening statement is that there are some structural

barriers. The transition to the NDIS is highlighting one area of structural impediment; that structural impediment is in relation to the funding afforded to people with disability for their employment supports. In other words, within the NDIS people have individual packages, with different aspects of support funded within those packages. We are finding that there is a very low level, there are very low percentages, of people having employment support included within their packages. In our submission we highlight one provider who has told us that because there is an insufficient number of people coming through with employment in their packages under the NDIS, they are unable to provide the relevant support to enable those folks to obtain work where they know the jobs exist. These are jobs within the ACT public service or contracted to the public service, but they cannot assist them to fill those positions because the packages do not actually have the funding.

So there are some structural barriers that we say the ACT government and the ACT community can assist in advocating for, as well as dealing with some specific things, such as tendering, within its own bailiwick. Thank you.

**THE CHAIR:** I will ask the first question following on from what you have just said about the NDIS and what is funded under packages. Are there constraints on what can be funded under the packages that mean that people cannot get specific supports that might lead into a job?

**Mr Fox:** There are some technical issues associated with the capacity of the planner to ascertain the correct level of support for that person. The disability employment system is a highly prescriptive and highly complex system, with something like 900 pages of regulation. Within that system, people are assessed for support at various levels: DMI 1 to 5. In the transition to the NDIS, the level of funding is associated with the organisation that provides that support. Presently, some people are funded and there are some people who are unfunded. For those people who are funded, they can identify what the proper DMI level is in order to calculate a figure for the level of support they are expected to have for employment. For those who are not, without an assessment of them, there is presently no mechanism to identify whether they are at a stage where a high level or a low level of support is needed. So the planners are often unclear about what level of support they require and who they are likely to obtain it from, because it would be more of a market-style support than being linked to a particular provider.

**MS LE COUTEUR:** What do you mean by “market-style support”?

**Mr Fox:** Simply that one of the promises and one of the intents of the NDIS is choice and control for people with disability. The intent is that they should be able to go to an organisation that is suitably registered, if they are not self-managing their funding, that can provide the support from their perspective. They might have a choice of a number of them, and you do not know what that choice is for those people who are not currently in receipt of that support.

**THE CHAIR:** In the submission, you mentioned how we can better partner with DES providers. How might that occur, and is it currently happening with the ACT government?

**Mr Fox:** As noted in the ACT government's submission, I saw that they are a gold partner with the Australian Network on Disability. For that membership, they obtain a range of various kinds of supports. We are suggesting that one or more of the current registered disability employment service providers might come to the same arrangement with a directorate or a portion of a directorate, an agency of government, to provide similar kinds of assistance in terms of guidance about policies, guidance in relation to employment or recruitment practices, information around the kinds of assisting technology that might be available or utilised by different kinds of people with different kinds of impairments, and an education program where work areas could be better informed about what is disability and how disability actually plays out in relation to their own engagement with it.

**MR PETTERSSON:** In your submission you mention the ticket to work program, which I had not heard of. One of the things that stood out to me was that seemingly—correct me if I am wrong—you have these young people leaving school and then getting put into internships, hoping to gain further employment.

**Mr Fox:** I think you have it a bit wrong; perhaps I did not explain it very well in the submission. The intent is that people obtain work experience while they are still at school. It may not be a formal internship; rather, it is more that they are given the same opportunity for work experience as the broader school community. What tends to happen, particularly with people with more complex physical disabilities or personal disabilities—just reminding folks that disability is as much about our response as the person themselves—is that where that is a complex environment, often those are the people who are not picked up in that work experience program. The intent of ticket to work is to assist that person to better prepare themselves for the work environment, to give them more confidence and build their capabilities, and, equally, to provide a bridge and connection to employers so that they feel confident to be able to bring that person into a work experience environment.

What we have learned from the experience of more than 200 or 300 across Australia is that where those folks have that work experience, often (a) that connects them to an employer who has been quite interested to have them work with them post school and (b) it gives them confidence. And their work outcomes are as good as, if not better than, the general school cohort.

**MR PETTERSSON:** One of the things that stood out to me most is that, seemingly, the first job is the hardest job to get. It sounds great if that is making it easier to get the first job. I imagine—it was mentioned in an earlier statement—that there is a propensity for people with a disability, once they gain employment, to stick around longer than other employees. Do you find that continues even with younger people with a disability?

**Mr Fox:** I am a bit reluctant to give you a very clear answer to that, and certainly not a definitive one. Certainly when we look at people in an older age group—30s, 40s, 50s—they often are very sticky with their jobs. That may be because they had a real struggle to get them in the first place and are very reluctant to let them go or, alternatively, it may be that they have fitted well.

With younger people, we know that work is becoming more malleable. We are all

finding that there is an expectation that people move from job to job and will not have a single career. I do not think we have enough data to really show whether or not younger people with disability are going to be different from any of the rest of their own age group.

**MR PETTERSSON:** Thank you.

**Mr Fox:** If I can just embellish that with one more statement, it is often hard to talk generally about people with disability because of the diversity of the cohort. If we even think about it in functional terms, we have people who may have quite limited function and have some kind of a brain injury or intellectual disability, so their actual capability at a mental level is impaired in some fashion, and then we have people, often with physical disabilities, who have masters degrees, doctorates or whatever. They face a range of barriers, but they may be different barriers.

**MS LE COUTEUR:** I was very interested in your comment that there are 20 or 30 potential ACT jobs that could be well identified for taking up by disabled people but that there is not the support to do it. Have you any idea what quantum of support is required? Would it be feasible for the ACT government to say, “Okay, we would love the commonwealth to do more. Is the quantum required that we can do it without a great stress to our existing work practices?” That is really where my question is going.

**Mr Fox:** I think I understand the question, and I think the answer is no, I do not think we can identify that in terms of the level of support because each person is individual. When we talk about the range of people in, say, the DES system, we will often find that many people with disability never go near the DES provider because they do not feel the need for that level or nature of support.

Often we find that DES providers may have a larger cohort of people who are at the lower educational end of the spectrum and higher functional impairment. They are often picking up work for those folks or connecting them to work which is of a more repetitive or lower level in terms of analytical ability.

**MS LE COUTEUR:** You talked about targets for senior managers. Targets imply knowledge. How do we encourage more disclosure of a disability from employees and potential employees?

**Mr Fox:** It depends in part upon the will of the organisation to learn, to be a learning organisation. Disability is one of five or six areas that we specifically identify as a “diversity”. We talk about LGBTI, we talk about gender, we talk about older people and we talk about people with disability. That diversity framework is a good thing, but it also can hide the specific groups within that diversity framework. We would suggest that you need to tackle each of those particular cohorts of people within your diversity approach. It is not sufficient for a director-general of an ACT directorate to have a diversity framework which does not then come down into some specifics around disability, for example.

In relation to the way in which that could be undertaken, there are any number of ways in which organisations can either encourage or enable their staff to both learn

about and then engage with people with disability. Firstly, there is any number of online resources. Secondly, there are many people within the community who have expertise and have availability to engage, usually free of charge, with work areas at morning teas or in particularly identified learning environments. There are opportunities for conferences to include disability awareness as part of their conferences. I noticed, for example, in the submission from correctional services that they had specifically identified their recruitment and interview techniques so they simply asked somebody whether there was anything they needed in order to be better enabled in their interview for a job. That is a very simple step, but if it had not been identified as something that needed to be asked, it would not have been done.

My suggestion is that there is a potential for partnership. You need organisations or people with knowledge who can do that connection and you need some willingness to spend a bit of time to make those connections work and to make those communications effective.

**THE CHAIR:** Can you identify a potential opportunity for outsourcing of some particular pieces of work to organisations employing people with a disability as well as employing people with a disability in the public service?

**Mr Fox:** Yes. This is of two types, I think. One that we also note in our submission is that flexible workplace arrangements are often a very significant factor in supporting people with disability to operate effectively within the workplace. That may be more or less difficult for some parts of different organisations, and sometimes outsourcing can be a way of addressing that flexibility. To give an example, with Indigenous people in mining environments, mining companies may subcontract to an Indigenous employment organisation that agrees to supply a certain number of workers for a particular task, but they may not be the same workers every day because their cohort will have family or cultural or other kinds of obligations which will take them away from turning up five days a week.

In the same way, people with disability might need some additional supports or to be provided with some alternatives in terms of way they perform their tasks which a more specialised organisation can offer in a way where the direct employer perhaps would have less expertise in.

**THE CHAIR:** In relation to the high growth jobs, talented candidates project in New South Wales, which has been mentioned by a few submissions, do you think that is the sort of program we should be looking at here in the ACT?

**Mr Fox:** We do. Whilst it is great that people—such as Enabled Employment and so on—are trying new things to actually use digital technology and so on in new ways to enable people to be better employed, overall it is not that we do not know what works; it is just we do not necessarily always have the will or the frameworks. There are plenty of examples out there. We ought to take hold of those examples that exist; we do not need to reinvent them.

**THE CHAIR:** Thank you. On behalf of the committee I thank you for attending today. When available, a proof transcript will be forwarded to you to provide an opportunity to check it and provide any corrections. Thank you very much, Mr Fox.

**HELYAR, MS SUSAN**, Director, ACT Council of Social Service

**WALLACE, MR CRAIG**, Advocacy Manager, ACT Council of Social Service

**THE CHAIR:** Thank you for attending today, and welcome. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table. Can you confirm for the record that you understand the privilege implications of the statement?

**Ms Helyar:** Yes.

**Mr Wallace:** Yes.

**THE CHAIR:** Before we proceed to questions from the committee, would you like to make an opening statement?

**Ms Helyar:** Yes, thank you, chair. I will make a short opening statement and then we would be keen for you to direct questions to either of us, but Craig is the expert on this submission.

We wanted to note that there are some contextual issues that need to be taken into account in terms of disability employment. People with disability are especially vulnerable in the broader economic shifts that we are seeing to a more casualised, precarious and insecure workforce reliant on a narrower base in the service industry. We need a strong safety net through a decent, fair and humane income support system and access to concessions to be based on income, not age.

It is essential to invest in ways that maximise the growth of secure work in this city. We have made submissions to other inquiries around that and have noted that some areas of business development are in areas of high levels of casualised work, like the tourism industry and that we should think about how to invest in business development that actually maximises growth of secure jobs rather than insecure work.

There are a number of barriers to employment that are faced by people living with disabilities. A number of those are areas of focus in the national disability strategy, things like transport, affordable and accessible and quality infrastructure. Whilst it is important to make sure there are work opportunities available to people, if people cannot get to work, there are some real problems even if the opportunities are there. We need a focus on those barriers to employment.

There are also barriers in terms of social engagement and participation. One of the ways in which people build their capacity to engage and participate in the workforce is by being part of social activity and building relationships and what are often called soft skills, building the networks that give people access to job opportunities but also building the capability to do team work and to do leadership. Often people, particularly young people living with disabilities, do not have access to those opportunities during the ages of development and so are on the back foot when they are competing with others of the same age in the labour market.

We also note specific barriers to people living with psycho-social disability,

widespread bullying, discrimination and misunderstanding of psycho-social disability. These were noted in the ACT disability advisory council report and also in the more recent report done by the University of Canberra, which was the cultural audit around disability employment.

There are a number of enablers of employment that are within the scope of ACT government responsibilities. They relate to investing in family resilience, freedom from abuse and neglect, and opportunities to access a range of skills, experiences and support. Having as one of the imperatives for investing in family support for reducing exposure to abuse and neglect and improving access to the clients of development opportunities that I spoke about earlier are core parts of ACT government funding responsibilities. And thinking about how that will impact on children and young people living with disability and their readiness for work should be a core imperative in those programs.

Of course, the other big enabler is a good education. It sets people up for good employment opportunities and career progression. How we deal with discrimination and failures in education systems around people living with disabilities is critical.

The ACT government is a major employer in this city, and so our submission speaks a lot about the role of the ACT government in that space and the way the ACT government could increase its role. We think that is both as a direct employer but also as a purchaser of services. We have noted that the program that is run in ACTCOSS called the Gulanga program, which is designed to improve both the accessibility of services but also the employment of Aboriginal and Torres Strait Islander people in services, has had a significant impact on creating environments in which people feel confident that they can go and work for an organisation and have a good work experience. A program similar to that for people living with disabilities could be considered by the committee.

We know a number of people with disabilities perform work that is not paid that in other contexts would be paid. Some of those are advisory roles, some of those are voluntary roles. We would look to the committee to consider those issues and to provide some recommendations around how to better resource the sort of work that people living with disabilities do, particularly in relation to government engagement but also more broadly in the community.

There are some things where we think the committee's work could inform federal government advocacy by ACT government through COAG forums but also as an employer. That is advocacy around the issues in the national disability insurance scheme and disincentives in the Centrelink programs and in the scheme around getting access to work. We note particularly the automated debt recovery program that acts as a disincentive to people accessing particularly short-term work. We also note disability employment services and the need to improve those. It is a federal government responsibility, but there may be scope for the committee to have a think about what you are hearing through your work and what might be best to pitch to the commonwealth as their responsibilities to deal with.

I want to finish by saying that we expect people to have dignity even when they are not in employment. There is often deep disrespect and exclusion that happens with the

expectation that everybody should have a job. We note that paid employment is important, but it is not the only way people contribute to our community. Many people cannot participate in the traditional labour market due to health, ageing and disability interface issues, the way society frames their understanding of disability and the way the labour market operates. We need to make sure that people who do not have a job can live with dignity: that they have income security, they have valued roles, recognition and opportunities to be part of civic life. I will hand over to you for questions.

**THE CHAIR:** I note that the education, employment and youth affairs committee is currently inquiring into secure work, and I want to ask about that, particularly in relation to your recommendation about exploring opportunities to provide place-based pre-employment outcomes for people with disability. Can you expand on what sort of programs might assist in that?

**Ms Helyar:** One of the programs we have noted in our submission is the SPARK program that has been used by the developer at the Ginninderry site where they recognise that over time you would want to have a skilled workforce out there around child care. They formed a partnership with one of the major childcare providers in this city to train up potential residents to have certificate qualifications in that field. That is thinking about, “Here is a place that is going to be affordable housing. It’s going to have people who are younger. There will be a need for particular services in this community, like child care. Let’s pull all those together and do a place-based response that builds the workforce from the local community.” That kind of program is incredibly successful here and in other places and could be thought about in terms of some more place-based approaches to building employment opportunities.

One of the concerns we raise in our submission is that often disability employment is bits and pieces, tiny micro enterprises that do not really have the potential to provide employment at scale. How do we move beyond those sorts of programs into ones that actually work for the communities in which people live and for the industries that those communities will need to have?

**THE CHAIR:** You have suggested at a more systemic level that we should be looking at procurement practices in ACT government to potentially procure from organisations that employ people with disability. Have you seen that sort of approach taken in other jurisdictions?

**Mr Wallace:** Yes. The commonwealth takes that approach mainly with its own Australian disability enterprises. There is also work that is being done overseas, including in Canada and the United States, that focuses on preferment to companies that offer opportunities to people in open employment at award wages. That is one of the things we have stressed in our submission that is an opportunity here. That might take the form of actually preferring procurement to an organisation which has some systems and processes in place—like a disability action plan, like an internal target, like reporting in their annual report—and treating this as part of the triple bottom line responsibilities and considerations that we might have in tendering in other areas, such as gender.

**MR PETTERSSON:** You mention in your submission that you would be supportive of targets with a hard edge. This goes to executive-director performance. Do you have any other suggestions on implementing targets or quotas or is that the model to go with, do you think?

**Mr Wallace:** There has been a shift in the thinking on this, particularly in the disability community, over time. The number of people who were at one stage strong opponents of anything that looked like quotas or was not completely merit based has actually shifted on that position. The reason for that is that we now think the well is so low that people almost do not have mentors or other people within the public service that they can look to. So our suggestion is that you would set a target that would actually be linked to the performance requirements for an agency head.

The difference with the quota is that it is actually legislated and something specifically happens if you do not meet a quota. We are not sure that we want to go there yet, but we do think a strongly enforced target that has some incentives linked to it would be worth while considering simply because we have tried soft approaches. We have tried attitudinal approaches. They have not shifted this.

**Ms Helyar:** We are very conscious that it is not just government that needs to do this, that certainly the community sector and the private sector have roles in increasing our contribution in this area. But government is a major employer, particularly in this city, and can take a lead role and demonstrate practice.

**MS LE COUTEUR:** There is one thing I would like to talk about a bit more. You noted that there have been quite a few individual employment opportunities that typically parents create for their kids. I have been to presentations and things from quite a number of them. They all look absolutely wonderful. I can understand why you are not very positive about that. But do you think there is a possibility if, say, the ACT government had a social purchasing procurement policy, you could apply the energy of people, who usually are incredibly dedicated towards making whatever it is succeed, in a way that is scaled up a bit so it is not just their kid? If you put an organisation such as the ACT government with some buying power together with some of these enterprises, is that a possible way that is not direct ACT government employment but it is ACT government-facilitated employment?

**Ms Helyar:** Certainly there is a social procurement policy within ACT government.

**MS LE COUTEUR:** Yes, I know.

**Ms Helyar:** So that should be a platform from which this could grow. I think there is a great ambition and expertise that has come from those more micro enterprises and there is a lot to be learned from their experience and their work in building a market for products or services that are offered by disability-specific employment. I think the issue, though, is that if we want to get things to operate at scale and provide opportunities at scale, then it needs to be a more multifaceted approach. Certainly, expanding the use of social procurement is one really critical component of that platform.

The other issue, though—it is why we have spoken about the Gulunga program—is

that often it is about working very carefully with organisations about organisation practices and cultures and what needs to shift. This often required quite substantial, careful work with the workforce, with employers and with funders—your customers in other contexts—around what is important and overcoming some myths and overcoming some of the barriers that exist that are not intentional but that have perverse outcomes.

It is the procurement policies that can make a difference, learning from people with expertise and who have done new and different and interesting things, but also investing in not just positive feel-good campaigns but in actual practical organisation change that opens up organisations to seeing people with disabilities as an untapped workforce.

**Mr Wallace:** Can I add to that? I think partly what was behind some of our commentary in the submission in that area was a broader question: is it viable, sustainable and a good investment to create jobs around an individual person—it might be for some people—as against investing our time and our effort in ensuring that there are pathways, particularly when we are talking here about people with cognitive and intellectual disabilities in the main, to reopen some of those people’s pathways into mainstream and open employment?

One of the things that we recommend in our submission is that we actually look again at identified positions. Some of those identified positions might be at what we used to call the entry level, the APS1 to 4 levels. What you might do is something like an office support model where you come in and you do an audit of a workplace. You ask, “What is the work that is currently being done by a SOGA or a SOGB that could actually be outsourced, that could be moved together within an office and that could create some entry level positions? What would the cost benefits of those be?” Some of the disability employment organisations actually will do that work. They will cost it up and it will come out as a net neutral or a positive in the workplace.

**MS LE COUTEUR:** That would be a really interesting exercise to do as an ACT government department—not just ACT government departments. When they get the cost benefit being neutral or positive, are you looking purely from the point of view of the individual workplace or are you looking at the broader society benefits?

**Mr Wallace:** No, it is a tightly business-focused thing. They might be saying that in a particular office you have got SOGCs and APS6s doing a lot of filing and doing a lot of work that could viably be done by a person at an entry level who is learning and growing skills. Those were the kinds of positions that 20 or 30 years ago were available and conducive to people with an intellectual and cognitive disability. They are not there, but I would argue that we are actually wasting the talents and abilities of those people. We have also got the wrong model in terms of good public sector outputs and good public administration there as well.

**MRS DUNNE:** I would submit, Mr Chair, that the lack of entry level employment in the public service is a detriment to the whole community, not just to the disability community as well because it is very hard to learn the skills at an appropriate pay level.

**THE CHAIR:** What about the high-level positions, though? I think there is a spectrum of employment; certainly there would be people with a disability who can perform other roles in the public service as well. What can we be doing there, do you think, to attract those people?

**Ms Helyar:** I think that is about organisation reform, which is around having recruitment processes that are genuinely open and interested in tapping into a workforce that is not well tapped into now—having employers competent and confident in making accommodations in the workforce. ACTCOSS has employed a number of people in high level roles who live with disabilities, but it is sort of easy for us. We are a little organisation. We are pretty flexible. We can do our accommodations easily. What does that mean for a larger organisation where you have to turn around a bit of a beast to do the workplace accommodations that will genuinely make a difference? I think that is about building the competency of organisations to both recruit well but also to provide environments that can be adapted to the needs of people.

We have actually had two people with hearing impairment and it is a case of just being conscious; you sort of have to work out the adaptations as you go. That is okay for a small organisation that works on being disability competent. But how do you build that across the whole workforce and across all organisations? It does not happen just by attitude campaigns. It is very practical skills that are needed, tools that are needed, and policies and procedures that need to be implemented that allow for those accommodations to be made.

**Mr Wallace:** I will raise an issue that sort of goes to that and perhaps goes a bit broader as well. I think one of the places where we have gone wrong here around the APS5 level and above—so the other cohort—is that we have kind of defaulted to these cookie-cutter selection criteria across the service. You are probably all familiar with them. They say, “You need analytical skills, you need policy development, you need to be able to work in teams, you need to be a perfectly rounded generalist in every area.”

Those kinds of criteria for a range of reasons, particularly when you combine them with some of the modern assessment methods like involving people in an assessment centre or undergoing psychometric testing, are very unfriendly to people on the spectrum. They are unfriendly to some people with a psycho-social disability. They are actually unfriendly to some people with other disabilities as well.

I do not think it is widely known that you have actually got the power, including in those public sector positions, to recruit to jobs and to do your job design. If you want somebody just to do analytical work, I can tell you that there are a lot of people in the disability community who would be very good at doing some of that. But they might actually fall down at an interview if they were asked to demonstrate some of the skills around teamwork, even though they are perfectly capable of working in an office environment with team strengths.

I think there needs to be some more thought given to our recruiting to jobs, not recruiting to these generic selection criteria which satisfy the needs of a panel but not the needs of a workplace on the ground. That goes for public sector but increasingly it

goes for community sector and private sector who are being encouraged sometimes by fiat of government grants for taking on those kinds of processes and those kinds of recruitments.

**MR PETTERSSON:** One of the suggestions that keeps emerging as we go through the witnesses today is a parliamentary internship program. Why do you think that is a good idea?

**Ms Helyar:** There is nothing like exposure to help people think through what works, what will not work and what can change, and exposure to people who are in senior decision-making roles.

**MS LE COUTEUR:** Following on from that, one of the things you said in your submission was that we should explore opportunities to build industry collaboration programs which provide place-based pre-employment outcomes for people with a disability. What is that? Is a parliamentary internship, I assume, an example of what you are talking about or more generally what are you talking about in terms of industry collaboration programs?

**Ms Helyar:** In that we were talking about that example we gave of the SPARK program.

**MS LE COUTEUR:** And there are other things that you would be thinking of?

**Mr Wallace:** An internship could actually work quite well if it was done in collaboration with education providers, with disability support providers and with others. I think that there is value in going into individual organisations in a concentrated way and providing them with good quality disability confidence training to build their own skills and capacities to ensure that they have got a disability action plan and the other systems they have got in place to be conducive employers for people with a disability.

There has been some work done in the ACT, including from the ACT Inclusion Council, on programs that look like that. I guess what our submission says is that we kind of feel that we should not take something like that and then stick with it and then actually fully roll it out and fully embed it in an organisation to land it. We need consistent strategies over time that are focused on demand, not just on supply, but that are also focused on changing employers.

**Ms Helyar:** That is where the cross-industry collaboration can be useful in that you have people who work in education, who are experts in supporting people with disabilities, to obtain their education outcomes. You have employers who know the kind of work they need done and the kinds of workers that they need to be part of their teams.

You also have people in the community services and advocacy spaces who can understand the sort of supports that people can have access to and how to manage entitlements, particularly around people having potentially short-term or part-time work and how to make that work for someone in terms of a household budget and a long-term plan.

**MS LE COUTEUR:** Yes. This question does not really carry on, but you talked earlier about quotas, targets and numbers for disabled employees. Have you any idea what sort of proportion we should be talking about? Between 1 and 100 I assume is the answer but—

**Ms Helyar:** We know that around 20 per cent of the population lives with some kind of disability; so perhaps we could work towards that target.

**MS LE COUTEUR:** That brings up the question which I have asked many witnesses—

**MRS DUNNE:** It is identification.

**MS LE COUTEUR:** It is identification. I am sure your statement is true that it is 20 per cent below 65—20 to 65—that we used to regard as the employment ages. But I certainly do not think you find 20 per cent of people willingly identifying, particularly in an employment situation, as being disabled. Although your statistic may well be correct, how do you get people to identify as disabled?

**Ms Helyar:** You need to get rid of the barriers, which are that they will be stigmatised and discriminated against in workforces, which is, I think, what we have been talking about in terms of disability competence and capability. People talk about being nervous about raising those issues because it may compromise their status in the workforce and the confidence of their employers or their colleagues. That is part of what needs to be done.

**Mr Wallace:** If you look at the findings of the cultural audit, there were some comments in there that effectively said, “As soon as I identified as having a psycho-social disability, the default reaction was to sort of stick a person on a performance pathway.” I think that is really problematic. The broader question for the public sector, I think, actually also goes to good public administration. The people of Canberra deserve an ACT public service that is to some extent reflective of the actual face of the Canberra taxpayers.

That includes around one-fifth of those people that have a disability. You should be saying, “We thought about this in terms of Indigenous, in terms of LGBTIQ, in terms of women.” I think people have an entitlement to expect that the people providing the services to the public have some level of understanding of the needs and requirements of the people that they are actually providing services to.

That is why one of the other suggestions for identified positions is that we actually think there needs to be some thought given to ensuring that places like the office for disability, places that are doing regular work in transport and other spaces that directly affect people with disability, draw that lived experience in.

**MS LE COUTEUR:** Absolutely. We did ask that question about the office of disability in annual reports hearings. They said that one of their issues was staff who may have a disability not wishing to identify as such. They certainly did not have a high proportion of people with disability.

**THE CHAIR:** One of the suggestions that has been made is that there should be incentives provided perhaps through mechanisms like payroll tax exemptions. Is that something that you support: incentivising employers to employ more people with a disability?

**Ms Helyar:** I think there are risks in incentivising because it sets up business structures that are not sustainable without the incentive. We have to be careful about that and, if you do use it, for it to be short term and be part of a broader strategy.

**Mr Wallace:** The ACT government has already trialled this. There was a trial of payroll tax incentives for people with a disability. We have not seen an evaluation of that approach and if it actually resulted in appreciable improvements.

**MS LE COUTEUR:** Good question. One of the things you focus on in your submission, which I think is great, is transport issues. Page 11 refers to things that are problematical, all of which I would say are also problematical for older people and the pram-pushing person. To what extent do we need to address these issues specifically for disabled people rather than the greater percentage of the community who are pushing programs, or older? When you put us all together, a lot of us have difficulty getting around Canberra.

**Ms Helyar:** Yes, absolutely. It is important not to marginalise it to disability; it is to recognise that this is good public space management. The other example of that is that there has been some research done in Austria, I think, where they showed that when they designed public spaces to feel safe for women, everybody else really liked them better as well. Sometimes if you look at something through a lens of a particular group you gain value for a much broader group in the community, which gives it a rationale that goes beyond treating some kind of marginal or specific group and that is about creating an inclusive, liveable, workable place for everyone. It is only when you look at it from a particular perspective that you start to identify some things that can work for everybody.

**Mr Wallace:** There are some gaps in our planning for this in the ACT. One of the chief ones is that in other jurisdictions, like in New South Wales, you will find that most of the local government areas have an access committee that includes people with a disability, older people, carers—a coalition of people with lived experience and expertise who provide advice on new development as it is occurring on big issues. If there is a policy initiative that the government is making that affects the cityscape, there is some lived experience advice on that.

What I see on a daily basis in Canberra and what ACTCOSS's members see is that there is a good generalist cookie-cutter approach to rolling out the standards, but they are not getting individual lived experience advice in some of that development. It is never quite lifting above the standards and it is not meeting some of the actual needs that people with disabilities have in real life; for example, access features being placed adjacent to each other in a way that actually cancels the two features. There is a real gap here.

**THE CHAIR:** So that is the rationale for your recommendation around employment

in the new City Renewal Authority and Suburban Land Agency?

**Ms Helyar:** Yes. Craig and I have arrived at places where there is a disabled parking space but the access ramp is where the car is. So you cannot both park and get up on to the footpath.

**Mr Wallace:** But they are both compliant, so the architect looking at it would have gone, “Okay, we’ve ticked the boxes here.” The reason for mentioning this in the context of employment is that we can no longer make an assumption that a graduate with a disability is going to be moving into one permanent job where you can just fix that workplace and then say you have moved that person into an employment outcome. People are increasingly expected to be moving across a number of different employment opportunities, some of which are precarious and casualised, as Susan mentioned earlier. We need a ubiquitous approach to fixing a range of spaces where people with disabilities might work. Most of us, when we are starting off in our careers, get a bit of work at Maccas or in a retail place. We are working our way through and gaining skills. People with disabilities are denied that opportunity because all of the attention often goes into making some claimed work spaces accessible and not focusing on other spaces where we think people might not be likely to work. If they have a disability they are not likely to work there because those places are not open to them.

**THE CHAIR:** In terms of the structures in the ACT government that relate to the employment of people with disabilities, how do you think we could be doing that better? The new Office for Disability mentions that some local governments have accessibility committees. Within individual directorates, how can we be doing this? Is it that you need to have a champion for disability in the directorate? What is it that is going to assist us to improve?

**Ms Helyar:** It is valuable to have champions in directorates and in work areas. It is valuable for those people to be able to talk with each other so that there can be some shared experience and shared knowledge. But it is also important to have the voices of people who live with disability feeding in overall. The lack of an access committee in this city is a problem that we think needs to be fixed and it needs to be whole of government. We have spoken about that in our budget submission this year as well.

**MS LE COUTEUR:** And the Disability Reference Group cannot and is not doing any of that role?

**Ms Helyar:** It is not fully resourced to play a comprehensive role, and it also does not always have the access into the spaces.

**Mr Wallace:** To be fair to them, they were set up to be fit for purpose for the NDIS transition, to provide policy advice. What our members have talked about and what our budget submission talks about is something that looks like a fit-for-purpose access committee where you might have architects, you might have designers, you might have building certifiers popping into it and you might have access consultants who know the standards—AS4299 and 1428.1—and are able to look at an urban space and ask, “Is that compliant?” That is a quite different and specific skill set, and it also needs to sit properly within government.

**THE CHAIR:** Do you think there is an issue with whole-of-government committees in that they do not get down to the individual directorate level and create change? Potentially what we are seeing is differences across directorates in terms of how they approach the issue, even though we have an overarching strategy. How important do you think it is that those structures are created at a directorate level?

**Ms Helyar:** I think it is important to create them, and to think about it not in terms of implementing government policy but as an employer—what do you need to be as an employer, what do you need to learn about, what do you need to be able to do differently and what do you need to be able to change in your organisation? To the extent that that needs to be fine grained, depending on the kind of work you are doing or the kind of communities in which you are operating or your broader contextual factors, then it is important to be doing it at directorate level. But it is not because it is government policy; it is because you are an employer and this is core business for tapping into the whole talent pool available to you.

**Mr Wallace:** Our submission talks about having some executive level change agents who might be people that are sufficiently senior, perhaps not in the same organisation, at the FAS or dep sec level—I am sure I am using the wrong language here—but people who could pick up a phone and basically unpick a problem and talk to somebody sufficiently senior to say, “Well, in this particular area of assisted technology for public sector workers with a disability we need to pool some funding between agencies to get this right and land it in one agency,” and to do some of that collaborative work.

As somebody who has been around this for a while, I also make the observation that we probably need to pick a consistent approach to an employment strategy in the ACT government and stick to it for a period of time—and make sure it is properly resourced and see it through. We have had a number of different goes at this, including the ACT government’s access to government strategy. There was an initial kind of enthusiasm for disability action plans in that approach, and then that was not completely landed and followed through. We need to take one approach and really go at it hard for a while.

**THE CHAIR:** Is there anything in particular that you do not think was followed through with the previous plans and strategies that we should be looking at?

**Ms Helyar:** We have talked about lack of evaluation and public reporting on evaluation so that things can be adapted and improved. There is also the issue of the resourcing of the implementation. Often lots of work goes into designing something, and the harder thing is the implementation, so how do you properly resource that? But it is also the time frames. This kind of transformation is a 10-year transformation, but often plans are three-year plans. So you might just start to get some shifts happening. Often with changes like this things get a bit worse before they get better because visibility and awareness grows, so people can get quite discouraged at that stage of the process or feel like it is not delivering, whereas actually that is the time to really go, “Okay, now we really know what we need to get better at and we can take it to the next level.” But it takes a bit of courage at that time and a bit of willingness to cope with the negativity that can come.

**Mr Wallace:** They also need to pull the right levers that have power in them rather than pressing the buttons that do not do anything. The ACT has fairly strong public authority obligations under the ACT Human Rights Act, so it would make sense to be leveraging some of those. Some of the past strategies have focused on designing action plans that might sit on the federal government's Human Rights Commission website, and that is more a demonstrative exercise. You need stuff that is going to have leverage and be embedded within agencies and be strongly linked to the core business of that agency so that if we fail at this there are consequences. Whether through annual reporting or the performance measurements of an executive director, it is linked and tied in to the core business of an organisation over time. I do not know that previous strategies have landed that.

**THE CHAIR:** Thank you for appearing today. I remind you that the proof transcript will be forwarded to you so that you can make any corrections. Thank you again for appearing.

**Hearing suspended from 12.00 to 1.35 pm.**

**COLBERT, MS SUZANNE**, Chief Executive, Australian Network on Disability  
**WINTER, MS CATHERINE**, Relationship Manager, Australian Network on Disability

**THE CHAIR:** We will resume the hearing with testimony from the Australian Network on Disability. Thank you for coming such a long way to see us.

**Ms Colbert:** A pleasure.

**THE CHAIR:** I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement.

**Ms Colbert:** Yes.

**Ms Winter:** Yes.

**THE CHAIR:** Before we proceed to questions from the committee, would you like to make an opening statement?

**Ms Colbert:** Thank you for the opportunity to be here today. The Australian Network on Disability is very enthusiastic about helping all organisations—public sector, private sector, not-for-profit sector, education sector—to go on a journey of increasing the participation of people with disability in all aspects of business. From the perspective of the ACT government, that means not only in employment but also in all aspects of decision-making and participation in aspects of business that are perhaps beyond employment but make a significant contribution to our community and civic life.

For that reason, it is our privilege to be here, and we thank you for the opportunity. As we outlined in our submission, we hope that what we can contribute today is the extensive knowledge that we have gathered from many complex organisations from around the country and the learnings that we have had from those organisations on their journey to disability confidence. I do not want to repeat things in the submission, but we are happy to answer questions on them and to make sure that the key points that we contribute are those that can be examined in the discussion. Thank you.

**THE CHAIR:** You have just come from having a national conference?

**Ms Colbert:** That is right.

**THE CHAIR:** Were there any particular examples that came out of the national conference, since you put in your submission, that we should be aware of?

**Ms Colbert:** Yes. The overwhelming conclusion that came from both Barclays and the successful experiences of our members here, as borne out by Australia's first asset inclusion index benchmark report, is that we must include people with disability in all aspects of decision-making—whether they are people with disability as our

employees or as our customers or whether they are helping us design good policies and good products and services—and that unless we tap into the experience and the knowledge of people with disability we will inadvertently hold on to incorrect assumptions and make poor decisions.

**THE CHAIR:** You have suggested that the ACT government should look at creating a disability employment hub. Has that sort of approach been taken in other jurisdictions?

**Ms Colbert:** Yes. We made that suggestion based on the contained geography of the ACT. It would be a bit more difficult to do with cross-border geographies, but with your current unemployment rate of 3.7 per cent—and certainly some of our members find it hard to recruit in Canberra—there is an opportunity to centralise high quality information and correct messaging that will help galvanise the business community and to take the steps that will help pull into employment people who are perhaps not currently participating.

**THE CHAIR:** How might it work? Would a person with a disability who wants to work go to the hub and seek information or is it more a point for employers to get information?

**Ms Colbert:** With highly performing programs internationally and programs that run in Australia, what we see is that where you can package up an offer that makes sense to the business and links with talented people with disability, you get a better return on investment. You are probably aware that currently Disability Employment Services have about a 32 per cent success rate of achieving 26-week outcomes. When we look at programs such as the bridges program in the UK, which works with very disadvantaged youth and people with disability across multiple sites, over a long history we see about a 78 per cent success rate. Part of that is that the bridges program, a little like our internship program, starts with the employer first and then understands the local labour market, and it has employer-assisted interventions to help people with disability to get closer to the employment market by giving them the skills and capabilities required for those specific roles. You could certainly more than double the current retention rate.

That kind of program uses a brokerage model. The broker can work to get to know very clearly the requirements of the business but also be a linkage to talent, perhaps through agencies—but it needs to be beyond the agencies. For example, with our high growth jobs program in New South Wales, our goal was not to just look at one particular cohort of people with disability but to go to business and ask, in those growth jobs, what sort of skills capability they were looking for, and then link them with specific talent pools. That might lead to undergraduates with disability doing an internship that would roll into a graduate program that would give them a chance to compete on an equal playing field with their cohort when they leave university. Or it could be that semi-skilled people just need a small intervention, to have an opportunity to be recruited, or that there need to be customised roles.

Rather than say, “We’ll just recruit for a particular role or a particular type of disability,” you start with the business, work backwards and bridge the skills and capabilities. With that program, we are currently tracking at an 89 per cent retention

rate. There have been only 26 placements so far, but we expect that to grow to 50 by the end of next month.

**THE CHAIR:** Is that the program that is being run in New South Wales?

**Ms Colbert:** That is right. That is high growth jobs. But the bridges program is an international example of a place-based program. I think the bridges program works in 19 sites in the US. The point I am making is that if you can concentrate on a particular area and you can create a brokerage opportunity with business—we believe that most businesses have a very open and positive attitude but have no idea what to do—if you can create a broker to the talent, you have a much better chance of both satisfying employers and lifting people with disability into employment.

**THE CHAIR:** Basically, you are able to access a wider range of potential candidates, people with a disability, than those that are already going through DES?

**Ms Colbert:** That is right.

**THE CHAIR:** Because they are a certain cohort?

**Ms Colbert:** That is right. In our New South Wales program, we actually did that. We appreciated that there were people who, for one reason or another, did not have their needs met through the DES program. We worked with Aspect Capable, which works with people on the autism spectrum, to find fantastic jobs that would not have otherwise been available. That was with a company called Fujitsu. Surprisingly, Fujitsu mentioned—they have this massive warehouse where they do repairs; they repair point-of-sale terminals for Coles, Woolworths, Qantas et cetera—that they had never been approached to provide an employment opportunity for a person with a disability before. Never. And they had over 100 people on that site.

Sometimes for us it is about finding that alignment and researching well where the capability is. With well-structured, well-tailored projects that lift up the organisation and lift up people with disability, you get an opportunity for a better outcome.

**MR PETTERSSON:** I have a follow-up question on the disability employment hub. I understand that there are a wide range of disabilities people may experience. One of the caveats is the number of approaches that someone might have to make to try to find this employment opportunity. What are some of the best-case scenarios that you have come across in terms of people finding employment and what are the worst-case scenarios in terms of the number of approaches required?

**Ms Colbert:** Prior to being in this role, I was a manager of Disability Employment Services. We had a fantastic job seeker. Her name was Michelle. She wanted to do an apprenticeship to be a chef. After we had made 180 telephone calls seeking an opportunity, I thought, “There’s got to be a better way. This is neither scalable nor sustainable.” When we got Michelle that job, that was all. There was nothing to harvest; there was nothing to build on; there was nothing to learn. My view was: if we could make organisations barrier free to people with disability, anyone with a disability should be able to knock on their front door and get a job. If we could take Westpac—35,000 people—and help Westpac open their front door, isn’t that going to

help us be a lot more successful than making 180 calls for every single job seeker? Maybe that was just an outlier, but, still, I am sure you would agree. She was sitting home waiting, consigned to daytime television while Disability Employment Services were trying to make those calls. There has to be a better way. That was the worst-case scenario.

A better case scenario is where you get much better alignment for a person with disability, where they are very clear about what they want to do. It might take some time to get there, but there is a good job-skills match. Some of the examples come from our stepping into program. A student would do an internship with an organisation; they would have to go back to university, but they would then apply to the graduate program and be successful. Or the better case scenario is that, as they finish their internship and are heading back to university to finish their studies, our member will say, “Look, we’d really like you to join our graduate program.” So they go back to do their last semester at university knowing that in the following February they will be starting on a graduate intake, being much more successful because they have demonstrated their capability and the fear factor is gone.

**MS LE COUTEUR:** You talked about making organisations barrier free as your goal. Can you talk a bit more about how you do that?

**Ms Colbert:** Yes. We now have a product called disability confident recruiter. That works through two phases. One is called discovery. That means that, during the application process, it is a journey analysis. You would follow the journey of a candidate and identify any barriers. That might be website barriers that prevent a person from being able to apply in an equitable way. It might be the need to clarify the inherent requirements of the role. There are 17 steps of capabilities that we look for, for organisations. After the organisation has gone through those 17 steps and can tick them all off—they are all best practice recruiting strategies; they are nothing special—the people who are recruiting undertake a little e-learning. At the end of that, the organisation is accredited to become a disability confident recruiter, meaning that they are barrier free.

Departments like the Department of Family and Community Services in New South Wales have done that. The National Disability Insurance Agency is DCR accredited. We would hope that in relation to any procurement that you do through any labour hire or any recruitment companies, they would be DCR accredited. You would have to ask them.

**MS LE COUTEUR:** How do you persuade companies that they want to do the training and become DCR accredited?

**Ms Colbert:** That is a good question. I suppose I have never really had to persuade; it just makes logical sense. In that process, what you are really saying is that we are creating an equitable experience, which means that you are not discriminating. Anything less than that will be unfavourable for some people with disability. If you were hoping to not attract any complaints from candidates with disability or hoping to not exclude candidates with disability throughout the recruitment process, it would just be sensible.

**MS LE COUTEUR:** Has the ACT government gone through that?

**Ms Colbert:** No.

**MS LE COUTEUR:** I understand from reading this that they are a member of the network?

**Ms Colbert:** Yes.

**MS LE COUTEUR:** And, as you said, it is sensible. Do you have any idea why the ACT government has not done this?

**Ms Colbert:** It takes a long time to get from discussion to action. I was previously the relationship manager for the ACT government. I did find it very hard to engage. I appreciate that, particularly at the senior level, there are other priorities. There are restructures and things changing all the time, and timing matters. We are persistent; we will just keep knocking on the door and hope that one day you will open it.

**Ms Winter:** And sometimes it is a case of establishing those priorities. I do quite a bit of work with the ACT government in a training capacity but also looking at other projects. A typical experience of a relationship manager going in is that you spend some time working with the member to establish what they self-identify as where they want to put effort. Then you talk to them and ask, “Have you thought of this and this?” That often takes us to a discussion about the disability confident recruiter. Sometimes our new access and inclusion index is a really good way of doing this: they need some assistance with helping to establish what those priorities are and how those priorities can build on one another. That is an active and ongoing conversation with the ACT government, and we would be thrilled if they did become a disability confident recruiter.

**THE CHAIR:** Who is usually the point of contact in a government department in other jurisdictions and in ACT government? At what level are they?

**Ms Colbert:** We ask for two. We ask for somebody who is at the practitioner level and then we also ask for a champion. Ideally the champion should be from the Chief Minister’s office and be in a non-HR role, perhaps a head of the corporate shared services area et cetera. We have a champion at the moment from the ACT government but not from that role. I think it is much more from the human rights area.

**THE CHAIR:** You have recommended the establishment of a senior champion?

**Ms Colbert:** Yes.

**THE CHAIR:** Do you see there being one role across the whole of ACT government or is that something you would like to see in every directorate?

**Ms Colbert:** You need to have one in every directorate. Essentially how the structure should function is that within each directorate, depending on the size and complexity, there should be a group of employees who are allies of people with disability. People with disability and their allies together form an employee network, and that network

will find its own feet. They might start off moaning, but over time they will move to owning. That is part of the journey.

The way you help people go from moaning to owning is by having a senior executive champion who can make structural changes where they are required, to be a good listener to the experiences that your employees who have disability or who are allies of those with disability might be having. That way you have a practitioner who is helping get things done, you have the voice of people who are interested and impacted, and you have a senior executive champion. When you get that three-way governance process then you have an opportunity for sustained change.

**THE CHAIR:** How is that change documented? Is it a plan? Is there an action plan in each department?

**Ms Colbert:** Just as you would put a governance process around every other kind of action plan you would have, when your employee network has a meeting, your champion should attend, it should be minuted and there should be actions. In our best performing networks there is also a between meetings informal get-together between the champion and the chair of the network. So it is really like you would do any other good comprehensive piece of work.

**MS LE COUTEUR:** Obviously we are looking into what the ACT government can do better. You have a good idea of what they are doing in this field. What would be your number one recommendation to them?

**Ms Colbert:** How I would normally respond would be to say: look at something else that you have done really well that you are really proud of. Maybe that is your Indigenous employment program. Look at what you did and say, “Let’s just do that again.” You do not have to do something differently. In the organisations that we work with, everyone knows what good looks like, how success works in their organisation, and that is what you should do. If you have done a great job of Indigenous employment or if you have done a great job with women in leadership, look at the wraparound supports you have and ask, “How can we learn from that success? How can we put the same governance framework in and implement a similar strategy in relation to inclusion of people with disability, and what else might we need to do?” Find out the things that you are really good at and just do that again.

**MS LE COUTEUR:** It makes sense.

**MR PETTERSSON:** You cannot fault it.

**MS LE COUTEUR:** Recommendation 1 talks about looking at research and that the ACT government should draw on research about the business benefits of employing people and responding. Is this something that the ACT government has done, to your knowledge—looked at the cost benefits? We have heard other evidence today where people contended that the government or any employer would find that the cost benefit was very favourable.

**Ms Colbert:** There is not very much recent Australian evidence on that. I think the most famous Australian study, which really only looked at the DES program, was in

2003 by Joe Graffam, and there has been nothing done since then. That is an awfully long time ago. Also since then there has been a lot of evidence gathered, primarily through surveys and by lots of different organisations, such as the Business Council. There was a fantastic piece of work done by the Victorian VET organisation, but essentially all research says that employers are willing but they are not enabled. They do not know what to do and they are concerned about making a mistake and are worried about cost and risk.

What we find for organisations that have already converted is that they are not so much worried about cost and risk because they have already dealt with those issues. Cost and risk matters for unconverted organisations are an issue. For those that are already converted, what you need to do is make it easy. I do not know in the ACT, looking at your employer profile, how many organisations are converted. Only that would tell you to what extent you need to address cost and risk.

From my perspective, I do not see risk addressed well. We have a model showing how you would address risk, and we would like to see that put on the table. We help employers work through the model and just be sensible. That makes it easier for those employers to understand how to consider risk associated with the employment of people with disability. But it should be put on the table, because we know that that is what the unconverted are worried about.

**THE CHAIR:** Given that the risks may vary significantly, depending on what the disability is—

**Ms Colbert:** Yes, so that is why you provide a model and just work through these issues.

**THE CHAIR:** So it looks through all of the different categories?

**Ms Colbert:** Yes. All you would do is say, “Well, here’s the job. Here are the inherent requirements of the role and here are the work health and safety requirements that are associated with that role.” So you have that on one side. Imagine five columns. On the other side you have the person with disability and their skills and capabilities. In the next column you have their workplace adjustments that could be put in place. It is by assessing all of those that you ascertain job fit. You have been very clear about the requirements of the job, the work health and safety requirements, you are very clear about the person’s capability and workplace adjustments, and then you ascertain fit.

**THE CHAIR:** And then you would presumably go to a hub or a DES provider and try to connect suitable people with the role?

**Ms Colbert:** No, that only relates to the individual. What you would do with the employer first is help them to articulate what the job is, to be clear about what somebody really is required to do. I know that sounds so simple, but that is not how PDs read. Usually in PDs we are selling something else. But what we really need to do is focus on the inherent requirements of the role so that people with disability can self-select: “Yes, in this role I do not need to use a phone. I could do this, because I’m deaf.” It is really to help with that clear self-selection. We need to help employers get

clarity around that and then look at what would be the obvious, or perhaps not so obvious, place where that talent pool might be. It might be in DES, but it might be somewhere else.

**MS LE COUTEUR:** You talk a little bit about targets for employment. What do you think is a reasonable target for disabled employment?

**Ms Colbert:** Once again, our answer with targets is about what else you would do in other circumstances. Some of our members, such as the ANZ Bank, have targets for everything. They have targets for how much money they are going to make out of you. They are an organisation that sets targets as part of their business as usual. In that case they set a recruitment target every year. They knock themselves out to do it, but they always meet it. Other organisations are not going the way of setting targets but have different metrics around how they are going to understand the inclusion of people with disability in their workforce, through a combination of employee surveys and other methods.

For organisations that are very enthusiastic—and we have recently worked with one, Life Without Barriers—and organisations that are serious, we would say one in every 10 recruits at least over the next two to three years should be a person with disability. One in every 10 recruits. Don't say, "Four per cent of our workforce," or "Five per cent." That is a zero-sum game, because we are never going to know. But if you say, "One in 10 of our recruits will be a person with disability and we are going to go out and find that talent and set the time frame for that," that is sensible and doable and you will know when you are on track and when you are not.

Another member of ours is Crown, and their aim is to recruit three people a month with disability. It is not a lot of people, but manageable. They can measure it each month. They can report on it quarterly rather than waiting three years to think, "That strategy didn't work so well. We'd better try again."

**MR PETTERSSON:** There has been a lot of comment that targets have been talked about and set for a long time but that we never reach them. Do you have any opinions on any accountability measures and mechanisms to hold us to account?

**Ms Colbert:** The upside of setting a target, if your organisation has a culture of success, is that if you have enough resources you can influence the market to help you meet those targets, but you have to be very actively engaged in that. The market will help you if you decide to do that. The New South Wales government had targets for years and they never actually reached them. If that was to happen, that would put you in a worse position in three years time. We have had 20 years of no progress on the employment of people with disability, so I would encourage you to do what you think you can succeed at. Do not set yourself up for failure, whatever that looks like. If you are an organisation that is high performing and very successful at ticking all your boxes—and we work with lots of those organisations—then do that. But if you have a recent history of not quite hitting the mark then do not do that for this strategy again because it becomes a learned helplessness approach.

**MS LE COUTEUR:** Your recommendation 10 is about the stepping into program that the ACT government could use. Could you tell us a bit more about that program?

**Ms Colbert:** Yes. It is a program for university students with disability, and we started this program because when students leave university they are all competing with their cohort; they are competing with everyone who has graduated that year. We found that there was a difference of 20 percentage points between meeting graduate destination outcomes for university students with disability and those without disability. In order to compete with that cohort, you needed to have done some work experience during your education. That is why we implemented that program. It has been running for 12 years now. Over 800 students have had an opportunity to undertake that internship. The last time we assessed it 83.5 per cent of students who had done an internship had met their graduate destination of employment, in comparison to 75 per cent of students without disability.

**MS LE COUTEUR:** Great. Has it been run in the ACT?

**Ms Colbert:** Not with the ACT government.

**MS LE COUTEUR:** But in the ACT?

**Ms Colbert:** Yes, a great deal. And many of our APS members use it.

**MS LE COUTEUR:** Bit of an obvious recommendation there, I think.

**MRS DUNNE:** Do not get ahead of yourself.

**Ms Colbert:** The other thing that we find, which is pretty fantastic, is that students will travel from anywhere for that opportunity. We have had students come from Perth to work in Canberra for an internship just because of their enthusiasm to have that opportunity to showcase their skills and capabilities while they are at university.

**MRS DUNNE:** In relation to internships, what support, both socially and materially, would you need to put into that? Normally an internship is an unpaid job.

**Ms Colbert:** No, these are all paid. We do not do unpaid.

**MRS DUNNE:** But if someone's coming from, say, Perth to do an internship, is the agency paying their travel?

**Ms Colbert:** No, we are just paying their salary.

**MS LE COUTEUR:** And are they paid at a reasonable salary or just enough—

**Ms Colbert:** They are not yet graduates. Each agency determines the pay scale according to the work they are asking them to do. You would go out to your divisions and to your managers and say, "What opportunities do you have available? What jobs? Nominate the pay scale," and then they would be recruited at that level.

**MRS DUNNE:** Are these internships part of your assessment for your undergraduate degree?

**Ms Colbert:** No.

**MRS DUNNE:** A lot of universities have a work experience component—

**Ms Colbert:** That is right. The work-integrated learning process.

**MRS DUNNE:** But this is not part of that?

**Ms Colbert:** No. Macquarie is one university that has work-integrated learning, but there is nothing yet structurally at Sydney or UNSW. It depends on the type of degree, but they are usually organised in collaboration with the university. What we found with ICT students, for example, is that they are required to do a minimum 12-week placement. Primarily because they really want to attract ICT students, some of our members will change the length to accommodate that requirement. Our minimum is four weeks, 152 hours, because it can be spread over a greater period according to the need of the student, but we pretty much leave it up to our members to decide what the time frame will be. Telstra, I think, typically does 18 weeks; the Commonwealth Bank does 12 weeks. There is a range. That is up to them.

Our main job is to support the managers to participate and to encourage them, and to support the student—to match the student to the role, to ensure that the student is qualified for participation in the program, to coach the student on how to do an interview and all those kinds of things. Our role is really as a connector of talent to good employers.

**THE CHAIR:** There has been a lot of discussion about recruiting to low-level roles and, in this case, graduate roles. But what about the higher level leadership positions in organisations? Have you done much work in that space?

**Ms Colbert:** We do not really do recruitment as such. Our goal is to work with our members to understand what their challenges are and then try to find out if other members have got those challenges and see if we can all put our heads together for a solution. But for our stepping into program we have alumni, so some of our members go onto our alumni page on LinkedIn. Some of these people, of course, finished the program over 10 years ago and so they are 10 years into their careers. If you have got a fabulous offering for them, you then have an opportunity to go into that talent pool—there are about 200 people in there—to see if there is a match. Obviously that is entirely up to that talent pool and of course we want to grow that and engage more deeply because we know from our benchmarking report that organisations are not doing well at retention and career development.

We in Australia do not have a methodology for assessing the career development of students with disability. Many of our members have been trying to work out how we do that. Often it is done through an all-staff engagement survey. When we look at the survey results from the New South Wales ABS and the Victorian government, as an example, we see that employed people with disability do not feel as optimistic about future career development as people without a disability. Systemically we know there is a problem, but we think that the main problem is building the capability of line managers. You have probably heard that before.

**THE CHAIR:** Do you want to table that report?

**Ms Colbert:** Yes.

**THE CHAIR:** Thank you. On behalf of the committee, I thank you for attending today. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and suggest any corrections. Thank you.

**MAY, MS JESSICA**, Chief Executive Officer, Enabled Employment

**THE CHAIR:** Thank you for coming along today.

**Ms J May:** Thank you for having me.

**THE CHAIR:** I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement.

**Ms J May:** Yes.

**THE CHAIR:** Before we proceed to questions from the committee, would you like to make an opening statement?

**Ms J May:** Enabled Employment is a one-of-a-kind employment agency that focuses on positive discrimination. We work with companies to increase their diversity. Our candidate base includes people with disabilities; Defence Force veterans and their spouses and children; carers; Aboriginals and Torres Strait Islanders; and seniors, anyone 55 and over.

The business started from my own experience as a person with disability working in government and facing discrimination. I wanted to offer something that was not a government-based or charity service. The point of difference with us is that we charge businesses for our services: you should be paying for qualified candidates and skilled candidates, and that is really what we focus on.

We are in a unique position to advise both the federal government and local governments on what works for employing people with a disability that is not a continual handout. We are really about economic benefits for business and the increased benefits for people with a disability, and valuing them for who they are and what they bring to an organisation.

**THE CHAIR:** I have a question in relation to recommendation 6. You recommended that every directorate in the ACT public service be required to table in the Legislative Assembly an access and equity report containing certain information. Is this something you think the ACT government can improve on at the moment? Are you getting a sense that there is not enough data out there around how we are doing?

**Ms J May:** Yes. We do short-term labour hire placements, and one of the things we have found with a lot of the directorates that we are talking to is that those statistics do not include the numbers of people with a disability that they are hiring. I think we all know that the best way to get into the government is to take short-term contracts. That is how I got myself in: a three-month, short-term contract. We are not offering that kind of bridge in.

That made us twig that there is not enough data being collected or that incorrect data is being collected. We went away and looked. There are lots of targets that have been

set, lots of information that has been put out saying that we are going to achieve this and we are going to achieve that. We are not seeing the results and we are not seeing where that is tabled. Suzanne was saying earlier that if you are going to set targets you need to set realistic ones and then you need to constantly follow up on how you are achieving them. That is just one piece of information that we were not seeing. We would like to see something on the public record: “We are meeting our realistic, achievable targets. This is how and this is why.” That would empower directorates to report that information through to you.

**THE CHAIR:** What sort of information are you looking at? I know you are talking about reporting against the targets, but what sort of information are you looking for?

**Ms J May:** The biggest barrier that we see to disability employment is attitudes. It is attitudes, low expectations and assumptions. Assumptions are normally the root of all discrimination: people are too afraid to ask the wrong questions, so they do not ask a question, and they make assumptions about what people with disabilities need and then they discriminate against them.

The biggest thing that we would like to see is training. I think Suzanne is the perfect example of how successful that is. They call their training disability confidence training. We used to use the short form. You spend 12 months just to find out that it is okay to ask the wrong questions. Once you have got that confidence, you know what people can do. All of the academic research shows that when you actually engage with a person with a disability, all of your attitudes change.

We would like to see how many people have been exposed to this training, how many people with a disability you have working in your organisation, who are your disability champions, how many have been interviewed. I think, too, we talked about mentors and all that sort of stuff. It is that sort of information. You might not have targets for what you are setting, but you are still achieving it piece by piece along the road. I think that those are achievable targets, and that is what we would like to see reported.

**MR PETTERSSON:** It pains me to ask this question, but in relation to recommendation 1, you outlined that the definition of disability is not standardised.

**Ms J May:** Yes.

**MR PETTERSSON:** Is that true?

**Ms J May:** Yes.

**MS LE COUTEUR:** The UN or the ABS?

**Ms J May:** Yes; they are different. We use the ABS definition: that it is any limitation or restriction that affects your day-to-day activities for six months or longer. But it is not standard anywhere, and I think that is the same for any piece of legislation. I used to work in government, and “minor” had 65 different definitions in each piece of legislation. That is the same. Legislation has different definitions of what disability is for entitlements and things like that. The ABS uses different definitions. Charities and

businesses use different definitions. That is why we use the ABS statistics. Then we can actually refer to statistics of how many people there are in Australia and what types of disabilities they have. And we know that that is a common language that everyone can understand.

**MS LE COUTEUR:** Recommendation 3 says:

All contracts requiring recruitment of personnel on a temporary basis be exempt from tendering requirements should it be filled by a person with a disability, similar to the federal government's procurement guideline ...

That sounds very sensible to me. But then, if you go to recommendation 5(d), it says:

Applicants must not be forced to disclose in order to 'get an interview' as the federal government has done—all this does is encourage bean counting ...

**Ms J May:** Yes.

**MS LE COUTEUR:** I am wondering how you could get that to happen. Basically you are saying that if you are disabled you are exempt from tendering requirements. Surely if you are going with recommendation 3, people effectively are forced to disclose.

**Ms J May:** None of our people disclose. They do not have to; it is not a requirement. People know that, in engaging with us and our service, that person has a disability. That is all they need to know.

**MS LE COUTEUR:** So they effectively are disclosing that there is something; they are just not saying it is X, Y or Z.

**Ms J May:** They do not need to know the medical diagnosis. We are talking about a government program where, if you apply for a position and you identify that you are a person with a disability, you get an interview immediately. That has not been shown to have any difference. Again, that comes down to our main reason: attitudes. The person who is the hiring manager is where you normally see the biggest blocks in an organisation. Yes, they will get through to interview, but then they have to win the job on merit. You cannot prove that someone has not won the job because they have a disability, but you can find lots of different reasons why someone has not got a job or why they are not the best person based on merit. So, yes, it gets them in front of employers, but we have not seen any marked increase in the level of people with disabilities employed by the federal government; in fact, it is continuing to decline. Again, that comes down to attitudes. It is not a safe space to disclose that they have disability.

**MS LE COUTEUR:** Is it also that the nature of employment in the federal government is changing? Is the success rate of the disabled applicants considerably worse?

**Ms J May:** I do not want to quote the exact statistics, so please do not quote me on them, but I believe that about 10 years ago we had a 7.3 per cent rate of people with disabilities in the federal public service and now it is 2.7.

**MS LE COUTEUR:** I know it has gone down, but also what the federal government does has changed considerably in the last 10 years. What I am getting at is this: have the jobs which disabled people used to do been disproportionately affected by the federal government? Anyone who lives in Canberra knows that the federal government has been spending all its spare time getting rid of its staff, basically. Have the disabled staff, for other reasons, been disproportionately affected by the federal government's desire to not have staff?

**Ms J May:** I think there are two points there. A lot of the entry level jobs have been removed, but I do not think that is because people with disabilities can only do entry level jobs; I think it is because people put them into entry level jobs. They make assumptions that people with disabilities can only do entry level jobs, and they are the only jobs that they identify for people with disabilities.

Yes, the jobs have reduced, but I think the biggest barrier that we see—and we still see it—is that we go in with an organisation and say, “Give us every single one of your jobs; don't give us the jobs that you think people with a disability can do. We can fill every single job.” It is 20 per cent of the population. Twenty per cent of the population does not just do entry level jobs. Yes, I think that you would see a decline in that sense, but I think it comes down to people's attitudes and misconceptions about what people with disabilities can do.

**MS LE COUTEUR:** In that case, I guess the question is this: if it was seven per cent 10 years ago and it is two per cent now, why are people thinking that much more negatively about people with disabilities?

**Ms J May:** We talk a bit about the charity models. The charity models have done a fantastic job identifying each of their individual disabilities or charities so that they can get charity money. They have done such a great job that when you say “disability”, people think, “This box. This is people with disabilities.” In fact, the majority of people with disabilities have musculoskeletal things like arthritis, but you immediately think cerebral palsy, blindness, wheelchairs, paralympians, multiple sclerosis and all of the things that are out there being pushed consistently in the media. That then produces those stereotypes about what people can and cannot do.

That has meant that we have 10 per cent of people in Australia who are eligible for disability employment service providers because their main barrier to employment is their disability, and about six per cent of people eligible for NDIS. We have 90 per cent of people with disabilities, of the 4.2 million, who are perfectly capable of doing jobs in highly skilled areas, but when they say they have a disability people make assumptions about what they can and cannot do. That is exactly what happened to me.

**THE CHAIR:** One of the recommendations you have made is in relation to having a paid internship program in the public service.

**Ms J May:** Yes.

**THE CHAIR:** What are the current issues? Are there any programs like that that currently exist?

**Ms J May:** We are working with a number of federal government agencies at the moment on their graduate programs for identifying specific disability. That is what we see internship as. It is a graduate program, but it is specifically for people with a disability. They do not have to have had a qualification in the last five years. That works in two senses. It brings the people into the organisation and they learn the skills over the year, have a rotation, work in lots of different areas and come out completely employable. On the other side, it brings a person with a disability into your organisation who is then moved around to lots of different areas, who proves what amazing work they can do and changes the attitudes of people while they are in there.

One of the biggest successes that we have seen with internship and paid internship programs has been with veterans with post-traumatic stress disorder. A lot of the time we will get them a full-time job, but once it comes down to the crunch, fear sets in and they will not turn up. What we did was organise paid internship programs that started one day a week and went to two days a week, and then five days a week. Their salary increases commensurate with their time in the office. We have seen that that has been really successful in both changing attitudes of people with post-traumatic stress disorder and also improving their confidence and getting them back into the workforce.

**THE CHAIR:** Does it lead to a graduate position?

**Ms J May:** It would to a permanent position if they did well enough. We are seeing it work very well with PricewaterhouseCoopers at the moment.

**MRS DUNNE:** Just following on from that, Ms May, you are not suggesting that the internship should be entirely at the graduate level?

**Ms J May:** No. I think it could be at a graduate level or an entry level; that is how we have worked it in with PricewaterhouseCoopers: it is at a lower level, but it is about building that person's confidence back up and it is also about having exposure within your organisation to people with disabilities doing amazing things and breaking down all those myths and stereotypes.

**MR PETTERSSON:** How would an internship program work with older workers? Why do they need to go through an internship program? If you are dedicating money to employing people with disabilities, why not just take them on as an employee from the get-go?

**Ms J May:** I wish that would happen but, unfortunately, attitudes and stigma and stereotypes stop that happening. That is why you need an identified program that welcomes people and makes sure that it is a safe space for them to come in and disclose that they have a disability and makes them feel like they can talk about it. Again, with having that safe environment you get all those benefits of diversity and different views and increased staff morale. Also, people who might acquire a disability—which is very likely to happen—feel more and more confident with their organisation, which then inherently changes the culture.

**MR PETTERSSON:** That is actually something you mention in your report—that is,

a lot of disabilities are acquired later in life and sometimes people do not even realise that they are classified as having disability and that they are eligible for some of these support services. Do you think work needs to be done in that space to let people know?

**Ms J May:** We spend a lot of time saying that it is the only minority group in the world that you can join at any point in your life, so why are you ostracising that minority group? After the age of 60, you are 60 per cent more likely to acquire a disability. Ninety per cent of disabilities are invisible, so you would never know that that person has a disability. You have probably worked with lots and lots and lots of them, but do they feel safe to disclose? That is really what we work on—trying to put you in that position of understanding that this could be you tomorrow and asking, “Have you done enough within your team to make sure you can return to work and have a job and feel safe and not be discriminated against?”

**MR PETTERSSON:** That is a very good point.

**THE CHAIR:** I have some questions about the ACT government’s current strategies, including the RED framework. Do you have any comments on how they have been implemented?

**Ms J May:** Where we have seen success is where the directorates have been empowered to create their own programs. It is also about disability champions. If there is a disability champion at the head of a directorate who has a personal experience with disability, they generally set themselves quite high targets and then make sure that their staff achieve those. That is where we have been seeing changes. There are also the social procurement changes, where you can use affirmative action measures to bring in people with a disability. We are working with quite a few directorates in the ACT on labour hire contracts for our people. But, again, they cannot say, “I have employed this many people with a disability,” because you cannot use those statistics.

**THE CHAIR:** What sorts of labour hire contracts are we talking about? What sorts of projects?

**Ms J May:** All different sorts of things. You are about to meet one of the employees: Justin, is working at a consultant level with the Department of Defence on their accessibility requirements. We have people with PhDs in there doing policy. We have people who are filling in for executive assistants on maternity leave. We have project managers and program managers; we have IT developers. That is what I mean—we are not all entry level.

**THE CHAIR:** How do we support the higher leadership roles? There is a spectrum of employment and we tend to be talking mostly about the lower level positions or graduate positions. What about the higher end leadership management? How do we get more people with disabilities into those roles?

**Ms J May:** I think it is proving them all. We are currently recruiting for a SOGC in the ACT government through our candidate pool. The people that we have been working with in that directorate trust us and know that we can place someone at that

level who is going to be brilliant. Again, it comes down to attitudes. The person who is deciding to put that job forward at that level, for people with disabilities, has to have the attitude that that person is going to be able to come in and do the job brilliantly.

**THE CHAIR:** So they are just putting it out for people with a disability?

**Ms J May:** Yes, they have only talked to us. They are using those exemptions under the social agreement.

**MR PETTERSSON:** Enabled Employment, from your description of it, is somewhat unique in what it provides. How long do your placements generally last?

**Ms J May:** We have done 186 placements over the last three years, and the majority of them are still in work. We have about a six per cent movement rate, which is extremely low for a recruitment agency. Again, it comes down to academic research about people with disabilities: they stay in jobs longer, they are more loyal, they take less sick leave and they make fewer workers compensation claims. All we have to do is get them in there and then they tend to stay on. But we do everything—we do three-month contracts, 12-month contracts—but the majority of those people continue. We are doing a big government tender at the moment where we have got about 60 people working for the federal government on 12- to 24-month contracts. That is a finite piece of work, but we are already working with another provider for when that ends, to provide them with the same job but with another government department.

**MS LE COUTEUR:** How do you find both the potential staff and the potential employer? How do your two halves contact you? Why do they contact you?

**Ms J May:** I did a lot of research, before I started this, on DES providers and charities and how it all works. What I saw is that the community is disparate—you have to be in a certain “in” group and have “this” disability to be with “this” club. We wanted to change that. If every single one of those charities and community groups released a press release on the same day about disability employment, imagine what would happen? When you have one doing it once, that is not really newsworthy, so we wanted to bring that whole community together.

We use social media. The majority of everything we do is on social media. And we use the Australian definition of “disability” so it is not an “in” and an “out” group. People who do not have disabilities can join, for information, not to give us charity money. It is about building a community of trust. I also do lots of speaking engagements. We get out there and sell our story. We are about to do a number of videos. We have done blog posts on the top 10 facts about disability you would not believe and things like that.

In terms of finding businesses, that was probably the hardest slog. On the day I launched, 1,300 people with a disability signed up on the first night, and I thought, “Well, I’ve really got to work for this.” I remember in the first week of work I sent 1,200 messages to HR managers via LinkedIn and I consistently followed them up. We use the 10 rule: contact 100 and you might have 10 come back and you might have one or two that you actually get something out of. We doorknocked; we did the

hard slog. I turned up; I presented; I went out there. Now we are seeing businesses actually coming to us, contacting us, because of our good reputation and what we are achieving.

We may have chosen to be a for-profit company, but we are extremely ethical. Everything we do is transparent. People see that and know that and trust our brand and now they are coming to us. So that is how we are attracting people. I think we have a following of about 50,000 people on social media, and we have got about 238 businesses working with us.

**MS LE COUTEUR:** All within Canberra?

**Ms J May:** No, we are a national service. We do everything online. We are very innovative in that sense. We service the whole of Australia, including rural and remote areas, because we really promote flexible work. We think flexible work is a solution not just for people with disabilities but for everyone and for every business into the working future.

**THE CHAIR:** What do you think the ACT government's role is in trying to attract employers to look at hiring people with a disability and working with DES providers and so forth?

**Ms J May:** In every single submission we have ever done we say there needs to be a marketing campaign, and it needs to not have the same old stereotypes. One thing we noticed when we looked at all the documentation from the ACT government was that on the front page there is a picture of a person with Down syndrome. That immediately stereotypes who people with a disability are, where they fit in, what box they tick and what we are promoting for. Lots of things can be done to recognise that, like I said, 90 per cent of disabilities are invisible. You would never know that that person has a disability. We break down those stereotypes and that stigma, we stop those assumptions and we stop that discrimination.

Leading the way in doing that means leading the way by having safe spaces where people can talk about their disabilities, providing case studies and getting that information out there. It does not need to be a full ad saying, "I've got this job; everything's amazing." It can be a 60-second social media campaign. It does not have to be expensive. That is what needs to happen. People need to reconsider what they think about people with a disability, and that needs to be really short and sharp and quick. If we had the money, we would do it.

**THE CHAIR:** Thank you very much for giving evidence. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and provide any corrections.

**Ms J May:** Thank you. I look forward to seeing the outcomes.

**LE COUTEUR, MR JUSTIN**, private capacity

**THE CHAIR:** Thank you for coming today, Mr Le Couteur.

**Mr Le Couteur:** You are welcome.

**THE CHAIR:** You have probably heard me say this a couple of times, but I will remind you again of the protections and obligations afforded by parliamentary privilege. I draw your attention to the privilege statement. Can you please confirm for the record that you understand the privilege statement?

**Mr Le Couteur:** Yes, I understand that.

**THE CHAIR:** Thank you. Before we proceed to questions from the committee, would you like to make an opening statement? Could you provide your title and the capacity in which you appear?

**Mr Le Couteur:** My name is Justin Le Couteur. I am appearing as an individual. I suppose, by way of opening statement, I am a former state, federal and territory public servant who has now exited to work in the private sector in a small business. I am doing some contracting work with Enabled Employment as part of that strategy, for want of a better phrase, to put food on the table. I have a reasonable amount of experience in the public sector, in the private sector as an employee, and also I have 40 years of experience as a person with disability. I have cerebral palsy; so I have had experiences all the way through from university to early employment experiences and into the public service.

**THE CHAIR:** We have heard a lot from organisations today that work with employers or as providers. But we have not heard that many stories from individuals. We have heard some case studies, so it is great to have you here to answer some questions about the sorts of experiences you have had. What has been your experience, particularly with the culture in government organisations but more particularly the ACT government?

**Mr Le Couteur:** I think the culture in the workplace, whether it is private or public, is very similar. It is very dependent on your colleagues and particularly on the management at the time. I have had some really fantastic experiences where I have been encouraged to do further study, encouraged to do things that are above my level—that sort of thing. But then I have also been in places where I have gone from that to a change of management or there has been a change of government priorities and people say, “What are you here for? Sorry, we can’t afford to provide you with training at the moment.”

I had one manager actually say to me, “You would be too distracted by that at the moment,” when it was directly related to my employment and the job I was doing, to which I then turned around and said, “What does that actually mean?” She said, “Well, you are never in the office.” I said, “That’s because I’ve got a relationship management role and I’m not supposed to be in the office.” So it is about having an understanding of what the person’s skills and abilities are and what their role is that

comes along with that.

The ACT government has been really great in some ways. There is a lot of room for improvement. As you will have previously heard, there are targets. Targets are good to get people in the door, but they do not keep people. I know quite a number of people who have left for a number of reasons. There is that unconscious bias or that misunderstanding of people's abilities. I remember one colleague who went in to do an introductory run. She was a wheelchair user. She went in to do an introductory run in her new workplace the week before she started. She went in at the SOGC level. One of her staff said, "Oh, great, you're here for work experience; look forward to working with you next week when you come in," not realising that she was going to be the boss. That is because—

**THE CHAIR:** Low expectation.

**Mr Le Couteur:** There is that low expectation. Both Suzanne and Jessica before me, and a lot of the other submissions that I have glanced through, have indicated that there is a culture of low expectation, that because you have a disability this is the sort of role you have got, this is what your capabilities are, without actually understanding that you might be a highly qualified person with a particular skill set, a specialised skill set or a particular network. If it is a relationship and stakeholder management-type role, you might have the background and the networks to enable you to do the job really quite successfully.

I think that is probably from a government perspective overall, ACT government included. Previously there has been a focus on entry level roles to get people in, but then there needs to be a plan to provide them with some career direction, upskill them and actually train them up into the next role. Internships, traineeships, those sorts of things are great, but they get people in and then people get stuck. They stay as an ASO1 or an ASO2 after they have finished their traineeship. But there needs to be some more work to get those people through, to skill them up and into higher areas, to help them work up. By way of example, it is about asking, "I have done a certificate II in business; now I have a certificate III in government. What's next for me? Where can that take me within the organisation?"

The ACT government, from an individual's perspective, is in a really great situation, given the variety of work we have got. You can bring people into the kitchen at the hospital as an apprentice chef or a kitchen hand, to start there and then move through to become fully qualified. Somebody can be a diesel mechanic at ACTION. Someone can be a park ranger or something like that—work with the rangers, with animals. They can work in a policy role. They can work in education, in the classroom. There is a huge diversity of work that individuals with a range of backgrounds and a range of skills can start their career in. They can come into a semi-skilled or managerial role with their background and work successfully in the organisation. Through that, I think we can lower some of the barriers and actually show people that our people are capable of doing things. It sort of takes care of some of those issues for people in senior roles and those issues with career development.

It is interesting. Because of the size and diversity of the public service, both federal and territory, we all have different perspectives. I will use the ACT government as an

example, with 21,000-odd people. So there are 21,000-odd perspectives, ideas, preconceptions and misconceptions about people with disability and a whole range of other personal behaviours that come into it. It is about trying to influence that individual culture as well as the organisational culture. That is where the problems may arise.

I heard a story about a work lunch. A guy was joking and throwing sandwiches at the guy with an intellectual disability in the corner because he thought it was fun. It was not in the ACT, but that is the kind of barrier that exists. That is what I mean about the individual perspective and the individual experiences in terms of attrition rate. You were speaking earlier with Jessica about the rates of employment dropping from seven-odd per cent to two per cent. People are not supported. People are not supported because other people do not understand what their abilities are or that they may have career aspirations.

When I came across from the federal public service into the ACT I came across from an APS6 into an acting ASO6. Then I got a SOGC role and I was ready—the sky was the limit. I had a presentation with Jon Stanhope at the launch of a disability employment strategy, which was part of the RED framework. I was really keen to work on the ground with people and have an interaction with the community. But then, through a change of management and change of priorities, things went by the wayside. Unfortunately, that is the position that we are in.

The RED framework is a fantastic framework. The employment strategies as part of it were great. They probably needed a bit more focus in that there are no time lines and no accountability in them. That is probably one of the most important things, I think, that we need to have built into any future strategies. I am probably repeating some things I have said in my submission, but I think they are fairly important. I think that targets are great, but they need to be focused.

**THE CHAIR:** There is the RED framework and you have the disability employment strategy sitting underneath?

**Mr Le Couteur:** Yes. The RED framework was about respect, equity and diversity. It had a bullying and harassment component and it had the Indigenous and disability employment strategies, which formed the diversity component of the framework.

**THE CHAIR:** Which is about to expire?

**Mr Le Couteur:** I think it has. I believe it is in review. I have not heard or seen anything of that review. I think that it was just too big to move forward. I think there were four pages of actions in the action plan for the disability employment strategy, with no real accountabilities and time frames around that. The accountabilities were along the lines of “This is for all directorates,” or “This is for Chief Minister’s.”

**THE CHAIR:** The accountability being reporting on outcomes?

**Mr Le Couteur:** Accountability in terms of responsibility for the actions—to increase employment related to all directorates or for the whole of government to increase employment levels. Another one was to do building access audits for people with

disability. It was a directorate responsibility to organise somebody to come in and assess accessibility to the buildings in their directorate. The accountabilities were very high level. There was not any sort of reporting mechanism on that accountability other than the *State of the Service Report*. It is a great reporting tool, but sometimes the feeling was that they needed a bigger stick or a bigger carrot to get people to actually achieve and to do things.

**THE CHAIR:** One of the suggestions that has been made to us is that each directorate would report in their annual report on certain measures on disability employment. Would that be a better way of—

**Mr Le Couteur:** I think they should. Regardless of whether they do that, it will still get pulled up at some level into the *State of the Service Report*, which is also where it should be. But I think it should be a directorate-based thing. I believe some of the work has been moved centrally now. Some of the responsibility has moved away from directorates and is being overseen by Chief Minister's. I think there is an inclusion team in Chief Minister's now.

I think that is great; it has been needed. The employment strategy has needed that right from the start. There were not probably enough resources. There was a lot of work and effort. A lot of time went into developing the RED framework and the employment strategies that went with it. But then it was launched and the attitude was: "Okay, that's done." I think because it was launched more or less from the Chief Minister's department they thought the directorates would go off and run the implementation. There was not probably enough of a reporting mechanism in the central agency to monitor the implementation of the action plans.

**THE CHAIR:** Is that a governance issue?

**Mr Le Couteur:** It is.

**THE CHAIR:** Did they need to create some sort of working group of all directorates—

**Mr Le Couteur:** It would probably have been a good idea. There were groups at times, the human resource directors group and—what was the other one?—the People and Performance Council. Things were reported through there. But because they have responsibility for a lot of broader human resource issues, it was not necessarily the focus of those groups. So a group to oversee those sorts of things probably would not be a bad idea.

But I think the other thing, too, that was missing—I do not know whether it still is because I have been out of the public service for nearly two years now; things do change—is that there was not enough of interaction with people with disability: "How is it working for you? What experience have you got?" It is a policy perspective. This is government in general; it is less so in the ACT but it is still relevant. I am talking about having had experience in national offices and federal government agencies where they say, "We are sitting in the office. Let's write some policy on this." The consultation with the actual people it affects sometimes is not as good as it could be. That is why I think it is fantastic that the committee is doing this. It really needed to

have that bit of input from some outside organisations and individuals to promote it.

**MS LE COUTEUR:** One issue I would like to talk about is people identifying as disabled. Clearly, if 20 per cent of people are disabled and about two per cent identify as disabled, almost certainly there is a much higher number than two per cent.

**Mr Le Couteur:** That is correct.

**MS LE COUTEUR:** The APS et cetera are not that dissimilar from the rest of the world. Do we want more people to identify as disabled, given that they are presumably in a situation where it is working for them to not identify as such? But if we do not, how do we manage to equitably recruit?

**Mr Le Couteur:** There are a couple of things involved, and I will start by briefly giving an example of talking to students with disability at the University of Canberra a couple of years ago. I was talking about the ACT government and the opportunities available and I had two students in the group, one who was for disclosure and one who was completely against it. The lady who was against it was somebody who had returned to university to retrain. She used a mobility scooter and her disability was obvious as a result. Her position was, “Never, ever disclose. It always goes against you. It never, ever does you any good at an interview.”

On the other hand I had a young gentleman who was probably 19 or 20, straight out of school and straight into university, studying graphic design. He stood up and said, “Well, I’m sorry; I disagree with you. I’m always going to disclose because I have epilepsy and if I have a fit, that not only puts me in danger but puts my colleagues in danger. And there’s a good chance I can walk through a plate glass window or through the door or something because I do not know what I am doing in the middle of a fit.” Unfortunately, the disability community has that ingrained in them: “It always goes against me.” So there are those differences in the community.

There are a couple of things we can do as a community as a whole. One is to have awareness about disability. You want to aim to be an employer of choice. You want to have that inclusiveness and that support in the organisation, In theory, it should then follow that people with disability in the organisation will disclose because they feel more comfortable to disclose, that it will not go against them. They should think, “Well, that promotion I went for last week, I might actually have a chance to get,” rather than, “Oh, well, I won’t disclose because I went for a promotion last week and I mightn’t get it because I disclosed.” There is that kind of thing.

It might be that people from the outside say, “Well, this is a very inclusive organisation. They deal with the employment assistance fund for reasonable adjustments to have processes in place. That’s a place I’d like to work in.” So people will disclose and apply for jobs. The federal government’s RecruitAbility scheme, where there is a guaranteed interview, is a good example of that. It is one of those things that encourages people to say, “Yes, we are an aware organisation.” It will only get you into an interview, but those kinds of things, to change the culture, are the sorts of things we need.

We need that confidence building, to move the base away from the thought that

people with disability are the people with an intellectual disability who do the photocopying and faxing or work in the mailroom. We need to move to the thought that people with disabilities can have a number of qualifications, have great work experience and great personal experience and can add value to the organisation. That is one of the things that Jessica and Suzanne were talking about.

Recording numbers is another thing. There are two people I know who work in the ACT government who have been in here for 20 years plus. One is a member of the public service and one is still working for a contractor because it suits him. He has been here for 20 years and has never been counted in any of the workforce profiles because there is no mechanism in the reporting processes for contractors. He is a very valued member of the organisation. Everybody knows him. He says hello to everyone. He has been delivering the mail. I was talking to his supervisor just before he had the 20-year anniversary of doing the same job, and he said that up until the last couple of years this person had never taken a sick day in his life. For the first 14 or 15 years, he had not taken a sick day. He had taken two weeks of annual leave every year—one week to go to the AFL grand final and one week to go away at Christmas with his family. That was it. He had the best part of 40 weeks annual leave owing and would have had hundreds and hundreds of hours of personal leave if he had been a member of the public service. But because he was contracted, he did not get any of those benefits either.

Those kinds of mechanisms need to be picked up somewhere on the accountability side of things so that directorates can say, whether it is through Enabled or whether it is through another provider, “Yes, we do actually have more people here.” Those two people, in particular, are very important stats because they have been around for so long.

**MS LE COUTEUR:** And there should be some way of encouraging people who are existing employees to report that they are disabled, particularly as they may well not have been disabled when they were recruited.

**Mr Le Couteur:** That is right.

**MS LE COUTEUR:** Given that disability increases with age.

**Mr Le Couteur:** Yes. And circumstance. I was talking to a colleague of mine in the ACT public service when I was still here; he had a vehicle accident and he had an ongoing back issue. He fits the definition. He had never, ever thought of disclosing, never had the need to, because work provided him with a better chair and that sort of thing, which helped his back complaint. He got up and went for a walk when he needed to if his back was getting stiff, but he had never considered himself to be disabled. Most of the population would not consider him to be disabled, but given the definition, he meets the category. He has a long-term condition that has lasted more than six months.

**MR PETTERRSSON:** I am very grateful you have put in your submission, because it adds a slightly different story to a lot of the other submissions we have heard. A lot of submissions have put forward the case that management in a lot of places is well intentioned but often ignorant. You have provided a lot of examples of where they are

not well intentioned; they are just ignorant, and malicious in some cases. Do you think that is quite common?

**Mr Le Couteur:** It is more common in some areas than in others. It goes in part to the age of the workforce. It is one of those things. How can I use a bit of a metaphor here? I will use the example of a young apprentice, a mechanic, having oil poured over him or something silly like that, because that is what the apprentices did to the apprentices before him, that kind of thing. There is that attitude of, “This is what we’ve always done by way of introduction to the workforce. This is what we do.” There is that mentality of the older generations. That is partly to do with the situation where everyone used to be an ASO1 or ASO2; they used to do the photocopying and the faxing, and that is what they did. There is still that mindset in some areas. In other areas it is fantastic; it is completely different. But, because of the changing nature of the workforce and people moving around, that can change.

I would not necessarily say that some of my experiences were direct discrimination. It was indirect in that people just went, “Well, whatever.” I am sure there were a few malicious things, but you get that everywhere. It was not just because I had a disability, just because people took a dislike to me, wanted to be a pain the butt, felt threatened or whatever it might be. There are a hundred reasons why people could decide to be unfair in the workplace. I think it is a bit of a mix of both. There is a bit of a mix of “Yep, this is great; everything is hunky-dory. Let’s go. We’re an inclusive workplace and everyone thinks the same as I think,” while others may say, “I don’t think that way at all, but I’m not going to tell you that.” Does that make sense? I think that sort of disability confidence and awareness training type stuff, building up the confidence of the organisation, is probably the best place to start.

The pity with it is that the UC report that came out at the end of last year was very similar to the ones for the last 10 years. Nothing much has changed. I am sure Robert from People with Disabilities ACT, if he did present, was talking about the 2009 *Making Diversity Work* report.

**MR PETTERSSON:** Yes, he was.

**Mr Le Couteur:** Unfortunately, when I had conversations with Chief Minister and Treasury at the time of that report, as president of People with Disabilities ACT, I said, “Don’t use numbers for targets. People with disability don’t care about 3.4 per cent of the workforce. They don’t necessarily comprehend or”—excuse the expression—“give a shit. They’re more interested in actually just getting a job.” In terms of targets, you need to have something that is identifiable for the community that you are aiming them at. I know that MLAs and politicians like to have a number they can use in media launches and things like that, which is great as long as it can be supported by the actions that go with it. That is where I think I will wrap up.

**THE CHAIR:** We have gone over time, but I have one burning question: what has your experience been in working with other people with a disability within a department to try to create change? Do those sorts of structures exist?

**Mr Le Couteur:** No, not sufficiently. It is becoming more common, because there are more disability networks and there are more diversity functions and forums like that

for people to interact. That is one of the things that I think all organisations lack and, through their members, probably are working towards. It is about having those groups and places where people can interact and talk to each other—bounce ideas off a network, talk about good experiences and bad experiences, and further their careers that way.

**THE CHAIR:** Thanks very much for presenting today. A proof transcript will be forwarded to you so that you can check it and suggest any corrections. I now formally declare this public hearing closed.

**The committee adjourned at 3.04 pm.**