



5 March 2012

National Human Rights Action Plan Secretariat
Human Rights Policy Branch
Attorney-General's Department

By email: nhrap@ag.gov.au

Dear Secretariat

I am writing on behalf of the NSW Disability Council in response to the exposure draft of the National Human Rights Action Plan. The NSW Disability Council (the Council) is established under Section 16 of the *Community Welfare Act 1987* to advise the NSW Government on issues affecting people with disability and their families. The Council appreciates the opportunity to provide comments on this crucial Plan.

The draft action plan encapsulated a wide range of actions and initiatives which, if implemented, will greatly improve human rights in Australia. However, there are still a number of human rights concerns not addressed by the action plan which require urgent attention.

Fair pay for people with disability working in supported employment

The recent report released by the Department of Families, Housing, Community Services and Indigenous Affairs' Advisory Group on *Vision for Sustainable Supported Employment* found that the average hourly rate for people working in supported employment is \$3.61. This compares to \$30.30 for non-managerial positions in the labour market generally. In addition, people working in supported employment experience poorer leave entitlements.

Under the UN Convention on the Rights of Persons with Disabilities, people with disability have a right to equitable employment, to maintain a standard of living and to the continuous improvement of living conditions. Allowing people with disability to be employed at an average hourly rate ten times lower than the open labour market and more than four times lower than the minimum wage is a failure to meet the terms of the Convention. The productivity wage system for people in supported employment is not only inequitable but perpetuates the long term poverty of the working poor. Many people with disability in supported employment are unable to retire as they have no opportunity to accumulate adequate savings or superannuation.

The Council believes that people, regardless of their disability, have the right to be paid no less than the minimum wage and receive fair working conditions. The Council

suggests that as a starting point the action plan includes Recommendation 3 and 4 of the *Vision for Sustainable Supported Employment* report as a priority.

Actioning the recommendations of the Enabling Australia report

An inquiry into the health requirement of the *Migration Act 1958* and how it impacts on people with disability was conducted by the Joint Standing Committee on Migration. The Committee tabled its report entitled *Enabling Australia* in Parliament on 21st of June 2010 recommending policy reform. The report provides a way forward in the elimination of discriminatory practices that exist in the migration process. However, the Australian Government has yet to respond to the report. While the Government remains silent, the discriminatory treatment towards people with disability is allowed to continue in the migration system. The Council suggests that the action plan include a commitment from the Government that a response to the recommendations will be released as a matter of priority.

Improvement in data collection to better reflect diversity and user experience

Currently disability data collection, such as the Disability Services National Minimum Data Set or the Survey of Disability, Ageing and Carers make little or no effort to capture the diversity of the disability and carer population. Data in relation to cultural heritage, language spoken at home or religious identity are either poorly collected or not collected at all. This leads to serious gaps in our understanding of the disability population and their needs. The Council believes that this information is essential in monitoring equity of access as well as informing holistic policy development and service planning. The Council suggests that the action plan include the development of additional questions to better capture the cultural, linguistic and religious diversity of the disability and carer population.

In addition, the Council is concerned that disability service usage data lacks any reference to service outcomes from a user perspective. A useful data collection model for consideration is the inclusion of the self reported experience of service users as a part of the Social Care and Mental Health Indicators from the UK National Indicator Set. The self reported section consists of a set of questions such as usefulness of the service accessed or whether the user has been treated with respect and dignity. In disability service provision the voice of the user remains silent in data collection and reporting. Including a self reported section would not only give people with disability the opportunity to voice their experience it also provides valuable evaluation data for continuous service improvement.

The Council is encouraged by the strong commitment demonstrated by the Australian Government, and state governments, to progress the full realisation of human rights and social inclusion. I believe that the comprehensiveness of the draft action plan can be further enhanced by adopting the above suggestions.

Please do not hesitate to contact me should you require further information on the matters raised in this letter.

Yours faithfully



Cain Beckett, FAICD
Chair, NSW Disability Council