



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, 30 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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Amended 20 May 2013

The committee met at 1.31 pm.

STEPHEN-SMITH, MS RACHEL, Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations

CHILDS, MS JUDI, Director, Public Sector Management, Workforce Capability and Governance Division, Chief Minister, Treasury and Economic Development Directorate

TOWLER, MR WILLIAM, Inclusion Manager, Public Sector Management Workforce Capability and Governance Division, Chief Minister, Treasury and Economic Development Directorate

DUNNE, MS ELLEN, Director, Office for Disability, Community Services Directorate

THE CHAIR: Good afternoon, 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. Proceedings this afternoon will commence with the committee hearing from the ACT government. Can I remind witnesses of the protections, privileges 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 Stephen-Smith: Yes.

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

Ms Stephen-Smith: I would like to make a brief opening statement. I would just like to thank the committee for the opportunity to appear before you today. The government welcomes this inquiry and looks forward to new ideas that might arise from it to increase the employment of people with a disability in the ACT and particularly in the ACT public service.

The government believes that everyone has a right to participate, to engage and to be respected in their community. We want Canberra to be the most welcoming, inclusive and accessible city that it possibly can be for people with disability. Evidence and experience show that removing barriers to inclusion empowers people with disability and allows them to participate fully in our community, which benefits all of us.

The ACT government is supporting people with disability in our community in many ways, including by increasing opportunities for people with disability to be engaged in meaningful employment. Last year, for example, the government supported an employment roundtable that explored ways of improving employment opportunities for people with disability. The disability reference group provides an avenue for

people with disability, carers and service providers to advise the ACT government on barriers to inclusion.

As an employer, the ACT government is on a journey of development and growth. We realise we have a lot more work to do, particularly to unlock the perceived barriers and provide a level playing field for people with disability to thrive in our workplaces.

One of the strengths of our public service leadership is that they are committed and open to this journey. The ACT public service has been focusing on permanent employment outcomes for people with disability at all levels across directorates and agencies. We also realise that work needs to be done to create other opportunities to develop skills that will be stepping stones to permanent employment, and we are exploring other avenues such as internships, shorter developmental traineeships, work experience placements and school-based apprenticeships.

As an employer, the ACT government strives to achieve a diverse and skilled public service where individuals are valued for their differences, experiences, knowledge and backgrounds and the contribution they can make. The ACT public service acknowledges that one size does not fit all and that flexibility is required to deliver truly inclusive workplaces.

A range of inclusion strategies, policies and tool kits have been developed and implemented and officials are happy to talk about those today. We are targeting all levels across the public service, including trainees and graduates, as well as examining tools that can be quickly deployed, such as identified positions where that makes sense.

The ACT PS is well placed to be an employer of choice for people with disability and is seeking to learn from other organisations' experiences and research. That includes looking at the barriers identified in the University of Canberra research report identified in the committee's terms of reference, *Employing people with disability in the APS*, and addressing those barriers in the ACT PS.

Our aim is for the ACT government to become an employer of choice for people with disability, an example not just in the ACT community but for Australia as a whole. We know we have some way to go on this. Once again, I thank the committee for undertaking this inquiry. Officials have already been examining the public submissions and we look forward to the committee's findings and recommendations.

THE CHAIR: Thank you, minister. I will kick off with a question. On page 4 of the submission by the ACT government it references the whole-of-government inclusion team. I was just wondering who the members of that inclusion team were.

Ms Childs: Thank you for this inquiry. I would just like to say we are excited about the learnings that we may get from the committee's report. There are two members of the inclusion team. I think "team" sounds better than "pair". We have two members, a senior officer and an administrative officer, in that team. I modelled it on a model that I had in my previous role in ACT Health where, if you are familiar with the *Willing to work* report, it was noted that we were the first jurisdiction to have a designated

employment inclusion officer. So I brought that with me when I came to Chief Minister's. We are focused mostly on the employment of Aboriginal and/or Torres Strait Islander peoples and obviously people with disability.

THE CHAIR: How do you think that team will work with the new Office for Disability, particularly on issues around disability employment?

Ms Childs: I welcome the more expansive view, I guess, that the Office for Disability will have across the community rather than our narrower lens of looking at the ACT PS as an employer. We are already having discussions and, following on from the disability reference group roundtable last year, we are welcoming the opportunity. We can see that the Office for Disability is just establishing itself and gaining some traction and we are really looking forward to continued involvement with them and the advice that they can offer, given the entree they have into the broader community.

THE CHAIR: Unless anyone wants to jump in at that point, I have got another question about the original disability employment strategy, which had a target of doubling the headcount of employees identified as having disability up to June 2015. That was increasing from 327 to 654. That is referenced on page 6 of the submission. What percentage of the ACT public service was that target meant to be?

Ms Childs: 3.4.

THE CHAIR: There is a new target, I think, that is being examined; is that right?

Ms Childs: It became obvious that as a service we were not going to meet those targets in 2015. At that point, along with establishing the employment inclusion team, the Head of Service, Kathy Leigh, reset the targets and set them for directors-general in their performance agreements, with a view to exceeding that targeted number by the end of 2018-19 and making available to directors-general the strategies and programs that we could run centrally but also working with directorates on directorate-specific ideas as they came up. It was an acknowledgement that we were not going to make the targets.

But it is not just about targets. We could actually make those numbers fairly quickly but it would not be sustainable. The real issue is that the targets are there. However, what we are looking for is sustainable outcomes for people. We are not looking for short-term placements. We are looking for people with disability to gain permanent, secure, ongoing employment. And that is what our focus has been over the last 12 or 18 months.

MRS DUNNE: If I could just go back to the targets—and I apologise to Ms Le Couteur in advance if I am stealing your question—targets rely upon people identifying. How do you address the issue that we may be approaching the targets but we do not know because there are people who, for a variety of reasons, choose not to identify their disability?

Ms Childs: That is a vexed question for employers: people who choose not to identify and why they choose not to identify. We do have anecdotal evidence about why people would choose not to identify. Obviously for some of the programs people need

to identify up-front to come into traineeships for people with disability. We do capture those people that are coming into those designated programs. But for the broader workforce it is very difficult sometimes. We are well aware that there are people who have not declared that they have disabilities.

We are in conversation at the moment with the Australian Network on Disability. They have made an offer that they would run a third-party anonymous survey which would reach into an organisation and then invite anybody to contribute anonymously to a survey if they have disability. We have the opportunity with that survey to ask a number of questions and that would be about us getting some baseline data about a number of things: perceptions of how disability confident the place is and how inclusive it is, but also reasons why or why not people will identify, because, at the moment, we just have anecdotal evidence.

MRS DUNNE: I have two questions to follow up, if I may. Going back to your statement that you know anecdotally that people do not identify, is one of the reasons that people say dumb things to people with a disability if they say, “I have a disability,” or make unhelpful suggestions? The other question is: what definition of disability do you use? There are probably people at the margins who may or may not consider that they have a disability for the purposes of meeting the targets, which you may or may not get—I do not know—depending on the definition.

Ms Childs: We have found broadly three categories of reasons for not identifying. The first category is people who do not see the point because they do not believe they need any assistance or reasonable adjustment; they are just fine, thank you very much. The second category is people who sometimes are quite vocal about not wanting to get ahead for any reason other than merit and who think that they could get a job because they identify with a disability. The third reason is that some people say that they fear that they may be treated differently somehow. I think, Mrs Dunne, that was part of what you were saying.

MRS DUNNE: People say inappropriate things.

Ms Childs: Yes. That is the kind of anecdotal evidence that we have. On the second question, about the definition we use, I might ask Mr Towler to come up. We are looking at how we define and are going out to employees and asking them to update their details. We have been having a conversation about the definition. I will get William to give us the latest information on that.

Mr Towler: We decided to go with the definition as defined by the Australian Network on Disability: an impairment or condition that affects you for longer than a six-month period or over a six-month period. It broadens it a bit. I am aware of the different definitions in the past, which makes it hard, and that is part of the education that we will be doing with the Australian Network on Disability.

MS LE COUTEUR: Can I continue on that. I was conscious of hearing that definition really for the first time in our hearings last week, and I reflected on that and went back up to my office. We quickly ascertained that at least one member of staff qualified as disabled. I thought about it and I certainly have at various stages in my past never regarded myself as employing a disabled person—and that person certainly

does not regard themselves as that. The accommodations required have been very minor.

In my mind, disability was something a lot more significant or serious that, from an employment point of view, would require some sorts of accommodations, whereas there are clearly many things which interfere in your day-to-day life to a greater or lesser extent. One person, who is not the person I am counting, said, "I can't walk up the stairs here. My knees aren't up for it." My point is that there are a lot of things which come under that definition.

It was also stated a few times at the last hearing that about 20 per cent of the population falls under that definition. I am assuming that we are not doing any special things, as far as employment goes, for as big a cohort as 20 per cent of employees. Clearly we are talking about two or three per cent disabled. How are you defining the people that you are counting as disabled and at what level do you think it should be? If you think it is anything that impacts you for more than six months, do you have different policies? Clearly there are some very significant levels of the different impacts of disabilities. Just because they are long term does not necessarily mean that they are making that much difference to your life.

Ms Childs: I think it is really important to acknowledge that this is a journey and these definitions are changing over time. But I think it is also important to reflect on the past. There are a lot of people who are in employment these days who have developed over a number of years coping strategies, covering-up strategies, strategies to feel that they have integrated with workplaces and social settings. I think it is important that we take the pressure off people. I think the evolution of these definitions is, in a way, taking the pressure off people to try to fit in and not ask for help. I welcome the fact that the definition is changing to actually set more temporary conditions than previously. I think anything that we can do to make it okay for people to put their hands up and ask for help is a good thing. I welcome the broadening of the definition. That is my personal view.

MR PETTERSSON: Going back to the headcount, I want to bring two sections together. At the end of your report you talk about the gendered nature of the problem. Some of the stats are: 2.8 per cent of disabled women work in the Australian public sector and 3.9 per cent of disabled men. Do you have any numbers for the ACT public sector? We have a total headcount of disabled workers. Is that a vision?

Ms Childs: We can take that on notice and provide that to the committee.

MR PETTERSSON: How many of them are men and how many of them are women?

THE CHAIR: Following on from Michael's question, on page 17 there is a breakdown of the percentage of people identifying with a disability, of the total workforce, across five years. I just wonder whether that data is available by directorate rather than whole of service.

Ms Childs: Yes, we do have that data. I believe it is in the *State of the Service Report*.

MRS DUNNE: We can find that directly in the *State of the Service Report*?

Ms Childs: Yes. I believe so. I will confirm that anyway. I can provide it if it is not in the *State of the Service Report*.

MR PETTERSSON: I was wondering if someone could provide me with an update on the inclusion traineeships that were launched late last year.

Ms Childs: I can do that. We did advertise for inclusion traineeships. That was specifically targeted at people with disability. We had around 200 applications. We were very pleased with the response. As at two weeks ago, 10 trainees have commenced and are studying a range of qualifications. What we are trying to do, as I said earlier in one of my responses, is look at sustainable employment instead of saying one size fits all.

Traditionally in traineeship programs they would come in and do a certificate III in government. Now we are actually working with the directorates and saying, “If you’ve got a position at the level,” so that any successful trainee gets a permanent ASO2 position at the end of their traineeship or an equivalent position—what qualifications would make sense for where this trainee is going to be working—and we have got things as broad as certificates in events management and certificates in education. We have got one in government. We have not given that up completely, but we have got a range of different qualifications and we are really trying to match the trainees’ aspirations with a genuine workplace need, because the other thing is to get people real employment, real jobs.

Those 10 trainees have started now and all are going well. I have one of the trainees in my team, and he was telling me in the last week that he has completed three of his units for his certificate. He is going great guns. We looked at the program that DHS, in the commonwealth, were doing, the dandelion project, which was a project where they partnered with an international organisation. They looked at whether people on the autism spectrum disorder were well placed to take up roles in ICT and looked at traineeships targeting people on that spectrum. We thought, “Let’s see if we can get some proof of concept around what that would look like here.”

We worked with Shared Services ICT and we commenced two traineeships in the ICT area. These are larger traineeships programs in that they go for three years and the qualification ends up as a diploma-level qualification and a permanent role. We did lose one of those trainees but we did not really consider it was a loss because the trainee went to ANU to pursue full-time study. So we did not really consider that a loss. The other one is going great guns. That is how the traineeships are going at the moment.

MR PETTERSSON: You mentioned there were 200 applicants and 10 commenced the traineeship. I think it is mentioned here that the unsuccessful candidates received support in some way? Is that correct?

Ms Childs: Yes. We gave detailed and what I would consider very constructive feedback to the unsuccessful applicants. We are looking at working with the disability employment providers around town to get that cohort of applicants and others

together for a mini expo so that they can actually hook up, because one of the things we did find out was that many of the applicants were not aware of some of these disability employment providers. Actually linking them up, we thought, would be a very good idea.

A federal department has approached us for access to that merit list because we got such a great response. We will share that once we have exhausted the possibilities in the ACT PS. We are currently scouting for a second round of placements off that merit list.

THE CHAIR: It is a huge number.

MS LE COUTEUR: I am just interested: what additional resources and assistance are required and are available to implement reasonable adjustments and training of non-disabled staff in how to support someone in the workplace?

Ms Childs: I am not sure that we need additional resources. I think what we do need is more visibility of the resources that are available. It is quite a complicated space and is part of my inclusion team's role. We do have inclusion officers popping up in the other directorates now, which is a great trend. Part of that is that they provide a really valuable navigation service, I guess, for applicants and potential employers in not only linking up employment providers but also doing that individualised training and support for work teams and supervisors and everything like that. Over the last 18 months in the ACT PS, with our inclusion team and networking out to the directorates, we have built up a body of knowledge about what is available. We have gone some way to working out how to navigate it, but now it is a matter of really generalising that.

With the Australian Network on Disability's support later this year we are hoping to have an inclusion practitioner network across the service where we can generalise those learnings for people, because it is quite complicated. The funding models are quite complicated sometimes.

MS LE COUTEUR: Talking about funding models, do you have a funding model for what assistance and reasonable adjustments you provide for the disabled employee, as distinct from my question about their environment and their team members?

Ms Childs: With job access there is a range of stuff that is available. A lot of disability employment providers are actually NDIS providers. We do not have to have a large bucket of money because there are a lot of resources that we can tap into.

THE CHAIR: You touched on the disability employee network that you are looking to establish this year or have already established.

Ms Childs: There are two networks.

THE CHAIR: I was just wondering whether the inclusion champions are involved in that network and is there an inclusion champion for each directorate?

Ms Childs: Emerging. What we want to do is first formally establish the inclusion

practitioners network. Out of that we would draw formally inclusion champions across the service, with the assistance of AND—the Australian Network on Disability; I should not call them “AND”—and from all that they have learnt in this space. They have offered to assist us to then form a disability employee network. We want to get the practitioners linked up first—and we are aiming for October—and then after that, in November or December, to get the employee network.

THE CHAIR: And that will engage all people with a disability in the service?

Ms Childs: Who want to engage, yes.

MS LE COUTEUR: The Office for Disability was launched in December last year. What are they having to do? How are they contributing to this issue, in terms of employing people with disabilities in the APS?

Ms Dunne: I have been at the Office for Disability for a short time but I have been very encouraged by the amount of activity that is possible in this space. One of the things that we have been able to do is revitalise the Office for Disability itself. It was launched some time in the past, but we decided to separate it as a standalone business unit and have it headed by a director. We have around nine staff at the moment and we have one person who is identified as a person with a disability. Next financial year we will be having one of the trainees permanently appointed as an ASO2 also.

Some of the things that have happened in the past have been around sector development funding. A large tender was awarded to the NDS, the National Disability Service, for \$1.2 million. That is a project that will go for around two years. The aim of that project is to build the workforce capability within the sector but also to have the opportunity to have a look at how it would bring into that workforce people with disability. The NDS have a good track record in this space. We are looking forward to working with them over the next two years to see what movements or achievements we can support in that space.

The minister spoke about the disability reference group and its roundtable in 2016. That was quite a big piece of work and there were a large number of government and non-government organisations represented. In their final report they recommended that the barriers to employment of people with disability ought to be really carefully analysed and that would give them the opportunity to put measures in place to start to break down those barriers.

The DRG has also been revitalised and there are new members. I think there is a good opportunity for them to take the learnings and the experience of that group, formerly known as the disability expert panel, and look at the roundtable outcomes and focus on a future work plan around employment.

The other thing that the group will be doing is supporting the government in the implementation of the national disability strategy. One of the things in that strategy is employment. There are two, if you like, themes that that group can work on over the coming years, and the Office for Disability will have a role to play in supporting that work into the future.

Ms Stephen-Smith: If I can just add to that, building on what Ellen just said about the national disability strategy and the ACT government's implementation of that, the involve initiative part of that is around recognising groups and individuals and employers who are doing a good job with disability inclusion. Part of the other job of the Office for Disability is to work in the ACT Inclusion Council, for example, to support the Chief Minister's inclusion awards, celebrating individuals, groups and business that are doing a good job in this space and spreading the word about the benefits to businesses, outside the public sector, of employing and engaging people with disability.

MS LE COUTEUR: Can I just go back to get a bit more information about the question I asked earlier about reasonable adjustments and how they are provided for disabled employees. In what sort of price range are you usually spending? Have there been any cases where you have not been able to fund what was regarded, at least by some, as a reasonable adjustment for an employee? As a supplementary, who funds it when there are building changes and you have got significant ramps? Does ACT Property do that because all ACT buildings should be disabled accessible, or if you end up with an employee working somewhere they cannot access, would their individual unit have to fund the changes? Sorry, that is a lot of things in one hit.

Ms Childs: Job access funding is available both for individuals and for modifications to buildings. I can check for more details, but the figure that sprang to mind was about \$33,000 for building adjustments and things like that. For individuals it is for anything like software and all sorts of stuff. What is considered reasonable? We can supplement if we cannot access funding. Basically the model is that we would claim reimbursement or it would go to them for some purchases which then remain the personal property of the individual rather than ours. The equipment or whatever it is—technology, software or whatever—goes with that employee regardless of with whom they are working.

MRS DUNNE: Could I follow up on a couple of other things. Do you guarantee employment at the end of the internship?

Ms Childs: Sorry, can I just clarify? Are you talking about the internships that the Australian Network on Disability spoke with you about last week?

MRS DUNNE: No, the ones that you run in the ACT public service.

Ms Stephen-Smith: The traineeships?

MRS DUNNE: Traineeships, sorry.

Ms Childs: They are very different. We are currently running not internships but traineeships. Successful completion of the qualification and your performance throughout will lead to a permanent job at the end of the traineeship, which is generally a 12-month period.

MRS DUNNE: So it is just like any other traineeship?

Ms Childs: Absolutely.

MRS DUNNE: You will guarantee employment to suitably qualified people?

Ms Childs: There are a lot of easier ways, I guess, to build up your numbers, but if you firmly believe that the way to an inclusive society is to have people with secure and ongoing employment, yes. It is a bit of a trade-off because you are guaranteeing permanent roles. You have to make sure that you have got proper permanent roles.

I believe the Australian Network on Disability brought up internships last week in the hearings. We are discussing with them the potential to commence them at the summit internship program at the end of this calendar year because we do understand that there are other pathways. If we can give university students a really great employment experience for several weeks, it is more likely that they will look at us as an employee once they qualify. We may see them back applying for the graduate position.

The other one is that, although we did it a couple of years ago, we will be looking to establish a register of kids with disability for the Australian school-based apprenticeship scheme as yet another pathway into work.

THE CHAIR: We are very grateful to have the Justice and Community Safety Directorate in this afternoon, and they will be talking through their employment action plan for people with a disability. Do all directorates have that sort of action plan in place at the moment?

Ms Childs: They are in the process. If they have not already got one, they are in the process of developing one, yes.

THE CHAIR: In relation to the reasonable adjustments that we were talking about, we did hear about some of the challenges that people with sight impairment have in being able to get compatible software installed around voice recognition to enable them to work. Is that something that you are addressing at the moment with Shared Services ICT?

Ms Childs: To be honest, I think there have been some rather clumsy attempts in the past to try to get the right software and technology fit for people. My personal experience more recently is that we are better at that now. Yes, it is really important, and we have established very strong working relationships with Shared Services ICT because every network is different and has its own challenges. I would certainly like to think that we would do better if we were in that situation now.

Ms Dunne: I will add something to that. If individuals are participants in the national disability insurance scheme and employment is part of their goal setting for planning then there is the opportunity for the planners to include, in their plan and then in their budget expenses, assistive technology. Not that I could comment on specifically what that would entail for people who are sight impaired, but there is an opportunity through the NDIS for people to be supported in the workplace.

THE CHAIR: Is there an expectation by government, both federal and territory governments, that NDIS providers will employ people with disabilities in their services?

Ms Dunne: I am not sure about the expectation but clearly the NDIS, who have this contract to look at workforce capability, will be focusing on that aspect of what is necessary to bring more workers into the sector and, of those workers, which jobs are available for people who have a disability.

THE CHAIR: More broadly in relation to ACT government procurement, is there a view that we need to build this into our procurement practices where possible?

Ms Stephen-Smith: The ACT government has a social procurement strategy. So the short answer is yes. One of the things that maybe Judi can talk more about is the Contractor Central process—is that what it is called?

Ms Childs: Yes.

Ms Stephen-Smith: Also understanding that a number of contractors that we already have do have inclusive employment practices which we are not necessarily capturing in our data. In terms of the government supporting inclusive employment, it is about not just the direct employment of ACT public servants but also the requirements that we have around our contracting. Judi might want to talk a bit more about that.

Ms Childs: I think we have identified an opportunity to work with colleagues in the procurement area to raise the profile of the social procurement policy and processes that are available. Also, as the minister has outlined, we have just signed up to a way of providing our contingent workforce, called Contractor Central. Part of the specifications in the contract that we have signed with Contractor Central is that they will be able to provide us with diversity stats on the workforce that they provide to us. That will be really beneficial for us to understand what other employment opportunities people are getting, not just people who are getting permanent or temporary jobs with the public service.

THE CHAIR: I have one final question before we move to other members. In relation to supporting reasonable adjustments for people with mental health disabilities, we heard from people last week about some of the issues around flexible working arrangements for people. What sorts of adjustments is the ACT government providing, particularly for people with mental health issues?

Ms Childs: The adjustments are as varied as the individual circumstances that people find themselves in. One of the things we have learnt very clearly over the last 18 months in putting the inclusion team together is that there is not a one-size-fits-all model; there is not one way of training people. You cannot just sheep-dip managers into some sort of disability training and then they are experts at this stuff. It is about that personal outreach—making the relationship, understanding what the person's requirements are—and then building a return-to-work program or an ongoing work program around their capacity to undertake work.

I have to say that the future has got a lot of opportunities in that space, as we move to a more flexible working environment more generally and we have people that are freed up from having to come in and sit at a particular desk for eight hours a day every day. As we get further into that journey there will be much more flexibility

available and it will be the norm that people have mobility in their technology and the ability to work from many more places and places that will suit people with particular conditions or illnesses to assist them to recover and be productive rather than being another barrier that people have to get through in their road to recovery.

The moves to the two new government office blocks are a perfect example of that. At the moment we are migrating the administrative workforce in the service to more mobile kits; not buying desktop computers anymore, all replacement computers are laptops; trials on activity and flexible working; and working where it makes sense to work. If you are having a meeting at Winyu House or whatever, then being able to work from there if it makes sense for that day rather than packing up everything and then having to come into the city or wherever. It is about working from home; working from wherever you are, wherever it makes sense to work; and having the technology and the kit and the connectedness to do that. With that flexibility and those enabling technologies that enable people to stay connected to their teams without physically needing to be together, it will only get more exciting and there will be more opportunities over the years.

MRS DUNNE: I have a couple of outrider questions. How do workplaces deal with or address issues for, say, people who are immune compromised? If you have somebody in your workforce who is susceptible to catching bugs and things like that, do you ensure that the rest of the workforce is immunised, for instance against flu or those sorts of things, as part of creating a safe workforce? Do you address those issues?

Ms Childs: We do address them. We cannot force everyone to be immunised.

MRS DUNNE: It is also a problem that people may not wish to disclose that they are immune compromised and, therefore, you cannot say, “Mary Jo needs you to be immunised,” et cetera.

Ms Childs: Again, it is part of that disability confident workplace where people who are immune suppressed or have these chronic conditions or underlying conditions work. Firstly, yes, it needs to be safe for them to have the conversation at least with their manager about their issues. We actually have that exact issue in our current workplace.

MRS DUNNE: I am not asking an outrider question then.

Ms Childs: No. But if I speak generally about the things you do, initially once you are aware of it, yes, you have a responsibility; you have a duty of care to that person. Our advice is—and we can get involved with other workplaces—to have the conversation about what are the sorts of practical things, the reasonable things that you can do. And we have got in place a very strict protocol that if you are ill with something that is infectious you do not come into the workplace—things like that.

MRS DUNNE: For the purposes of *Hansard*, I gave the thumbs up.

Ms Childs: Managers like me will tell someone, “No, I really suspect that you are contagious. We have got immune suppressed people in the workplace. I need you to

work from home or give me a doctor's clearance to say you are not infectious." It is not done nastily but it is done firmly.

MRS DUNNE: The soldier-on notion is not a good one?

Ms Childs: No. It is just ridiculous. With all the mobile technology we have got, if you think you can be heroic and still soldier on, you can soldier on at home.

MR PETTERSSON: Do not worry about the question you took on notice before. I found a table later.

Ms Childs: Page 26. I was about to say that. I knew it was there somewhere.

MR PETTERSSON: I found it eventually. That was good: 257 women, 201 men. Well done.

MS LE COUTEUR: We talked about identifying people with disabilities, but one simple question is: does the annual data collection of employees with disabilities in the APS include people with workplace injuries or on graduated return-to-work programs and should it if it does not?

Ms Childs: We are in discussions with colleagues who look after workplace injuries. It is a discussion at the moment. According to the definition, people are in scope. Yes, we are working with colleagues because there are different data collections for different reasons at the moment and, yes, we are having ongoing discussions with colleagues in injury and management and rehab.

MS LE COUTEUR: That also goes to my earlier question because the definition of people with disability is potentially very, very wide in what you focus on. Earlier you mentioned the ACT Inclusion Council. I understand it launched disability confidence Canberra in 2015. Is this work still continuing, and how does it impact on the employment of people with disabilities if it is continuing?

Ms Dunne: I do not think that it is continuing. I think that the council have reshaped their focus more recently and the thing that they are focusing on currently—and when we get the new committee together and established—will be employment campaigns within the business community and perhaps even going further to identify organisations that are champions in employing people and who have got good stories to tell. From their perspective, they have taken a view that it is a cultural change that is required. They think that they are the things that they can have an impact on. I think the more I read about the inclusiveness of people with disability, it is definitely, broadly, a cultural shift that needs to occur across all sectors.

Ms Stephen-Smith: Can I touch on that. I do not know if this was two things coming together but there was in 2014-15, as page 21 of the submission talks about, a series of disability confidence seminars in the ACT public service. Is that what you were referring to?

MS LE COUTEUR: It is what I was referring to, yes.

Ms Stephen-Smith: The submission says that they are currently being revamped to include a focus on unconscious bias. I think that then comes back to what Ellen was talking about, the cultural change that is going to be needed over time and the findings of the University of Canberra report. I talked to one of the report's authors while it was being developed and she said the interviews that she had done were absolutely fascinating in terms of the different perceptions of employees who had a disability versus managers about the barriers that they faced. That culture change was about being able to walk in the steps of people with disability, to identify unconscious bias and to change the mindset from a disempowering definition of disability to a strengths-based definition. As Judi was saying before, it is about looking at what people are able to do in a positive way and understanding that it might mean working differently. But it is just as valuable to the workplace to have that diversity of perspectives. But that culture change takes some time.

Ms Dunne: Yes. I agree.

Ms Childs: We like to think of it as people with different ability rather than people with disability. There are just different ways of working.

MS LE COUTEUR: Thank you for having the section on gender in your report. To continue Mr Pettersson's questioning—and clearly you employ more women than men with disabilities—are you doing any targeting recruitment to address this, given the difference in numbers by gender?

Ms Childs: No would be the short answer at the moment. I suppose we are looking just to increase the opportunities for all people with disability rather than targeted to a specific gender at the moment.

MS LE COUTEUR: Do you have any idea why there are more women than men? Is it the type of employment? I should not put answers in your mouth, but I am wondering why you think there are significantly more women identifying with disabilities than men employed in the ACT public service?

Ms Childs: It would only be conjecture.

Ms Stephen-Smith: I suspect—and I have not got the numbers in front of me—that it may be the case across the entire public service that we employ more women than men. But I do not know that.

Ms Childs: The ACT PS is 65 per cent female.

MRS DUNNE: Teachers and nurses as well?

Ms Childs: Yes. In actual numbers, probably women are slightly underrepresented as identifying with disability, because I think it is about 50 per cent.

MS LE COUTEUR: Yes, about 2½ per cent versus 3½ per cent.

THE CHAIR: You talked a bit about recruitment to high-level ASO positions in the public service. Does the government have any strategies around recruiting to senior

management positions? Do you do targeted recruitment for those levels in the public service?

Ms Childs: Part of that work is just to be a more inclusive employer of choice so that people who would be attracted to senior jobs would go to us first before they would go somewhere else. We did do some concerted work in the graduate intake; that is, future leaders. In the graduate intake for the last two years we had a particular strategy of trying to tap into and make it more attractive for candidates with disability, as we did for Aboriginal and Torres Strait Islander candidates. They are our leaders of the future. We were successful. I think, out of a total intake over the last two years of about 84, 13 of those candidates identified with disability up-front and others identified later. But we were getting feedback at the assessment centre process.

We bring a large pool—around 150—of potential graduates together to run through assessment centre programs. There is personal contact with each applicant to discuss reasonable adjustment, the whole selection process and the ongoing support through the assessment centre process, where we made modifications, and any reasonable adjustments that we had to make, we did. We trained the selection panels both in disability confidence and also around structuring processes so that it was an equal playing field. And we got a lot of feedback from candidates that that was the first time that they had felt truly comfortable in identifying that they had a disability and that it was an incredibly valuable experience.

We had not done particularly well in the years previous to that but we did make the effort. Our numbers last year were not as good as the numbers the year before, but that did coincide with the commonwealth ramping up their graduate intake again. There was a lot of competition.

THE CHAIR: We only have a minute or two left. I want to ask—this is perhaps a question that you can take on notice—whether we could have the handbook that provides information for employees who have a disability that is mentioned on page 14 of the submission.

Ms Childs: Yes.

THE CHAIR: There being no other questions, we will finish. Thank you, on behalf of the committee, for attending today. We really appreciate it. The proof transcript will be forwarded to you to provide an opportunity for you to check the transcript and suggest any corrections. Thank you very much.

Short suspension.

FIELD, MS JULIE MICHELLE, Executive Director, Legislation, Policy and Programs, Justice and Community Safety Directorate

LANE, MS SUSAN, Administrative Services Officer, Legislation, Policy and Programs, Justice and Community Safety Directorate

LODWICK, MS ANGHARAD MARY, Policy Officer, Legislation, Policy and Programs, Justice and Community Safety Directorate

THE CHAIR: Thank you for attending today's inquiry into the employment of people with a disability. I just remind you, as witnesses, of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement on your table. Could you confirm for the record that you understand the privilege implications of the statement.

Ms Field: Yes, I do.

Ms Lane: Yes.

Ms Lodwick: Yes.

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

Ms Field: Yes, I would like to make an opening statement. I am appearing as the JACS executive champion for people with disability. I would like to acknowledge the traditional custodians of the land we are meeting on and pay my respects to their elders past and present. While recognising that we are appearing here today to talk about disability, because we made a submission on disability, I would like to note that JACS does not employ Susan or Hari because they have a disability; we employ them because they are competent, capable people who perform their work. They do a good job. While they do not always work in the same way as others or use the same processes, they do good work and they do the work required of everyone. They are not being offered a free ride, and they deserve their jobs. They add to the diversity of JACS, help it to better reflect the community that JACS serves and supports. Their different lived experience helps JACS to be a better organisation, and we are grateful for the contribution that they bring.

THE CHAIR: We have been discussing, with the ACT government and other organisations and individuals who have made submissions to the inquiry some of the challenges around people identifying as a person with a disability. I note that in your submission you made reference to encouraging employees in JACS to come forward and identify and feel safe to do so. You referenced that you send out an email asking some questions to promote discussion and thought about that. One of the questions is: "Should I be concerned about identifying that I have a disability on HR21?" I was wondering what the answer to that question was?

Ms Field: The answer is no. All that does is get counted for the purposes of working out how many people with a disability we have. It does not actually attach to the person for any other purpose. Usually when someone is identifying in that way, they probably will have had a conversation with their employer anyway. Generally they will know that they can do it and unless somebody goes in and checks—and you do

not normally go in and check those sorts of things—no, they should not be concerned. It would be inappropriate to adversely impact on people because of that.

THE CHAIR: You have also made reference in your action plan—which is fantastic to read—to section 65, which is the modified selection processes under the Public Sector Management Act. How often would you invoke that section when employing people with a disability?

Ms Field: What we generally do—and Hari might like to talk to this—when we talk to people who have put in applications for jobs is talk about them coming in for an interview. We would normally say, “Do any special measures need to be undertaken?” Then they will come back and say, “Yes. Actually, it would be useful if I had the questions in advance,” or “It would help if the room was set up in a different way,” that sort of thing. Do you want to talk about that at all, Hari? It is okay if you do not.

Ms Lodwick: I was a graduate. I was in the graduate program last year. I got accepted into the program towards the end of 2015. When I got invited in for an interview the lady who called me on the phone asked me over the phone if I needed any special measures for my interview, which actually nobody had ever asked me outright before. I guess I would not have otherwise identified as having a disability because I do not qualify for any kind of pension or anything like that. I do have a cognitive sensory problem. That was, for me, a really good opportunity to say, “Yes. If you could, please provide me with written questions so that if I get confused about what I am being asked in the interview I have got something to refer to.” I found that really helpful.

Ms Lane: In the assessment centre that I attended I was provided with normal, reasonable adjustments. I used a computer for the written test. I had a guide provided for me because the building was a two-storey building, I had never been there; it was my first trip to Canberra on my own. I was given a guide who stuck with me all day, helped me up and down stairs, helped me find the right room that I was supposed to be in and even helped me get my lunch. It was so helpful to feel so supported that I was able to relax and give my attention to the interviews, the written test and the team test, and it made a big difference to how the day went for me.

MS LE COUTEUR: Both of you talked about adjustments in your entrance test. Was the ACT government the only organisation that offered things like this? Hari, it was for you, clearly, but, Susan, was this—

Ms Lane: Most graduate programs that I applied for—state, territory and commonwealth—provided reasonable adjustments. The level of the adjustments varied. The willingness of that particular department to provide everything that I needed varied. Sometimes I had to be insistent with some of those. With the ACT it was a very different experience I am very pleased to say.

Ms Lodwick: I think for me the main difference was that most programs that I applied for would have a box where it said, “Tick if you identify as having a disability,” but I guess there was not much leeway for somebody like me. I feel like I do not have an obvious disability but sometimes I really do struggle in situations that I think most people find pretty normal. I guess the difference I found with the ACT government was that I was able to request an adjustment without having to say,

“I have a disability. This is my disability.” I could just say, “All I need is some written assistance.” I think that was a big difference.

MR PETTERSSON: My question is a little more negative. What can we do better? You have talked about these amazing, positive experiences. But where are we still falling short?

Ms Lane: From my own personal perspective, I think more training is needed, particularly for managers. Managers, in my experience from my short time in the public service, set the tone. If managers can model a particular behaviour, a particular attitude, it will create a culture within that team that supports a person living with a disability. I am going to turn it into a positive. When I was made permanent my manager created that culture in my team. It does not benefit just me; it benefits the team, which benefits the branch. The flow-on effect is there. I think that is important because I have had experiences that were not as positive.

Ms Lodwick: Just to support Susan’s statement, I think more training would be really good at a management level and maybe at an officer level as well, and just having a little awareness that some people are not able to understand information in the same way. Possibly not so much in the ACT public service but in other workplaces I have experienced, a lot of people like to bark instructions at you because they prefer to speak to you and just say something off the cuff. But I prefer to have things sent to me in emails. Maybe there should be just a little more awareness that different people have different needs, which I think would be achieved through more training.

Ms Field: Can I add something?

THE CHAIR: Yes.

Ms Field: I think one of the things that we have found in JACS is that having people who have additional needs is something that you can plan to a certain extent, but situations will come up that you will not have thought about in the way that you need to think about them. It is very much a learning process. Just to give you an example, we got some work in that was very urgent. It was from another jurisdiction which had asked for responses in a very short time frame. Susan was one of the officers involved.

I was on a different floor and I said to her and her manager, “You come up and we’ll just go through the questions and we’ll get the EA to just type them in and we’ll do it. We’ll shortcut everything because this is important and we need to do that.” We got up and we had the pieces of paper and it briefly flitted across my mind: “I wonder how Susan knows what we are talking about.” And then Susan’s manager said, “I think we should be reading out these questions.” It was like it was there in my head but I just had not quite thought it through because it was not a normal situation.

It was a situation where we were trying to be agile. Luckily her manager is smarter than I am and quicker on the uptake. It is about just thinking about those things. I think, as Susan said in her submission, it is not always up to her to call that out. Otherwise she might become that kind of demanding, needy person, and we need to think about that. It is a learning process. I am not going to make that mistake again.

THE CHAIR: In your action plan, one of the actions under the building capability

part, which is on page 11 of the action plan, says:

Encourage all staff to develop performance plans which include identifying professional development and work-related study opportunities.

Is that training in supporting other people in JACS who have a disability? Is that the idea of that training and professional development for all staff?

Ms Field: My understanding of it is that all staff should have performance plans. These are particularly significant for people with a disability because they need to identify things. I think the perception is that, because you are making a reasonable adjustment and you are already doing things to deal with or support the disability, you do not actually need to treat people with a disability who are working as people whose careers need to develop and things like that. I think it is from that perspective.

THE CHAIR: And then underneath that it says:

Promote learning and development opportunities to all staff.

Does that include training around disability issues?

Ms Field: Yes. What we are doing is, I think, reflecting on the fact that we probably have not given our mid-level managers a lot of the tools that they need. It is really a brave new world and we need to invest more in our middle-level managers. One of the things that is about is helping them to be better managers, because they are the ones who impact on the staff on the ground.

THE CHAIR: Do you work with a provider currently that provides that sort of training in disability awareness?

Ms Field: Our people in the workplace strategy area are developing that. I am not sure who they are working with, but they are working to develop a suite of tools for managers.

MR PETTERSSON: Susan, in your submission you mention that you have experienced people making negative comments towards you. Was that in a professional setting?

Ms Lane: Yes.

MR PETTERSSON: A follow-up question on that: do you know if there were any consequences for the person or the individuals who made comments like that?

Ms Lane: I have actually raised with my supervisor the comments made to me. That issue is being dealt with.

MR PETTERSSON: I do not know that process. Can someone outline the process to deal with a workplace incident like that?

Ms Field: JACS certainly has a respect, equity and diversity framework. If it is a JACS person, or if it is anyone, an officer would raise it with a RED—respect, equity and diversity—officer or with the supervisor. Then they usually go and deal with that

through whatever is an appropriate mechanism. Usually there would be feedback for whoever is involved, depending on where they are. If it is, say, a different directorate, that might get more complicated, but it certainly gets carried through and we do commit to follow up on all those kinds of things. Sorry, I cannot really talk about individual cases, but JACS has a very clear commitment to follow up on these things and we are doing things around that.

MRS DUNNE: I am glad that Michael asked the question, because it was essentially my question. I would like to follow up on that to find out how prevalent that sort of thing is. Do these sorts of comments that you have experienced—and that goes to both Ms Lane and Ms Lodwick—come into the category of misguided, benign sorts of comments or something which is much more negative, or a combination?

Ms Lane: I think it can either/or, or a combination. I think some people are just simply uninformed. They may not have had an opportunity to have interactions with people with a disability. There may be instances where it is a little more than that. I would like to think that they are few and far between, which is why I think that more training is important. From my perspective, when things like that are said, it is impossible for me not to take them personally.

My self-confidence has been very hard won, but it is a very fragile self-confidence and it does not take much to eat into that a little and it does take me time to recover from that—only in situations where it is in reference to my disability or my skills and experience. If I have done something that needs a correction or something at work, then that is a completely different thing. But when it is in reference to me, it is hurtful. As much as I would like to think it is not intentional, there may be instances where it is, and I have chosen to ignore that part of it.

MRS DUNNE: Just to follow up, sometimes people say inappropriate and probably intrusive things out of ignorance. How do you discern what sorts of comments would be those that you would escalate?

Ms Lane: I have become hypersensitive to the tone of people's voices, to the cadence that they use. It is reasonably straightforward for me to determine how serious that remark is, if its intention is to hurt or diminish me or if it is just something that is said without them thinking first.

Ms Field: Can I add to that?

MRS DUNNE: Yes.

Ms Field: Susan came in through the grad program. When we heard that she was coming on, I phoned her and we talked about what she needed, and one of the things that we talked about was her doing a letter to the branch about her disability and about talking to her. And part of that, I think, really covered: "If you don't know something, talk to me, and I'm okay with that." That is the way I remember it.

Ms Lane: Yes.

Ms Field: I think that really helped because in some cases people can say the wrong thing just because they do not know. This is part of it being a learning process for us.

Susan is very good about dealing with us when we ask silly questions.

MR PETTERSSON: I want to go back to the disciplinary process. I know you do not want to talk about specific instances, and I completely understand that, but is it to the extent that someone would lose their job for making these remarks in the workplace or is it a case that someone would get a warning?

Ms Field: I really cannot answer that. That is part of a process and it will depend on what view is taken.

MS LE COUTEUR: You indicated in your submission that it was easier to be asked about reasonable adjustments rather than disability in your application. I was wondering whether you thought that could be expanded in terms of how you and others identify yourselves as people—that is, by the adjustments more than by whether you are or are not in a disability category.

Ms Lodwick: You just want me to expand on that?

MS LE COUTEUR: Yes. My paraphrasing of what you said was that you were asked about what adjustments you needed and you found that a much better question than, “Tick the box: do you have or do you not have a disability?” I was wondering if you could speak more about whether that would be useful in other circumstances and whether that is a better way of dealing with things than putting people into a category of with or without disability.

Ms Lodwick: I guess I can really only speak about my experience. I had looked into definitions of disability previously. There is not really a lot of clarity, I think, not just in the ACT but actually on a national level, about what is and what is not a disability. The only real guidelines around that are also quite vague. They tend to be whether or not you qualify for Centrelink payments because your disability impacts your ability to work. For me, when I was in school or when I was in university, that kind of definition was not really very useful for me. What was useful to me was: were there going to be written materials, was there a set textbook that I could rely on instead of listening to two hours of lectures or could I sit close to the front of the room where it was a bit quieter?

I think it has only been recently, since I have joined JACS, that I have even considered identifying as having a disability, and I think part of it is because there is a lot of stigma around disability. Part of it is because I have felt like I have difficulties in particular situations, but my difficulties are not so severe that I qualify for Centrelink, for example. Where is the space for me to request adjustments? It is not like I cannot work; I can work. For me, there is a lot of uncertainty about where I fit.

THE CHAIR: I have one very quick final question, because we are running overtime. It is in relation to the target that you have set in the action plan, which is a headcount target of 39 FTEs, I assume, by the end of June 2019. What percentage of JACS employees do you think that that will represent in 2019?

Ms Field: I am not completely confident. I believe it is to reflect the proportion of people with a disability in the community. It is probably 15 to 18 per cent, that sort of thing.

THE CHAIR: You can take that on notice.

Ms Field: Can I take that on notice?

THE CHAIR: Yes. We might, at that point, end the hearing for today. On behalf of the committee, I would like to thank you for attending. I think the committee has particularly valued having people with lived experience coming to present. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and provide any corrections. I now formally declare the public hearing closed. Thank you very much.

The committee adjourned at 3.04 pm.