



# The Australian Journal of Community and Disability Practitioners

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Special Edition – Federal Election 2022





The Australian Journal of Community and Disability Practitioners acknowledges the teaching and learning of our First Nations Peoples. We respect and support First Nations People in their struggle for Treaty, Voice and Truth.

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# Why we need to change the Government

*A Foreword by Natalie Lang*

Welcome to the latest edition of the Australian Journal of Community and Disability Practitioners.

The Journal is the professional publication of members of the Australian Services Union working in community and disability services. It is produced twice each year by the ASU College – our training and professional development arm for members.

This edition is a special election edition. This month, we will be heading to the ballot box to decide who will govern Australia for the next three years.

In this edition you will find a range of articles from ASU members and community sector leaders and advocates who each outline what they want from our politicians to make our society a better and fairer one.

We have had a decade of cuts and destruction under the current Coalition Government and now is our chance to stop the damage.

## **Right now ASU members' priorities are front and centre of the election debate:**

- Cost of living
- Pay rises
- Secure jobs
- The role of a strong public sector and ending outsourcing and privatisation
- Our rights to organise and act together to get a better deal at work
- Ending violence against women
- Winning paid DV leave for all workers – so your right to safety is not dependent on who your employer is
- Long term, secure and proper funding of community services
- The importance of advocacy in the community sector
- Access to training and career paths

- Fixing the National Disability Insurance Scheme to ensure you are paid properly, have a secure job and stop cuts averaging \$2,700 to the supports of every NDIS participant
- Delivering Portable entitlements for insecure workers so you aren't working for free to deliver essential services on behalf of the government.
- Closing the gender pay gap
- Strengthening Medicare
- Taking action on climate change
- Delivering a stronger public education system
- Fixing the crisis in aged care services and ensuring all older Australians have a decent life and receive the care they need and deserve
- Ensuring that we all have access to affordable, high-quality childcare and early childhood education.
- Ending the housing crisis

So, let us take a closer look at some of these key issues that are important to ASU members.

## **On Cost of living:**

1. Just this month interest rates have **increased by 0.25%**
2. Annual inflation is tracking at **5.1%** and is tipped to reach **6%** this year
3. In 2021,
  - a. Petrol has **increased by 32.3%**
  - b. Housing has **increased by 21.7%**
  - c. Transport has **increased by 12.5%**
  - d. Beef has **increased by 8%**
  - e. Childcare has **increased by 6.5%**
  - f. Vegetables have **increased by 6%**
  - g. Medical costs have **increased by 4.2%**

The only thing that has not increased is wages. This means that our weekly pay has not kept pace with the rising cost of living. We need a government that supports measures to fix the cost of living and increase wages.

The Coalition does not support wage increases.

The Labor Opposition does support wage increases and has a plan to reduce costs of essentials like housing and childcare.

### **On Secure Jobs:**

Right now, more than 40% of workers are in insecure work. And 1 in 3 community and disability workers intend on leaving their job because they do not have certainty about their pay or hours.

Workers are often on rolling fixed term contracts. Short term funding and competitive tendering in community and disability services means workers frequently move jobs, still delivering essential services to vulnerable community members on behalf of the government, but losing their accrued entitlements, like long service leave, annual leave, and sick leave.

Other workers have portable entitlements that rest with them when they move jobs. Nurses, paramedics, teachers, police officer, and public servants all have portable entitlements, but not community and disability workers.

Community and disability workers continue to be insecure in their employment. They need and deserve secure jobs which can be delivered by introducing portable entitlements in our sector.

The Coalition Government has ruled out portable entitlements. The Coalition ministers have told us they do not support long term community sector funding. They have used competitive tendering for community services and will not deliver a price floor. They have no plan to deliver secure jobs in our sector.

The Labor Opposition on the other hand is committed to minimum 6-year funding contracts. Their leader Anthony Albanese has said they will make it a funding requirement to deliver secure jobs. They have said they will explore portable entitlements for insecure workers, like workers in the NDIS and community sector.

### **On violence against women and paid DV leave:**

One in three women experience sexual or family violence in Australia. During the pandemic practitioners reported significant increases in instances of domestic violence. Increased funding to women's services, more skilled and qualified workers are desperately needed. Paid Domestic Violence leave does save lives and is essential to supporting women to leave violence and live safely in the community – it was even a recommendation of the National Women's Safety Summit last year.

The current Coalition Federal Government is the only government in Australia that doesn't support paid domestic violence leave as a universal entitlement for all workers. On top of this the Coalition has foreshadowed in their recent budget major cuts to funding of domestic violence services in 3 years' time.

In contrast, the Labor has said it will legislate for 10 days' paid domestic violence leave for all workers and will deliver 500 additional skilled and qualified community workers for our sector.

### **On Fixing the NDIS:**

Under the Coalition Government NDIS packages have been cut, by an average of \$2700 per person in the last year alone, and the Government has spent \$28million in just six months, fighting people with disability in court to stop them getting the supports that they need.

In contrast, the Labor Opposition has said it will deliver training and career paths for workers in the NDIS. It will stop the unfair NDIS cuts. Labor also supports portable entitlements, secure jobs, and better pay for NDIS workers. They have committed to putting people with disability back at the centre of the NDIS and they have committed to doubling the funding for disability advocacy. Indeed, they are committed to valuing advocacy across the community services sector.

## **With so much at stake - make sure your vote counts.**

After years of campaigning, in your workplaces, across your employers and industries and in your communities, right now ASU members' key priorities are up for grabs:

1. Secure jobs
2. Pay rises
3. Easing the cost of living
4. Long term secure funding in the community sector
5. Training and career paths
6. Paid domestic violence leave for all workers

We have a Coalition Government that has had a decade in power to fix these issues, and has simply delivered cuts, destruction, cost of living that is spiraling out of control accompanied by stagnant wages.

The Labor Opposition has outlined its priorities to ease cost of living, ensure workers get a real pay rise, legislate paid family violence leave for all workers, deliver long term community sector funding, training, career paths and portable entitlements for NDIS workers, end the age care crisis, make childcare cheaper.

But this can only happen if we change the government.

If you're concerned about secure jobs - you need to change the government.

If you need a pay rise - you need to change the government.

If you want to ensure every worker has the right to paid domestic violence leave - you need to change the government.

If you want to see training, career paths and the NDIS being the best it can be - you need to change the government.

If you want to save our community services - you need to change the government.

If you have a loved one in aged care, and want to fix the crisis in aged care - you need to change the government.

If you have children in childcare, or at school - you need to change the government.

If you want to protect and strengthen Medicare - you need to change the government.

If you're worried about the cost of living - you need to change the government.

Don't wake up on Sunday May 22nd with any regrets. Make your vote count and ensure that you talk to your friends, family and colleagues about how important this election is.

We are union, and together we are mighty. We can make our members' working lives better and deliver on our members' campaign priorities together.



Natalie is the Branch Secretary of the Australian Services Union (NSW & ACT Services Branch).

Natalie has worked with union members in the Water, Transport, Airlines, IT, Private Sector and Social, Community, and Disability services industries for over 15 years.

Natalie organised workers in the ASU's historic equal pay campaign which achieved wage increases of between 23% and 45% for social, community and disability workers.

Natalie has led the union movement campaign for universal paid domestic violence leave.

Natalie has a degree in Social Sciences majoring in Employment Relations from the University of Western Sydney. Natalie lives in the Blue Mountains with her husband and two kids and is a very proud Sydney Swans supporter.

# What the Community Services sector needs from a Federal Government

*Author: Narelle Clay*

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This election provides a critical opportunity to consider what the community services sector needs from the next Government. Regardless of who is elected, there are plenty of changes to be made to help the sector in its important work.

I work for a Regional Service in Southern NSW. Along with our government and community partners, we deliver homelessness support (crisis, medium term, long term, early intervention), social housing, family and youth counselling, mediation, early intervention, education and training services, support services for Aboriginal people and refugees, primary health services, and some social enterprises. We manage 50 different services across 20 different contracts.

Community services have proved their social and economic value over the last two years. Community services support individuals, families and communities who need support because of many forms of structural disadvantage – poverty, unemployment and under-employment, homelessness, absence of housing affordability, domestic and family violence and discrimination. In addition, during the natural disasters and health emergencies of the last two years – the floods, the bush fires and the pandemic – community services were there to support people in need, and we remain in our communities to help build back better. Our service, like many others, remained open every day during COVID and delivered essential services. During the COVID-19 pandemic in particular, governments recognised the vital role that community services perform, contributing extra resources and recognising community sector work as essential work.

With a federal election looming, we need a government that is able to support the community services industry to continue its important work – work that supports individuals to build sustainable livelihoods, and contribute towards strong, resilient communities that support one another. With the right policy settings and adequate funding, the community sector will be well supported to fulfil its potential. We need a government that commits to tackling the big social problems. We want to see what a future government will do to systemically alleviate these problems.

## **Our Relationship with Government**

We need open, honest, committed government – one that is consultative, one that supports democracy, and understands the place of advocacy in it. We need a government that values working together to solve social issues, that values the perspective of the sector, and that will commit to collaborative action. Too often we have seen government pretend to co-design programs with the sector while pursuing reforms that are to the sector's detriment.

## **Funding**

The sector needs improved funding models and strengthened sectoral governance. We want to see a government committed to the following principles:

- Long term contracts – 7 years and longer if the Service is still meeting the need. Frequent retendering of grants programs is unproductive. That is a criticism shared by community organisations, community workers and their representatives, service users, and the Productivity Commission.
- Diversity amongst small, medium and large not-for-profits to ensure a vibrant sector. Too often small and medium sized agencies are unable to compete due to the ever-increasing administrative burden.
- Support for local organisations which are embedded in their community – these organisations are the best placed to respond in ways that meet local needs.
- Understanding that service provision is not a commercial undertaking – it is a long-term partnership.
- Advocacy is essential and should be funded, no gag clauses.
- For-profit providers should not receive funding for essential frontline services such as youth services, homelessness, domestic violence and emergency relief.
- Planned, adequate and transparent indexation, and confidence that items such as increases in superannuation will be funded and that poor indexation will not lead to reductions in Services.



- Payments that grow and enable organisations to meet minimum award pay and conditions and encourage good industrial practices. Longer term funding will allow community agencies to commit to permanent staff. This includes funding that allows adequate and safe staffing levels, and fair and reasonable wages and conditions (including leave, such as Paid Domestic Violence Leave). Help us look after the wellbeing and health and safety of staff.
- Removal of the efficiency dividend from the remaining community programs that still have it and a commitment and legislation that prevents it being brought back in.
- Removal of the need to match funding in capital building projects as this is reducing the involvement of small regional organisations.
- Support for country and regional services and stop stretching them to deliver beyond their capacity such as understanding the need for fulltime workers because of the extra travel time
- Inclusion of one-off funding offers for equipment, and service capacity building.
- Move away from unit costings and fee for service and payment by outcomes – it does not work in the human services area as it shifts the burden of risk from government to not-for profit agencies.

### **Funding Administration**

We want to see a government that can efficiently administer community funding programs by:

- Removing unnecessary administration processes
- Committing to minimising unnecessary duplication in accreditation and registration

### **Housing and Homelessness**

Housing affordability is front and centre in this election, with the housing crisis now widespread across the country and being felt by more and more people all the time. In most of the country there is simply no housing available or affordable to people on low incomes and wait lists for social housing routinely stretch beyond ten years. For agencies looking to head lease properties for their clients, there are simply none available, or when there are, rents have increased beyond the reach of many agencies.

We want to see a government that is genuinely committed to supporting housing and homelessness services by:

- Increasing funding annually to meet demand and the ERO must be formally put into the base of the new agreement.

- Providing capital funding for building projects
- Funding an increase in medium term supported services for homeless youth
- Commit to an ambitious program of social housing construction to take the strain off overstretched homelessness services. This should result in a net minimum of 20,000 social new net social housing dwellings annually, and an increase of social housing to 10% of all housing stock.
- Commit to developing a National Housing and Homelessness Strategy with genuine consultation with the Sector

There is still so much to do in the realm of housing policy. We need a government that is willing to commit to these actions as a matter of urgency to take some of the strain off our housing and homelessness system.

### **Poverty/Income**

We need a long-term commitment to address poverty and raise the levels of pensions and benefits and low wages especially for young people. This can be achieved by:

- Fixing our social security safety net for good so that it keeps people out of poverty, with an income of at least \$70 a day.
- Indexation of payments in line with wage movements at least twice per year
- Increase Commonwealth Rent Assistance by 50%
- Introduce a \$50 a week Disability and Illness Supplement
- Establish a Single Parent Supplement that recognises the additional costs of single parenthood
- Establishment of a Social Security Commission to advise the Parliament on the ongoing adequacy of income support payments

### **Capital Infrastructure**

We need a commitment to a long-term program of capital building. Ultimately capital into the community, directly addresses the social problem of housing affordability and enhances community service delivery by agencies having some capital base to leverage funding from.

### **Employment**

We need a government that will ensure the economy is able to grow and build employment opportunities that are secure, decently paid and fulfilling. We need many more apprenticeships and traineeships. We need to reduce the emphasis on casualisation. There is a



place for casual workforce but there is a great need for secure employment as one of the only ways out of poverty and homelessness.

### **Information Technology**

There is still much to do to ensure that everyone has access to good IT. COVID showed us that many young people who have experienced homelessness and those who have experienced poverty in their family situations did not have good access to IT that supported home schooling, contact with family and friends during isolation periods etc. We need a government that is committed to reducing the digital divide so that our children can access opportunity.

### **Education and Training**

We need a government that is committed to free public education. TAFE and the University sector are essential public goods and need to be built back up. We need additional support for regional and localised training delivery with sensible funding and requirements.

### **Health**

Good access to free public health including early intervention and primary health services is a key. Young people need to be supported and encouraged to look after their health. Quality drug and alcohol support services and detox and rehab for young people. Suicide prevention. Access when its needed to a range of mental health services including after hours

Supporting the Community Services doesn't just mean directly supporting the sector. It also means enacting policy changes that will reduce poverty and disadvantage, leading to happier, more resilient, and stronger communities. We hope that whoever is elected in May will work hard with the Sector to achieve these goals.



Narelle Clay is CEO at Southern Youth and Family Services - SYFS. She describes herself as a youth worker. SYFS operates one of the largest not-for-profit, multi-disciplinary specialist youth programs in the Illawarra and south coast regions; including crisis youth refuges, supported accommodation and housing, out-of-home-care, youth education, employment and training services, youth health services, and youth and family support services, as well as the Resourcing Adolescents to Gain Essentials Scheme (RAGE) in Nowra, which provides material/financial support for bond, moving expenses, travel, financial support, detox and rehab.

Narelle serves on a myriad of Federal and State Government Advisory panels and Committees. She is a former Chair of the national peak, Homelessness Australia. Narelle is a proud member of the ASU and is currently President of the NSWACT (Services) branch of the ASU. Narelle is member of the Order of Australia, awarded in 2005 for distinguished service to the community, particularly through social justice advocacy.

# Underfunded, overworked, and underpaid - pandemic compounds strain on services sector

*Author: Cassandra Goldie*

The latest *Australian Community Sector Survey* finds that the pandemic has further compounded chronic under-funding in the community sector, pushing many services and workers to their limits. This has severely impacted the services they can offer and their ability to retain staff. The report *Carrying the Costs of the Crisis*, undertaken by the Social Policy Research Centre at UNSW Sydney for ACOSS and the State and Territory Councils of Social Service, supported by Bendigo Bank, explores the experiences of 1828 community sector workers, including 513 service leaders (CEOs and senior managers), and 640 frontline workers.

In addition to the acute under-investment, a third of service leaders expect their finances to worsen in 2022 and many sector leaders and workers are offsetting funding shortfalls by performing large amounts of unpaid work. In terms of current funding:

- Only 20% said it covers the full cost of service delivery.
- Only 17% said it recognises increasing wage costs.
- Only 14% said it properly recognises their overheads.
- Only 14% reported indexation arrangements for their main funding source are adequate.

Coupled with boosted income support payments, the extraordinary care and help provided by community services bolstered the resilience of our community to the social and economic shocks of the pandemic. Yet, community sector workers and service leaders, about 80% women, are being forced to carry an enormous physical and psychological burden to cover funding shortfalls and ensure people in need can still access essential services.

Underfunding issues are being made much worse by the fact that too many community sector organisations are being forced to rely on insecure short-term Government contracts. Some of these contracts may last for only a year which makes it extremely difficult to plan ahead or offer any certainty to staff or clients. Community sector workers provide complex services to people in need. The work is incredibly rewarding but also stressful

and relentless, especially during the pandemic. Without more stable funding, organisations cannot offer the job security and career advancement that these workers deserve. Little wonder then that nearly one in three of the people who participated in our survey plan to leave their role in the next year and almost one in ten are considering leaving their industry altogether.

There is a reasonable fear among sector leaders that the situation will only get worse, without a change to policy settings. The shadow of COVID is likely to be long, and community services must be given the resources they need to care for our community as we face further COVID variants. Community organisations should be able to rely on governments to fund them appropriately so they can provide quality services to all who need them and pay their workers fairly.

## **To secure essential community services, ACOSS is calling for the next Government to:**

- Create a Community Sector Continuity of Service Enabling Fund to ensure continuity of service delivery, adaptation, secure jobs, prevent loss of jobs or income, and guarantee paid special leave for all workers.
- Improve indexation for community sector funding.
- Conduct an assessment of community need for essential services.
- Protect people at greatest risk from ongoing health impacts of COVID-19.

## **The next Government must also raise the revenue needed to meet the big challenges and properly fund essential services:**

- Guarantee essential services and safety nets for all that need them.
- Rescind the unfair and unaffordable "Stage 3" tax cuts for people on higher incomes.
- Review the tax system to strengthen revenue and improve fairness with a focus on tax concessions that are economically and socially harmful and elimination of fossil fuel subsidies.

- Shield people with the least resources from any spending reductions.

You can read the entire report at: <https://www.acoss.org.au/australias-community-sector-survey-2022/>



Dr Cassandra Goldie is CEO of ACOSS and Adjunct Professor with UNSW Sydney. With public policy expertise in economic, social and environmental issues, civil society, social justice and human rights, Cassandra has represented the interests of people who are disadvantaged, and civil society generally, in major national and international processes as well as in grassroots communities. Prior to joining ACOSS, Cassandra held senior roles in both the NFP and public sectors, including with the Australian Human Rights Commission, Darwin Community Legal Service and Senior Executive with Legal Aid in Western Australia. Cassandra has a PhD from UNSW Sydney and a Masters of Law from University College London. She is a Graduate of the Australian Institute of Company Directors and serves on the UNSW Law Advisory Committee, the Australian Climate Roundtable and the Energy Charter Independent Accountability Panel. Cassandra is Co-Chair of the ACOSS and UNSW Sydney Poverty and Inequality Partnership and a member of Chief Executive Women.

Cassandra has been recognised as one of the Inaugural Westpac Australian Financial Review 100 Women of Influence. She has been voted one of the Impact 25 Most Influential People in the Social Economy, most recently in 2021. In 2018, Cassandra was recognised as one of Australia's top 50 Outstanding LGBTI Executives by Deloitte and, in 2021, she received the 2021 UNSW Alumni Award for Social Impact and Service.

*ASU proudly represents many members employed by ACOSS, including ASU founding member and former National Secretary, Dr Peter Davidson.*

# We need a Federal Government that will pay disability support workers properly.

*Author: Dr Fiona Macdonald and Dr Karen Douglas*

The NDIS and the disability sector need a comprehensive workforce strategy that aims to improve job security, pay and conditions; build access to training and career pathways; and establish professional standards linked to worker classifications. Without these changes, it will not be possible to achieve the 'leading and innovative workforce' required for high-quality disability services and a sustainable NDIS.

Getting regulation right is critical to getting the right outcomes. We can see this clearly when we look at the current NDIS arrangements where ineffective regulation and reliance on 'the market' are allowing disability workers' pay and conditions to be undermined. Employers incorrectly classifying support workers is one practice that is contributing to this problem. If we take a closer look at this particular issue we can see how effective regulation could prevent it.

## **How and why are disability workers incorrectly classified?**

The incorrect classification of disability support worker jobs appears to be a growing problem in the NDIS. Not only does it undermine pay and conditions, it also has negative impacts on workers' opportunities for progression to higher classification levels. Incorrectly classifying workers can also impact on the quality of support provided and on the safety of workers and people receiving support.

The *minimum* correct classification for a disability support worker is at Level 2 of the Social and Community Services (SACS) classification Schedule B of the *Social Community, Home care and Disability Services Industry Award* (better known as the SCHADS Award). The correct classification for many support workers is at the higher SACS Classification Level 3 of the SCHADS Award.

However, there is evidence that some disability support workers are being under-classified (and underpaid) at SACS Level 1. Other support workers are being misclassified (and underpaid) as home care workers and employed according to the Home Care sector classifications (Schedule E) of the SCHADS Award, instead of the SACS schedule B.

Some service providers have taken the view that where support work is primarily undertaken in an individual's private home it is correctly classified under

the Home Care sector schedule in the SCHADS Award. There is also a financial incentive for service providers to incorrectly classify support workers as doing so reduces the organisations' labour costs. Providers who adopt this practice can compete (unfairly) in the NDIS market by offering lower-priced services and/or profiting from savings made on lower wages. So, in the long run, incorrect classification is likely to have negative impacts on large numbers of workers, on workforce sustainability (as wages are pushed down and jobs are less attractive) and on the viability of service providers that do classify workers correctly.

A 2021 study of NDIS service providers shows that some support workers are being paid below the appropriate SCHADS Award rate. The study also shows a substantial minority of providers may be misclassifying support workers as home care workers. Despite this, the vast majority of providers charge their NDIS clients the NDIA maximum prices for supports – prices that are based on employing support workers at a SACS level 2.3 or higher classification.<sup>2</sup>

Under the current NDIS and industrial arrangements it is often left to workers and their unions to argue for disability support workers to be employed at the correct classifications. This should not be the case as there is plenty of evidence in both the SCHADS industrial award arrangements and in NDIS policy and regulation to show the correct minimum classification of support workers should be at SACS level 2 or higher.

## **The SCHADS Award and disability support worker classification**

The SCHADS Award determines minimum pay rates, terms and conditions for disability support workers along with other employees in social and community services. The award came into effect in 2010 as a result of the modernisation of industrial awards that rolled multiple awards into the single new national industry award. In the SCHADS Award, there are four streams, one of which is the SACS sector stream (which covers provision of disability services), and another the Home Care sector stream. The two other streams are a crisis accommodation stream and a family day care stream. Each stream in the SCHADS Award contains its own separate classification structure.

The industrial distinction between home care services

(and home care work) and disability services (and disability support work) existed before the SCHADS Award was made. Historically, home care was not included in the social and community services awards that were rolled into the SCHADS Award, and when the SCHADS Award was made, a separate schedule was established for home care. After hearing from employers and unions, the industrial commission (at the time called Fair Work Australia, now the Fair Work Commission) agreed that the work of disability support should be included in the definition of the SACS sector.<sup>3</sup>

Since 2010, major proceedings in the Fair Work Commission have confirmed that these historic distinctions between disability support work in the SACS sector and home care work in the Home Care sector carry through to current practice. For example, the historic SACS Equal Pay Case included disability sector workers (as SACS sector workers) but did not cover home care workers, who were not considered to be part of the SACS sector workers.

The industrial distinction between disability work and home care work has not been based on where the work is performed (i.e. in an organisational setting or in a private home); rather, it has been based on the nature of disability work. While both disability support workers and home care workers may provide personal care and domestic assistance, a disability support worker provides assistance as part of their support for the person to meet identified goals in personal support plans for capability-building, independence and/or social or economic participation.

A vast amount of evidence presented in the SACS Equal Pay Case and in later Fair Work Commission cases shows the complexity and diversity of disability support work and the skills required by workers as they actively support the life choices and aspirations of the people they support. For example, the disability support role may include teaching, promoting and maintaining living skills; supporting a person's decision-making; advocacy and supporting self-advocacy; and actively promoting and supporting social and community participation.

In the SCHADS Award, home care work is described (for a level 2 worker in the Home Care Schedule E) as 'the provision of domestic assistance and support', and this includes the provision of personal care. However, unlike the description of disability support work (for a level 2 worker in the SACS Schedule B), personal care provided by a home care worker is not provided in the context of delivering a broader program of services, activities or training.<sup>4</sup>

It is also clear from reading the SCHADS Award SACS schedule B descriptors that a disability support worker classified at SACS level 1 is highly likely to be under-classified. For example, there are three key features of

SACS Level 2 work that are core features of disability support work that are not present in the SACS Level 1 descriptors. These are: i) that the work provides some scope for initiative; ii) the skills and knowledge requirements include developing knowledge of statutory requirements relevant to the workplace; and iii) the extent of authority includes the exercise of some judgement.

These and other features of disability support work are also clear in NDIS policy and standards for disability support workers.

### **The NDIS and disability support worker classification**

The principle of respect for inherent dignity and individual autonomy—including the freedom to make one's own choices—is enshrined in the NDIS. Reflecting this, the objects of the NDIS Act include to 'enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports', and to support their 'independence and social and economic participation'.<sup>5</sup>

The NDIS provides for individual NDIS participant support plans to be developed based on each person's needs, aspirations and goals. Individualised funding gives NDIS participants power to exercise choice and control in regard to the services and supports they receive.

The NDIS person-centred model is underpinned by a social model of disability in which 'disability' is understood as arising from the interaction between people with impairments and the barriers they encounter in the external environment. This understanding requires change in the environment to accommodate people with disability rather than requiring people with disability having to adapt<sup>6</sup>. It is in this context that individual choice and control over supports is considered central to citizenship, social inclusion and human rights.

Support workers are critical to achieving the NDIS objectives for person-centred support. They make up the vast majority of the NDIS workforce and they provide many of the supports funded by the NDIS. They are the main determinant of service quality in disability support services, including as disability support work is often undertaken without close oversight, supervisors oversee the work of a relatively large number of support workers, and the workforce is dispersed.<sup>7</sup>

NDIS quality and safeguarding measures have been established that set standards for service practice, requirements for worker conduct, and expectations for worker actions and knowledge for person-centred support. The mandatory *NDIS Code of Conduct* sets standards for workers and the more recent *NDIS Workforce Capability Framework* translates these



standards into 'clear and observable behaviours that ... workers should demonstrate when delivering services to people with disability'.<sup>8</sup>

The standards of conduct and expectations of workers established by these quality and safeguarding measures clearly that align with work requirements that are at a minimum level 2 of the SACS schedule of the SCHADS award. The *NDIS Code of Conduct* and *Workforce Capability Framework* are both lengthy documents that describe obligations, skills and knowledge requirements for disability support workers. These regulatory documents contain detailed advice and prescriptions for what workers need to know, how they should behave, what they must be able to do and the standards they must meet.

In the NDIS there is increased scope for disability support workers to exercise judgement and take initiative that, in many instances, aligns more closely with SCHADS Award SACS level 3 than. There is no alignment with work described in the Home Care schedule of the SCHADS Award, nor with SACS level 1 requirements.

NDIS pricing is another foundational element of NDIS arrangements that includes an expectation that disability support worker roles are classified at SCHADS Award SACS levels 2 as a minimum. NDIS support pricing (i.e. funding) is based on the NDIS 'reasonable costs' model that is an estimate of the reasonable costs of providing supports plus allowance of a small margin above this. This model includes the cost of employing support workers at 'the reasonable minimum qualification and experience level', which the NDIA judge to be at the SACS classification level 2.3.<sup>9</sup>

### **How could NDIS regulation ensure disability support workers are classified correctly?**

Changes to NDIS quality and safeguarding and pricing requirements could address problems of employers incorrectly classifying disability support workers. One solution would be to mandate support worker minimum classification requirements in line with NDIS pricing of disability supports. Currently, mandatory minimum worker classification requirements *do* exist in some DSW pricing arrangements (for levels 2 and 3 high intensity supports). The NDIA could include a requirement for classification of support workers at a minimum level 2 to apply to all NDIS -funded support work.

Similarly, quality and safeguarding regulation could include a requirement for appropriately skilled and classified disability support workers as a condition of service provider registration. Currently, practice standards that registered service providers have to meet state: 'Each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications, and who have relevant

expertise and experience to provide person-centred support'.<sup>10</sup> Demonstration of practice to meet this standard could include minimum worker classification requirements.

These requirements can and should be built into the NDIS. If misclassification and underclassification go unchecked in the NDIS market, it will not only have negative implications for workers and NDIS participants but may undermine the viability of service providers that are correctly classifying workers, with broader implications for workforce sustainability and system quality.

\*This article is based on a larger research report: Macdonald, F. and Douglas, K. 2022, *Disability support workers & the classification of their work in the Social, Community, Home Care & Disability Services Industry Award*, Centre for People, Organisation and Work, RMIT University. The full report is available at <https://cpow.org.au/disability-support-workers-the-classification-of-their-work/>

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Fiona is Policy Director, Industrial and Social with the Centre for Future Work. Her PhD in Political Science is from the University of Queensland. She also holds a Master of Social Science. Previously Fiona worked as an industrial relations academic at RMIT University in Melbourne and at the University of South Australia and she is currently an Adjunct Principal Research Fellow in the College of Business and Law at RMIT. She has a background in research in the community and vocational education and training sectors and has worked with trade unions over many years. Fiona has written extensively on women, work and industrial relations, including on social care employment, insecure work, wage theft, gig work and contracting, equal pay, collective bargaining and low-paid workers. In 2021, her book *Individualising Risk: Paid Care Work in the New Gig Economy* was published by Palgrave Macmillan.

Fiona is a proud member of the ASU. The ASU is very proud to represent workers employed at The Australia Institute.



Karen is a researcher at the Centre for People Organisation and Work at RMIT. Karen's interests include workers in precarious employment with a focus on disability support workers, union organising, worker voice especially through trade unions, trade union renewal in Australia and internationally, gender pay equity and decent work. Karen is a proud member of the NTEU.



# The pandemic has shown us – it's time for a fresh start and a new way

*Author: Joanna Quilty*

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It's not often that comfortably off Australians face discomfort and scarcity in their daily lives. Most of us generally have a sense of control over our day-to-day existence and don't have to make trade-offs to keep our families safe and healthy.

But for a brief moment in 2021, COVID-19 gave us all a glimpse into the lives of those who regularly do it tough. Lockdowns meant forgoing catch-ups with family and friends; feeling the walls close in and tempers fray from too many people stuck at home; the discomfort of queueing for hours for health tests, searching in vain for affordable RATs and running out of essential items but not being able to restock them.

It wasn't pleasant, but it was short-lived. And it provided a small window into the hardship and distress that is the daily reality for Australians living in poverty – such as those on income support or in low-waged, precarious work.

Almost 900,000 people in NSW live below the poverty line. This includes over one in six children in our state, for whom there will be lifelong consequences. Aboriginal and Torres Strait Islander Australians are disproportionately impacted – on standard indicators, they are two to three times worse off than non-Indigenous Australians.<sup>1</sup> And these figures are from pre-pandemic times, drawn from the last census and so most likely under-representative of people in NSW doing it toughest.

We know that the COVID economic downturn hit some locations and groups harder – that it has increased already high levels of housing stress across our suburbs and regions; placed the most disadvantaged kids at further risk of poor outcomes; and that not everyone is benefitting from the bounce-back.

Analysis by Equity Economics on behalf of NCOSS and other peaks found that women have borne the brunt of the pandemic, including worsening housing insecurity, greater job loss (impacting women in Western and South Western Sydney the most), and a rise in reports of domestic violence. It estimates that there are 4, 812 women in NSW who are forced to stay in a violent relationship or face homelessness because of lack of affordable, safe and secure housing.<sup>2</sup>

But when it comes to voting in the federal election, these issues are generally not front and centre, they are not 'vote winners'. The concerns of those doing it toughest, and the policy responses that would make a difference, are not the 'make or break' issues.

Maybe this isn't surprising given, to borrow an over-used phrase, we are talking about people who really are the 'quiet Australians' – too consumed by their struggles to stay safe, make ends meet, find a place to live, feed their families, or just get through the day, to be able to make a fuss.

A case of out of sight, out of mind.

It's the same when it comes to the social services sector. With governments continuing their retreat from direct service provision it falls to the large, diverse and highly dispersed NGO sector to be there, on the ground, for the people going through hard times, and to find solutions to intractable problems.

Yet despite being a critical part of the fastest growth industry in the country – healthcare and social assistance – and contributing \$15.4 billion in economic output in NSW alone,<sup>3</sup> the social services sector is generally not seen as a priority for strategic development, targeted investment or planned growth.

Witness successive Prime Ministers, Premiers, Ministers and MPs over the years – regularly donning hardhats to turn sods on transport projects, launch 10-point plans for the construction industry, or announce major investment to recharge domestic manufacturing.

But when it comes to the social services sector, a similar willingness – to champion its role, laud its contribution to the economy or single out its importance for the future – appears lacking. Instead, a 'set and forget' mentality applies.

It's no coincidence that the social services sector is highly gender segregated, with three out of four employees being female. Or that it has the third highest gender pay gap across 19 industries. At 20.7%, this is greater than, and contributes substantially to, NSW's overall gender pay gap of 14.5%.<sup>4</sup>

A consequence of viewing the work of the social services sector as an extension of women's unpaid work in the home is that it is undervalued and taken for granted; seen as a cost and not a worthwhile investment. As a result, wages that are at, or close to, the minimum wage are not uncommon. This, despite the post-school qualifications required, the complexity of the work and degree of skill involved in so many of the sector's roles.

A recent survey by NCOSS of over 560 sector workers in NSW found that 1 in 2 is contemplating leaving, with stress and burnout, a shortage of available positions, better pay and conditions elsewhere and lack of job security cited as significant impediments to building a long-term career.

Our survey found that the services where stress and burnout was most prevalent were child and family services (44%), homelessness and accommodation (25%), and domestic violence services (22%).

The survey was part of broader research highlighting soaring sector vacancy rates for NSW, up more than 50% in Sydney in the last 12 months; with one in ten childcare centres across Australia now operating under special conditions allowing reduced staff; and instances of aged care centres closing and residents moved because of an inability to fill positions.<sup>5</sup> It backs up the anecdotal evidence and reports from our members of the impossibility of finding staff and a looming workforce crisis.

In a vibrant sector made up of passionate, committed and highly skilled people that offers so many diverse opportunities and makes such an important contribution to individual lives, communities and our economy it shouldn't be this way. We should be capitalising on our sector's potential, not running it, and the workforce, into the ground.

There is another way. In amongst this gloomy picture, there is a pathway forward.

Our COVID experience has shown that, when we pull together, we can move quickly to find solutions to big challenges. That we can prioritise the wellbeing of the most vulnerable in our communities and do what's necessary to keep them safe. That 'can-do capitalism', market forces and an 'every man for himself' outlook will only take us so far. When push comes to shove, the greater good and public interest can prevail.

Our response to the pandemic was by no means perfect, but it delivered solutions, new partnerships and effective ways of working that could otherwise have been a long time coming.

During COVID, we saw JobSeeker payments doubled overnight, lifting households out of poverty and giving them the breathing room to get on with things and live a half-decent life. We saw burgeoning recognition of the social services sector as an essential partner in the response, and an appreciation of the role of trusted place-based organisations, their connections to community and their agility in responding to changing local needs.

We witnessed the miracle of funds allocated, decisions made and collaborative approaches deployed to house rough sleepers, keeping them out of harm's way with access to support.

We watched as government and the sector planned and collaborated together to ensure the wellbeing of vulnerable social housing tenants and minimise the need for whole estate lockdowns; source and distribute technology to disadvantaged households to keep kids engaged at school; and secure additional (albeit short-term) resources to enable NGOs in key locations to respond flexibly to rising demand.

The pandemic, and now the floods up north, underscore that it's not a top-down, command and control approach that does the job. Rather, it's on the ground relationships, connections, collaboration and cooperation that comes to the fore and saves the day.

We need our next Government to learn from these experiences, to build on the positives that came out of the pandemic and to reset the agenda; to tackle the big structural challenges that are driving inequity and the widening gap between the haves and the have-nots.

Let's demand a fairer, more inclusive Australia that gives everyone the chance of a decent life and doesn't leave people behind. Let's start with raising the rate of Job Seeker to above the poverty line, a plan to end homelessness, and massive investment in a long-term, national social and affordable housing construction program, along with tax reform to end financialisation of housing and its treatment as an investment rather than a home. If we can give people the foundations and tools they need to build a decent life, they'll get on with it.

For our sector, we want decent wages and conditions, commensurate with the dedication, skill and professionalism involved. We want adequate, long term funding that covers the real cost of service provision and provides for growth in response to rising demand, instead of relying on the unpaid hours and goodwill of exhausted, overworked staff. We want recognition and resourcing of the essential role of community organisations in disaster management, instead of taking their involvement as a given.

We want job security, development opportunities and career pathways for our highly skilled and experienced workforce – so that they can continue to work in the sector they love.

And we want investment and stewardship from a government that recognises our sector’s importance, values its contribution and sees it as intrinsic to a fair and inclusive Australia.

Whoever wins government, it’s time for a fresh start and a new way.

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Joanna’s focus at NCOSS is on developing the evidence base to contribute to sound and equitable public policy; raising awareness of the extent of poverty and disadvantage in NSW, the experience of vulnerable groups and the interventions that will make a difference; and ensuring a strong, valued community sector that is well placed to provide frontline support and collaborate with Government for a fairer, more equitable NSW.

Joanna joined the non-government sector in 2013, first as Director of Operations at Relationships Australia NSW and then as General Manager, NDIS Transition at mental health organisation Flourish Australia before taking on the role at NCOSS in 2018. Prior to the NGO sector, Joanna had an extensive career in the public sector spanning social policy and research, regulatory reform, infrastructure planning and delivery, and operations. She held senior roles at watchdog agencies ICAC and the Community Services Commission leading inquiries, exposing systemic issues and improving transparency and outcomes. Her ten years as a senior executive in the transport portfolio included over three years as Deputy Director General for Policy, Planning and Reform and a lead role in overhauling the metropolitan and regional bus service systems, reforming taxi regulation to improve customer outcomes and devising a more equitable, streamlined cross modal fares structure leading up to electronic ticketing.

The ASU is very proud to represent many of the people who work at NCOSS.

# Federal election 2022 – Key issues and asks for people with intellectual disability

*Author: Jim Simpson*

The Council for Intellectual Disability (CID) is a disability rights organisation led by people with intellectual disability. For more than 65 years we have been working to ensure a community where all people with intellectual disability are valued. We are NSW based but also speak out on national issues including as part of our national organisation Inclusion Australia.

In the leadup to the May election, we have campaigned hard for action on health inequalities and are pressing a range of other issues as well.

## Health of people with intellectual disability

People with intellectual disability face stark health inequalities leading to at least 38% of people dying from potentially avoidable causes and dying 27 years earlier than the general population. Prior to the 2019 election, we led a campaign for national action on these inequalities and the political parties responded.

CID applauds the *National Roadmap for Improving the Health of People with Intellectual Disability* which was launched by Health Minister Hunt in 2021. We applaud the Labor Party and Greens who have joined the Government's commitment to implementation of the Roadmap.

Leading up to the current election, we also wanted commitments from the parties to fund a National Centre of Excellence in Intellectual Disability Health. This Centre will be a key driver of action on the Roadmap.

We applaud the announcement on 20 April 2022 by Minister Hunt of funding for:

- Establishment of the National Centre (\$3m in 2022-23 and \$5m in 2023-24)
- Research on the health of people with intellectual disability (\$20m in 2024-25)

And we applaud the Labor Opposition for matching these commitments.

**We now call on the incoming government to continue robust action to implement the National Roadmap for Improving the Health of People with Intellectual Disability including by ensuring ongoing core funding of the National Centre of Excellence in Intellectual Disability Health.**

For more information, see the *End Deadly Disability Discrimination* campaign on our website.

## The NDIS

The NDIS can change the lives of people with disability by providing them with choice and control in their lives and funding for the support they need to live full lives in the community. The NDIS has fulfilled this promise for many people.

However, there are many problems with the scheme that are leaving people frustrated and poorly supported. In 2021, there was a fierce community response to flawed proposals to make independent functional assessments central to determining access to the NDIS and the money in people's NDIS plans. The government ultimately withdrew these proposals but now there are widespread reports of arbitrary cuts to people's plans and a soaring number of appeals to the Administrative Appeals Tribunal against NDIS decisions.

The disability community is strongly advocating for the incoming government to commit to continuing and fixing the NDIS.

CID supports:

- The Defend the NDIS campaign of Every Australian Counts
- Inclusion Australia's advocacy in relation to employment opportunities for people with intellectual disability with a focus on access to open employment and fair wages.
- The Down to 10 Days campaign to stop people with disability having to wait months or years for the support they need. For example, people are stuck in hospital because it is so slow to get NDIS support.

We also highlight two other key issues:

## The missing link in the NDIS

Right now, the NDIS is like an oasis in the desert. The only way people can get the support they need is to get a funded package as a participant in "Tier 3" of the NDIS. But there is supposed to be another part, called "Tier 2", to help people with disability even if they are not participants. If you can't get the support you need outside the oasis, of course you need to be on it.

In line with the original Productivity Commission report, we say that the next government should reinvigorate “Tier 2” of the NDIS, including:

1. A revamped national network of local area coordinators (LACs) who are available to all people with disability to help them access mainstream services and general community supports and with minor crises which impede their independence. The role of LACs needs to be shifted from participant plans to helping other people with disability.
2. Projects to enhance the capacity of people with disability to live independently and to build the capacity of mainstream services to meet people’s needs (Information, Linkages and Capacity Building projects – ILC). To date, these projects have often been poorly targeted. We welcome the recent review of the ILC by Swinburne University.
3. Recurrent funding of disabled persons and family organisations to assist people develop their capacity to take control of their own lives.

The design of Tier 2 needs to consider diverse needs, including the particular needs of Indigenous Australians and children.

Our view on Tier 2 is consistent with *advice provided by the NDIS Independent Advisory Council to the NDIA Board and the government*. In July 2021, the IAC called for 1% of the NDIS budget - that is about \$270 million a year - to be devoted to Tier 2.

Tier 2 would work alongside the new Australian Disability Strategy which focuses on all levels of government taking responsibility for mainstream services being accessible and appropriate for people with disability.

**We call on the political parties to commit to funding a reinvigorated Tier 2 of the NDIS including local area coordinators, funded projects and disabled persons and families organisations.**

### **Barriers to the NDIS for people in the criminal justice system**

The Disability Royal Commission has highlighted barriers preventing people with disability in the criminal justice system from accessing NDIS supports. For example, the NDIS funds supports for “challenging behaviour” but not “offending behaviour”, which the NDIA claims to be the responsibility of the justice system. This is a false distinction. “Challenging behaviour” does not magically stop being related to inadequate disability support just because a person is charged with an offence or imprisoned. All too often, people get into trouble with the police because of the inadequacies of their disability supports.

NDIS barriers lead to people being stuck in prison because they do not have “reasonable and necessary” accommodation and support available in the community.

**We call on the political parties to ensure that people with intellectual disability who have committed offences have full and fair access to the NDIS like anybody else.**

### **COVID and disaster planning**

The Covid pandemic and terrible bushfires and floods of recent years have highlighted the need for government disaster and emergencies planning to squarely accommodate the needs of people with disability.

We support the *Leave No Australian Behind in Disasters and Emergencies* campaign led by People with Disability Australia and Queenslanders with Disability Network.

Also, Covid continues to have major impact on people with intellectual disability. If people are not vaccinated or find it hard to understand social distancing and other Covid safety practices, they are at risk of serious illness and death, and major restrictions on their access to the community.

Two particular problems are:

- The continuing gap in vaccination rates between people with disability and the general community. NDIS participants over 16 lag behind the general community in double vaccination rates by nearly 10% (86% compared with 95%).
- Very few people with intellectual disability are eligible for a fourth vaccination shot unless they are living in group supported accommodation. It is inconsistent that anyone aged over 65 is eligible for the fourth shot but not people with disability who are at risk due to factors including their wide range of health conditions.

**We call on the political parties to close the gap in vaccination rates between people with and without disability and to make fourth vaccinations available to all people with disability.**

### **Increased funding for disability advocacy**

We welcome the *Disability Advocacy Futures Programme* of the NSW government which has provided increased access to advocacy in relation to state issues.

However, federal government funding of advocacy remains deficient, in particular, to meet the high and increasing need for individual advocacy relating to challenges dealing with the NDIS and appealing NDIS decisions.

**We call on the political parties to commit to increased funding of disability advocacy.**

## The right to vote

Right now, a person can be stopped from voting in federal elections if they are of “unsound mind”.

CID is one of 65 organisations who have *called for reform* of this offensive and discriminatory provision.

**We call on the political parties to commit to reform of the “unsound mind” provision in the Commonwealth Electoral Act.**



Jim Simpson is a lawyer who has worked in the disability field for thirty years, including his current role as Senior Advocate for NSW Council for Intellectual Disability and - A presiding member on the Guardianship Division of NCAT. Jim has also been a long-term member of the NSW Mental Health Review Tribunal, Deputy President of the NSW Community Services Appeals Tribunal and Principal solicitor and coordinator of the Intellectual Disability Rights Service. Jim describes himself as semi-retired, but when working in the community sector, was a proud ASU member.

The NSW Council for Intellectual Disability is a peak advocacy service, whose vision is for a community where all people with intellectual disability are valued. We believe people with disability should have the same opportunities as everyone else. We work to build a community that protects rights, includes everyone and supports people well.

The ASU is very proud to represent many of the people who work at NSW Council for Intellectual Disability



# Peak Disability Organisation Seeks Federal Election Commitments Around Safety, Security and Support For People With Disability

*Author: People With Disability Australia*

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Disability advocates want the next federal government to deliver people with disability better protection from COVID, better jobs and financial security, better housing and better support through the National Disability Insurance Scheme. Australia's national peak disability rights and advocacy organisation People With Disability Australia has released its *2022 Federal Election Platform* which outlines issues across seven policy areas which the organisation will be advocating on throughout the election campaign. The platform was developed following consultation with PWDA members and has been sent to all major parties and key independent candidates. Their responses will be communicated to PWDA members and supporters over the coming weeks.

PWDA President Samantha Connor said 'the issues we're campaigning on are critical to people with disability living their lives equally in society and the economy, just like everyone else. Over the last three years, people with disability have been left behind in many ways. We were deprioritised during the COVID pandemic, our NDIS has been savaged, our financial security and employment options remains extremely limited, and many of us continue to experience segregation, discrimination and abuse by disability housing and support providers who often put profit over people by not centring our individual needs. The aged care and disability Royal Commissions have and will make recommendations that need to be implemented to better protect our health and rights, we need a much more inclusive education system so people with disability can learn in ways that suit us, and we must address ableism with positive and diverse representation of people with disability.

The seven areas we're focusing on during the campaign are in direct response to these concerns. When actioned, the commitments we're seeking from the major parties and key independents will significantly improve how people with disability are protected, supported and valued. 1 in 5 Australians live with disability, so we're a significant part of the population. Add in the families and carers of people with disability and you've got a massive voting bloc that can potentially swing election results.

"We encourage all the parties and candidates we're surveying to get their responses to us as soon as possible so we can present their commitments in a timely manner and give people with disability as well as their families and carers the opportunity to make a properly informed decision about their vote. Throughout the campaign we'll also be keeping our members and supporters updated about all important matters related to the election as well as information about their voting rights, how to lodge their vote and how to access information about commitments that candidates and parties are making in relation to people with disability."

## The PWDA Election Platform:

We welcome the *Disability Advocacy Futures Programme* of the NSW government which has provided increased access to advocacy in relation to state issues.

### Health and wellbeing

- Prioritise the safety and protection of all people with disability in all disasters, including the current COVID-19 pandemic
- Commit to implementing the disability sector's call for increased protection for people with disability during the COVID-19 pandemic.

**Background on health and wellbeing:** Many health issues impact people with disability. However, the impact of the COVID-19 pandemic is of paramount concern. The variant waves which continue to sweep across our nation are putting our lives and health at unacceptable risk with increased danger of infection, massive support worker shortages, and very limited access to regular testing. Despite being at much higher risk, people with disability were actively deprioritised for protection during the various lockdowns of 2020 and 2021

- Commit to funding the disability sector to co-produce a detailed plan for protecting the health and wellbeing of people with disability in a world



where we must now live with COVID-19. the current 'let-it-rip' approach to easing restrictions has been a disaster for people with disability, with many in the disability community feeling like they're acceptable collateral damage in the race to return to normal.

We've been advocating for decades for better outcomes for the disability community, but we keep on being left behind. For a country as wealthy and developed as Australia, people with disability expect and demand that our governments keep us safe. COVID is now set to be an endemic health issue which means we need to learn to live with the virus. This clearly presents a range of vital health, social and economic concerns for people with disability. Australia needs a plan which provides a comprehensive and practical approach to protecting people with disability from COVID in the months and years ahead. What we're seeking is the resolve and funding to secure the health and safety of people with disability now and into the future.

### Employment and financial security

- Provide life-long access to the Disability Support Pension
- Abolish barriers to accessing Centrelink's Disability Support Pension, including fixing the DSP Impairment Tables.

#### Background on employment and financial security:

It's expensive to live with disability and chronic illness. Only about 10% of us have access to National Disability Insurance Scheme (NDIS) supports, so issues related to employment and income are essential to our health, wellbeing and full and equal participation in society. People with disability need to have economic independence, which means enough money to have an adequate standard of living as well as the right to work and be paid properly, as per *articles 19, 27 and 28 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)*.

- Get rid of the Basics Card, Cashless Debit cards and all forms of compulsory income management Employment
- Deliver more effective pathways to employment that are co-designed with people with disability and take into account the needs of all people with a disability. However, 1 in 2 Australians with disability are unemployed because we face many barriers to finding and keeping a job, including long-standing issues with the Disability Discrimination Act 1995.

Australia's current *Disability Employment Services* program is making little progress in addressing these barriers, and many people with disability remain segregated in Australian Disability Enterprises where they're paid as little as \$1 an hour with no pathway to employment within the mainstream workforce. For

those Australians with disability who are unable to, or have partial capacity to work, Australia has the second highest risk of relative poverty in the OECD. We need security of income so we can continue to maintain our health, live with dignity and be free from poverty. This means we need certainty of access to an adequate *Disability Support Pension (DSP)*.

### Inclusive homes and communities

- Address the urgent issues within housing, including the National Disability Insurance Scheme homes and-living supports such as Specialist Disability Accommodation and Supported Independent Living.

#### Background on Inclusive homes and communities:

Many people with disability live in poverty, struggle in unaffordable housing, or are languishing in congregate settings and institutions. Many of us also require accessible housing so we can live like others in the community. However, there has been no real outcomes for decades in relation to affordable and accessible housing for people with disability, despite this being a primary goal of the previous *2010-2020 National Disability Strategy*. As a result, many living with disability are being forced to stay in group homes, large institutions, or boarding houses, which are places they do not want to live.

- Commit to the recommendations in our *Disabled People's Organisation Australia Segregation Position Statement* on segregation of people with disability.
- Invest in accessible, affordable and contemporary social housing. We have a right to live independently in suitable, accessible, affordable and contemporary housing in the community, just like people without disability. We need a real commitment with accountability to ensure people with disability are housed appropriately and we need to see that actioned via the new *Australia's Disability Strategy 2021 - 2031* along with a broader national disability housing plan that prioritises universal design.

#### Rethinking Specialist Disability Accommodation (SDA) in the National Disability Insurance Scheme is also a priority.

The current SDA provisions and limits with Supported Independent Living are forcing many of us into unsuitable and unregulated accommodation where the housing provider can also be the provider of support services, a clear conflict of interest that disempowers us and exposes us to greater risks of violence, neglect, exploitation and abuse.

### Safety, rights and justice

- Implement the recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, including the

interim recommendations of the Disability Royal Commission.

**Background on Safety, rights and justice:** People with disability are at increased risk of violence at home in and in the community. We need to feel safe and be safe in the places we live, work and take part in everyday activities. Thanks to the work of three Royal Commissions, we know the kind of action that needs to be taken to keep us safe. The next Australian Government must implement the recommendations of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC)* and the *Royal Commission into Aged Care Quality and Safety (ACRC)* and the *Royal Commission into Institutional Responses to Child Sexual Abuse (IRCSA)*.

- Implement the recommendations of the Royal Commission into Aged Care Quality and Safety.
- Implement the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

The DRC has found the segregation that people with disability experience in education, homes, employment and day programs can lead to violence, abuse, neglect and exploitation. It's time to take up the disability sector's campaign call and *#EndSegregation* to improve our safety.

The DRC has noted unauthorised restrictive practices are still allowed across the country, where people use medicines and physical restraints to keep us under control. This breaches our international human rights under *Article 5 of the UN Convention on the Rights of Persons with Disabilities* and doesn't justly address the contested notion of 'behaviours of concern'. The Government should also be working to replace substitute decision-making regimes with supported decision-making systems.

The ACRC wanted people in aged care to be free from mistreatment, neglect and the harm of bad care. It also wanted proper complaint mechanisms. These things still need to happen. Australia needs to make the places people with disability live their lives much safer.

### Personal and community support via the NDIS

- Commit to full and transparent co-design processes for any planned or proposed changes to the National Disability Insurance Scheme, including planned or proposed legislation.

**Background on Personal and community support via the NDIS:** *The National Disability Insurance Scheme* was meant to transform the way people with disability receive supports that allow us to participate in the community fully and equally. While the scheme has been a success in many ways, it's still not performing as intended and so Australia is breaching our relevant

commitments as per the *United Nations Convention on the Rights of Persons with Disabilities*. The NDIS is still not underpinned by transparent, accountable fair mechanisms. It doesn't have secure, transparent long-term funding. And despite having NDIS plans, people with disability are still living in unsuitable congregate housings such as nursing homes, boarding houses, hospitals and group homes.

- Remove barriers to accessing the NDIS for marginalised communities, especially migrants and refugees, and ensure people with disability who are not able to access the NDIS, are able to do so.

Access to the NDIS for eligible people with disability is a human right and is underpinned by Australia's obligations under the CRPD. This means all people with disability eligible should have access, regardless of place of origin. We deserve a secure, sustainable NDIS and appropriate NDIS plans and funding. Without supports and services, we are at increased risk of harm or worse. We all need the NDIS to get back on track and do its job for people with disability. The NDIS, when performing as intended, will support our full participation in society as well as the economy. Ensuring the NDIS is efficient, effective and fit for purpose into the future is a win-win for all Australians.

### Education and learning

- Implement Driving Change: A roadmap for achieving inclusive education in Australia developed by the *Australian Coalition for Inclusive Education*.

**Background on Education and learning:** Just like every other Australian, people with disability are entitled to a general education, where we're treated equally. However, many of us still experience discrimination at all levels of the education system. Our right to an inclusive education is an international human right found in *Article 24 of the UN Convention on the Rights of Persons with Disabilities* to which Australia is a signatory. The next Australian Government must commit to making our education system truly inclusive. *The Australian Coalition for Inclusive Education* has developed a *Driving Change Roadmap*. This pledge involves Australia becoming a just society, with an education system for all, where people are welcomed in an inclusive environment where diversity is respected, and people's access needs and participation goals and outcomes are addressed and valued.

Pledging to support inclusivity involves encouraging funding and support for places where we can thrive, including mainstream education facilities that welcome students with disability. Our next government must commit to the *Driving Change Roadmap* so people with disability can experience all the benefits of an inclusive education across the country – in our primary schools, high schools, TAFEs and universities – so we can aim for, and secure, great jobs and good salaries.

## Community attitudes

- Co-design and develop a national anti-ableism campaign to address ableism, negative attitudes, discrimination, misconceptions and bias against people with disability, including in employment.

**Background on Community attitudes:** People with disability encounter ableism and discrimination every day. For us to equally participate on a level playing field with other Australians, we need workplaces and home environments that are free from ableism. We need all settings and places to embrace us and welcome the reasonable adjustments we need to participate equitably in our society and economy. That's why we want the next Australian Government to commit to a national campaign to combat ableism, and the negative attitudes, misconceptions and bias that come with it.

- Improve visibility and representation of people with disability through targeted opportunities in all sectors including community organisations, business, politics, media, sports and the arts. *Article 8 of the UN Convention of the Rights of People with Disabilities* requires exactly this kind of commitment from National Governments. Canada did it, we can too.

We also want action to improve our visibility and representation in the community. We need back-up from government so we can take part – and be seen to be taking part – in everyday life, in the political arena, the media, in the sporting arena and in the arts. When we get involved in things, we play an instrumental, important and influential role in the community, and community attitudes towards us improve. Our next Australian Government must help people with disability become more involved in society by creating targeted opportunities for us to step forward and step up. Our participation in everyday life will help reduce discrimination, create meaningful change and improve attitudes towards us. And importantly, it'll help people leave behind the ableist attitudes that hold us back.

## PWDA Contact information:

We welcome enquires and feedback about our 2022 Federal Election Platform from our members, supporters and sector partners. To discuss any relevant issues, please contact our Policy Team:

**[policy@pwda.org.au](mailto:policy@pwda.org.au)**

1800 422 015

(02) 9370 3100

(02) 9318 1372

You can read and download the *PWDA 2022 Federal Election Platform* on the PWDA website.

People with Disability Australia (PWDA) is a national disability rights, advocacy and representative organisation that is made up of, led and governed by people with disability. We have a vision of a socially just, accessible and inclusive community, in which the human rights, belonging, contribution, potential and diversity of all people with disability are recognised, respected and celebrated with pride. We believe in the inclusion and representation of people who are vulnerable and those who are affected by the intersecting drivers of marginalisation and exclusion, including not restricted to race, religion, ethnicity, indigeneity, disability, age, displacement, caste, gender, gender identity, sexuality, sexual orientation, poverty, class and socio-economic status. Our members are people with disability, and organisations made up of people with disability. They are actively involved in PWDA, electing a board of people with disability every year. Many of our staff members are also people with disability.

Founded in 1981, the International Year of Disabled Persons, People with Disability Australia provides people with disability with a voice of our own. We have a cross-disability focus representing the interests of people with all kinds of disability. We are a non-profit, non-government organisation. We work across Australia. PWDA also represents people with disability at the United Nations, particularly in relation to the Convention on the Rights of Persons with Disabilities and are a designated Disabled Persons Organisation.

ASU is very proud to represent many of the people who work at PWDA, including those who work in the Policy Team, Systemic Advocacy Team, the Individual Advocacy Team and the Communications Team, all of whom have contributed to this piece of work.



# LGBTIQ+ community wants political parties to deliver equal rights

*Author: Equality Australia*



National LGBTIQ+ group Equality Australia has warned parties and candidates to stop using LGBTIQ+ people as a “political football”, revealing one in three LGBTIQ+ voters is either undecided or considering changing their vote this election. The response follows comments by the Prime Minister endorsing the Liberal Party’s Warringah candidate, Katherine Deves’ efforts to ban women and girls who are trans from women’s sport. The group’s CEO, Anna Brown, warned that “politicians must learn that there is nothing to be gained by refusing to stand up for LGBTIQ+ people or using debate about our lives to score cheap political points. The political parties that wish to form government this coming election must commit to governing for all Australians, and to ensuring that every person in Australia can live their life, with dignity and respect, no matter who they are, or whom they love.”

Equality Australia has released a landmark survey of the voting intentions and election priorities of LGBTIQ+ people, providing an indication of the voting intentions of at least 850,000 voters, revealing that parties and candidates have an opportunity to regain support of a significant voting block by committing to act on LGBTIQ+ issues.

The survey of almost 7,800 people – including over 5,600 LGBTIQ+ people – is the first of its kind in Australia, revealing that one in three LGBTIQ+ voters is either undecided or considering changing their vote this election. Around one in five LGBTIQ+ respondents that voted for Liberal, National, Labor or the Greens last election are reconsidering their vote this election. Thirty percent of undecided LGBTIQ+ voters that responded to the survey live in regional areas, with the remainder in capital cities or metropolitan areas, and 94.7 percent say LGBTIQ+ issues will be important in determining who they vote for.

Anna Brown says the survey demonstrates that at this election, “candidates cannot afford to take LGBTIQ+ voters for granted”, pointing out that “a series of divisive debates focused on the lives of LGBTIQ+ people” has led many of the community to become “sceptical” of the political parties and are yet to make up their mind about who they’ll vote for. She has urged parties and candidates to “address issues of concern to LGBTIQ+ people if they are to win back the support of the voters they’ve lost and to build support amongst those that are undecided.”

The survey released by Equality Australia found that the environment / climate change and LGBTIQ+ issues are the two most important issues for LGBTIQ+ people, followed by healthcare and the cost of living and wages. For undecided voters, LGBTIQ+ issues are the most important consideration in determining who they vote for, with the strongest support for removing religious exemptions in anti-discrimination laws, ending LGBTIQ+ conversion practices and ending unnecessary medical treatments on intersex people without personal consent.

Anna Brown said that the survey shows the LGBTIQ+ community “are deeply disappointed that federal law still allows religious schools to expel, fire or otherwise discriminate against students or staff because of their sexual orientation or gender identity, and that we are still subjected to harmful conversion practices that seek to change who we are”.

The survey also reveals widespread support for action on those issues that affect only some amongst the LGBTIQ+ community, showing that the wider community stands with intersex people who are still subject to unnecessary medical procedures to change their sex characteristics without their personal consent. It likewise recorded widespread support for trans and gender diverse people’s efforts to remove barriers to accessing gender affirming care.

Anna Brown said that “it’s been a rough year for LGBTIQ+ people”, referring to the Religious Discrimination Bill debate and the ongoing public debates about the lives of trans women in the lead up to the election “but in this federal election we’ve got an opportunity to ensure that whoever forms government delivers for our community.”

These were among the issues put to representatives of the political parties at the #EqualityVotes national LGBTIQ+ Election Forum, presented by Equality Australia, together with AFAO, Intersex Human Rights Australia, and LGBTIQ+ Health Australia last week.

The organisation is currently developing a scorecard comparing each of the parties LGBTIQ+ policies ahead of polling day.

Check out [equalityaustralia.org.au/federal-election](https://equalityaustralia.org.au/federal-election) for a copy of the Rainbow Votes 2022 report and stay up to date on Equality Australia’s election work by signing up at [equalityaustralia.org.au](https://equalityaustralia.org.au)

Equality Australia exists to improve the wellbeing and circumstances of LGBTIQ+ people in Australia and their families by:

- Relieving their distress and disadvantage
- Reducing the prevalence and relieving the effects of depression, suicide, anxiety, bullying and homelessness that they experience
- Reducing the stigma and discrimination they experience
- Advancing and promoting equality and inclusion and
- Enhancing their actual, and sense of, safety, security and acceptance. ‘We stand together and we stand proud because no one deserves to be treated as less-than for simply being who they are. Not the rainbow family. Not the trans teenager. Not the teacher or student just trying to go to school.’

Equality Australia works with gay, lesbian, bisexual, transgender, intersex and queer people to build the power, voices and influence of those communities to address their suffering. They also work in partnership with other organisations to achieve those aims.

The ASU is very proud to represent people who work at Equality Australia.

# A missed opportunity to invest in the security of low-income Australians

*Author: National Shelter and NSW Shelter*

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The national peak body representing the housing interest of low-income households says that the 2022/23 federal budget continues to ignore the needs of low-income and vulnerable Australians and again fails to invest in social and affordable housing. Emma Greenhalgh, Chief Executive Officer at National Shelter, said that at a time of a national housing emergency, there is nothing on offer from the federal government to address the housing circumstances of households in greatest need. The housing measures in the budget this year include the continuation of the Home Builder Scheme, and the enhancement of the Home Guarantee Scheme, including the expansion of the scheme in regional areas, and changes to the First Home Super Saver Scheme.

We are concerned that the only focus in this budget is on measures that provide fuel to an already inflated market. We need a suite of responses to address this housing emergency, not just one response. The government has spent more in the past 12 months supporting people to renovate housing than on providing funding for people who urgently need housing. This year's federal budget does not provide any new funding for social and affordable housing and does not match the enhanced contributions from state governments in recent years. We cannot find any recommended increase to Commonwealth Rent Assistance, which leaves low-income private rental households at the mercy of inflated rental markets.

The tax offsets and one-off payments to households to assist with cost-of-living expenses are insufficient to the scale of the problem for households to meet their increasing costs. The raising of the NHFIC liability cap by \$2billion to \$5.5billion will assist community housing providers deliver some more social and affordable housing. However, this is not a grant provided directly to community housing providers. Providers will still be required to source funding to building housing. National Shelter continues to call for a national housing strategy with additional investment in social and affordable housing. People tonight who are in housing distress or experiencing homelessness have been forgotten by this budget.

However, housing sector peak bodies representing low-income households and community housing providers have welcomed policy announcements by the Australian Labor Party as a timely recognition of the urgent need to tackle intensifying housing unaffordability.

While the media focus has been on the Help to Buy shared ownership scheme to assist lower and moderate-income households get on the housing ladder, Emma Greenhalgh said that shared equity purchase initiatives to facilitate lower income households into home ownership work. The West Australian government has been successfully running just such a scheme for over a decade. A welcome aspect of this approach is its potential attractiveness for people looking to re-enter home ownership as well as for potential first home buyers. This is critical, particularly for older women, facing housing challenges following a family separation when there had been joint ownership.

We know that cost of living pressures have been hitting renters particularly hard. We have just seen yet another report highlighting just how tough renting is for many Australians. Anglicare's nationwide survey of nearly 46,000 homes advertised for rent found the grand total of 720 (less than 2%) that were affordable to a single person on the minimum wage. So, the ALP commitment to develop a *National Housing and Homelessness Plan* provides a real opportunity to build our way out of this crisis.

National Shelter and CHIA have been calling for a national housing strategy for years. It needs to bring together the interconnected elements that make up the housing system to design one that responds to the housing needs of all Australians. Wendy Hayhurst, Chief Executive Officer at the Community Housing Industry Association, said the plan, the proposed supply and affordability council and the national housing agency - Housing Australia - aren't made for a media sound bite. But together they provide the necessary ingredients to move us towards solving housing unaffordability - good quality information, and a forum to bring partners together under national leadership. There is a lot to do, we know that social housing has reduced to less than one in twenty homes across Australia.

That's because public and community housing has grown by only 4% over the past 25 years while our population has increased by 30%. Only 1-2% of housing built each year is social and affordable housing – far short of the 16% we managed in 1950s and 1960s. Without a long-term national strategy, we're going to keep going backwards. National Shelter and CHIA call on all sides of politics to prioritise making housing affordable to all Australians and look forward to working with whoever forms the next government to achieve this. National Shelter's full suite of policy positions is available at <https://shelter.org.au/site/wpcontent/uploads/National-Shelter-Policy-Positions-FINAL-3.pdf>

The federal election on 21 May could be decided by any one of the very marginal seats in western Sydney. Western Sydney is in the midst of unprecedented growth, driven by the new 'aerotropolis' and infrastructure investment. It covers eight local councils, including: Penrith, Fairfield, Liverpool, Campbelltown, Camden, Wollondilly, Blue Mountains and Hawkesbury. Around 184,500 new homes will be delivered in Western Sydney by 2036. However, there are currently no appropriate affordable housing schemes in place or commitments to social housing. This is especially important as increased investment will likely increase house prices and rents, and this area has historically been a more affordable option for lower-income and family households.

National Shelter is a non-government peak organisation that aims to improve housing access, affordability, appropriateness, safety and security for people on low incomes. Since 1976, National Shelter has worked towards this goal by influencing government policy and action, and by raising public awareness about housing issues. National Shelter's aim is to work towards every Australian having access to housing that is:

- **Affordable** — people should not be left in poverty after they have met their housing costs
- **Adequate** — everybody is entitled to housing that meets basic standards of decency and their own basic needs
- **Secure** — people should not live under threat of loss of home and shelter
- **Accessible** — access to housing should be free from discrimination
- **In the right place** — housing should be located close to transport, services and support networks, job opportunities, and social and leisure activities
- **Able to meet their lifecycle needs** — people have different housing needs at different stages of their lives, and housing should be available to meet these changing needs.

The ASU is very proud to represent people who work at National Shelter and Shelter NSW.



# We need a federal government that will take the issue of family violence and trauma seriously

*Author: Kate*

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Kate is a member of the DVNSW Lived Expertise Advocacy Group. She provided this interview to the ACCDP as a part of our special election edition because she wanted to have her voice heard by those who will form government after the 21 May federal election.

I am very pleased to be able to contribute to this special edition of the Australian Journal of Community and Disability Practitioners. I had a career of more than thirty years as a professional caseworker and am now retired but still working as a volunteer with DVNSW. I gave up working before I retired so that I could be a full-time carer for my adult son, who is living very severe psychosocial disability as a result of the violence that we both lived with for so many years. He now lives with me full time.

Even though people are now starting to talk about family violence, I think there is still a real problem with the failure to recognize the long-term consequences of that violence. In particular, I think that there is a real failure to acknowledge or understand the impact on children.

As a professional caseworker I recognize in myself the impact of living with violence for so long. There is no doubt that I am still hypervigilant. I worry about things that would not bother most people. I have an overwhelming need to feel secure, especially in where I am living.

I no longer work or have a regular working person's income. Yet I still need to pay private rent. This has a crippling impact on my budget because living in Sydney is so expensive. I am not looking for anything amazing. I don't need to live in a palace. But I do need to live somewhere that is safe and more importantly, where I feel safe. This has been a real problem. I have been offered social housing, which would mean that I could spend much less of my very small budget on rent. But the housing that I was offered was entirely unsuitable. It was a very long way from where my adult sons live. As an older woman who has lived with violence and now caring for an adult son with severe post traumatic stress, I simply cannot live away from the people I need to feel secure. My son also needs to have his brothers close to him so that he can feel secure.

It has been almost impossible for me to explain the importance of this need for security to housing officers

and the other people I must talk with about my housing needs, income support and other things that people in my situation need.

I am not critical of the housing and Centrelink workers. How could they possibly know what it is to live with trauma if they have never experienced it, and have received no training in trauma-informed work?

I know that the issue of providing training in trauma-informed work was a priority raised at the national Women's Safety Summit in September last year. But honestly, I don't see any commitment from this federal government in their Budget or other announcements to providing that training for workers who are very often working with people like me, who have experienced violence or are still living with violence and trauma.

There are incredibly long waiting lists for social housing, so it is very hard when you are finally offered housing at an affordable rent but cannot accept because you know that you simply couldn't survive if you stay there. I am now over seventy-five years old and I am forced to rely upon my other two sons to help me just to pay the rent and eat. After so many years of violence and humiliation this is too much!

My son who lives with me experiences similar problems. He cannot bear to be shut up or confined. He is an adult man and needs to feel that he has space away from his mother. But he also needs to live with me for support after the abuse and trauma he witnessed and experienced himself.

Having to explain over and over again to housing officers what we have lived through and survived really is very traumatizing in itself. It's like having to prove ourselves, over and over again and live through it all again. This is so very damaging.

We come away from those interviews feeling that we have not been listened to or heard. We always feel hurt, humiliated, and traumatised all over again. It's as if they don't believe us. Yet as I say – how could they possibly understand if they have not been trained? We must have funding from the next federal government for specialist workers and specialist trauma informed training so that professionals who are likely to be working with people like me and my son – people who have lived with violence and trauma – know that they

will be listened to and heard and offered appropriate support.

There also needs to be proper funding for those workers. Having spent so much of my career as a caseworker, I know firsthand the impact of working with people who are living with violence and trauma. It can take an incredible toll on your own mental health and also affect your family. This is another thing that I know the National Women's Safety Summit talked about - the need for proper training and support for workers who are exposed to vicarious trauma. It is just not safe and not good enough for the government to expect those workers in the community sector to keep doing this life saving work but

Of course, it would be wonderful to have specialist trained workers. But this won't fix the problem of a very real lack of affordable housing. I just can't believe that after the Women's Safety Summit and all the other attention to violence against women over the past year, the federal government has still not committed to provide more funding for crisis housing and then medium- and long-term secure housing for people leaving violence. I just can't believe it!

I think if I were to sum this all up as what we need from the next federal government it would be these things:

- We need changes so that we have proper housing that is secure and at affordable rent – at the point of crisis, for the medium term and for the longer term. We should not be forced to pay rent in the private rental market – especially when we are on a fixed income. Older women are particularly vulnerable when they are in this situation.
- We need an income that we can live on at the point of crisis and into the longer term
- We need proper specialist workers, trained so that they can deliver trauma informed support to us and also getting the support they need as workers who are constantly exposed to trauma and vicarious trauma.
- We need mental health issues to be understood and not undervalued. There needs to be funding for community based mental health services – not just funding for GP's and psychiatrists or psychologists through mental health plans that still need us to pay upfront. This means understanding that psychosocial issues can be just as overwhelming as any other mental health or physical health issue. These issues need to be recognized by the NDIS.
- There need to be changes to our legal system. When a person has been charged with family violence and breaches of Domestic Violence Orders (DVO's) they should not continue to have access to children from that relationship. This is a very basic child protection issue.

- We need paid family and domestic violence leave so people living with violence can keep their jobs at those critical times when they are planning to leave violence.

So many people are living with violence or have been traumatised after leaving a violent relationship. So many people are impacted by these issues. Yet these issues never make it to the media. Having fought to stay alive and protect our children, we should not have to continue to fight to live with dignity over these very basic things.

Kate is the name chosen by the author to protect her identity as she still lives with the fear and trauma that marked her violent past. Kate is now retired from paid employment but continues to work as a very active member of the Lived Experience Advocacy Group at DVNSW. Kate's career was in the public and community sectors where she was always a proud and active union member.

DVNSW is the peak body for specialist domestic and family violence services in New South Wales. We work from a feminist, social justice perspective and recognise that domestic and family violence (DFV) is serious, prevalent and driven by gender inequality. Our vision for the future is one in which women, families and communities in NSW live free from violence, have equal rights, equal opportunities and the freedom to reach their potential. DVNSW is an independent, non-government peak organisation that provides a representative and advocacy function for specialist services and the women, families and communities they support.

ASU is very proud to represent many of the people who work at DVNSW.

# Restoring respect for the community sector

Speech to members of the Australian Services Union at Blaxland Community Centre on Tuesday, 15 March 2022

*Author: Senator Jenny McAllister*

I wanted to start by thanking the community sector workers here today.

This government may not appreciate the importance and value of your work, but I know that ordinary Australians do.

The past three years have placed an extraordinary burden on our community, and you have all stepped up to provide an extraordinary level of support.

From providing shelter and assistance to those who lost their homes in the 2019 bushfires, help to the sick, isolated and vulnerable during the pandemic, and now dealing with the devastation of the floods.

The work that you and your organisations have done has been nothing short of amazing. And it is all the more impressive given that it came after years where the Coalition Government seemingly did everything in its power to destroy capability in the sector. The Abbott/Turnbull/Morrison government has underfunded services, undermined organisations, and underpaid workers.

After all of that, the Australian community was lucky to have dedicated and capable community sector workers left to help us through the last few years.

It is clear, however, that we cannot afford another term of the neglect, hostility and disdain this government has shown the community sector.

An Albanese Labor government will reset the relationship with the community sector.

## **Meaningful consultation**

An important first step is actually speaking with the sector.

The community sector has been cut out of government processes. Successive ministers have appeared disinterested in consulting meaningfully with the sector, its workforce, or those who rely on it.

Throughout our time in opposition, Labor convened the Community Sector Partnership met for to bring together leaders from the community sector including service delivery organisations, researchers, workers and their representatives, and service users. Together

we have discussed priorities for policy reform and set a new agenda for working together to deliver positive social change.

In government we will work with the community sector to develop new arrangements, institutions ongoing processes for authentic and regular collaboration to inform and advise on the best approaches to tackling systemic, new and emerging community issues. This will include working with the community sector on timely public policy development as well as designing and delivering services. Labor will also work with the sector on improving funding models and strengthening sectoral governance.

Labor will create feedback and engagement processes with the sector that foster openness and transparency. This includes sharing relevant data with the sector openly and willingly in order to improve service delivery. We won't use participation in advisory working groups as a mechanism to gag community organisations from engaging in legitimate policy discussions.

Consultation doesn't mean consensus. Although we agree about a great many things, I can't promise that we'll always agree about everything, but we will hear each other. I believe that those informed and respectful conversations will make better and more effective policy.

## **A better funding process**

It is clear that the Liberals' approach to funding community sector organisations is not working.

While Labor remains committed to honouring existing contracts with community organisations, we are going to take a different approach to funding the sector going forward.

Critical to this is working out what is going wrong. One of our priorities if we obtain government will be an assessment of all of the Department of Social Services' funding models.

This is a first step in moving towards a grants program that is capable of identifying and properly funding some of the best that the sector has to offer. What would that look like?

Best practice will ultimately depend on the nature of the particular service we are partnering with the community sector to provide, but it should at least reflect a number of important principles:

- We should seek to support diversity amongst small, medium and large not-for-profits to ensure a vibrant sector. This will include increasing funding for local community organisations capable of marshalling the resources of local communities.
- The delivery of community services is largely not a commercial undertaking. In most circumstances it will not be appropriate for funding arrangements to be commercial in confidence.
- Advocacy should be recognised as a key component of the work of the community sector, and funding agreements should not include barriers to advocacy such as gag clauses.
- For-profit providers should not receive funding for essential frontline services such as homelessness, domestic violence and emergency relief.
- There should be appropriate incentives for programs with a strong evidence base.
- Where appropriate, funding should include proper and transparent indexation, so community organisations do not see the real value of their grant drop away during the term of the grant.
- Funded organisations must respect minimum award pay and conditions. Poor IR practices should be a relevant consideration in funding decisions.

### **Longer, more stable funding cycles**

Best practice should also include a move to longer term funding for ongoing services. Frequent retendering of grants programs is unproductive. That is a criticism shared by community organisations, community workers and their representatives, service users, us, the productivity commission – basically everyone except the present government

A Labor government will move towards longer, more stable funding cycles that reflect its commitment to providing quality services that deliver lasting benefits for communities. In many instances, services may be best delivered through 6-year contracts but there are some instances where longer or shorter time frames are appropriate.

This transition involves more than just longer contract terms – it requires investment to develop capability within the sector and within government.

Longer contract terms represent an investment of trust in an organisation. Organisations need to develop the internal systems capable of honouring that investment.

The shift also requires active contract management. At its worst, frequent retendering serves as a substitute for proper contract management by an overstretched and under resourced Department. We need to address this dynamic by ensuring the Department of Social Services has a proper partnership with the delivery organisation and a strong understanding of the way the services are delivered.

Our public servants are more than up to the task. Empowering the Department to do this, though, requires us to work against 9 years of efficiency dividends, wage freezes, and neglect.

It is a challenge worth undertaking. The benefits of more secure funding extend to an organisation's workers and end users. Changes to service providers are very disruptive to clients.

Labor also expects that longer contract terms should give organisations the funding certainty they need to adopt more secure employment practices, including full time and permanent employment where appropriate.

### **Recognising the significance of government funding**

Finally, government must recognise and accept the central role it plays in the finances of many community sector organisations.

In some parts of the community sector, government is the only real purchaser of services. The amount government pays for those services is of systemic importance.

The funding provided to an organisation should reflect the efficient costs of providing the services it is contracted to deliver. This is not a licence for organisations to spend freely and expect the government to cover their costs. After all, a dollar that is wasted is a dollar that could have been spent helping vulnerable people and families. Labor recognises, however, that we should not be asking community sector workers to subsidise the provision of services.

Community sector workers deserve to be paid a fair wage. Labor considers that a competitive dynamic driven exclusively by competition on Labor costs is ultimately unhelpful to the people the service seeks to serve, not to mention the workers who provide that service. It is a dynamic that can be avoided by ensuring tenders and grant programs are sufficiently and appropriately funded to provide for adequate and safe staffing levels, and fair and reasonable wages and conditions (including leave, such as Paid Domestic Violence Leave).

This is critical for the sector and intersects more broadly with questions of pay equity. The community sector is a female dominated sector. Almost a decade ago, many of the people in this room won a hard-fought battle to have the value of this work recognised through the Equal

Remuneration Order. We know that many older women retire into poverty. Without proper pay and conditions today's generation of community sector workers may become tomorrow generation of community sector clients. We can't consider our funding decisions in isolation – community sector funding has the capacity to have a real impact on the gender pay gap.

### **Where to from here**

It took years of chronic underinvestment by the government to bring the sector to where it is today. I'm not going to pretend that we can undo the damage overnight, but I am confident that together we can undo it.

The principles I've discussed today – fairer funding, better tender processes, meaningful consultation – are different ways of achieving the same outcome. They are all part of the development of a genuine partnership between government and the community sector. It is a partnership that the community deserves.



Senator Jenny McAllister is an Australian Labor Party Senator for the state of New South Wales and Labor's Shadow Cabinet Secretary, Shadow Assistant Minister to the Labor Leader in the Senate and Shadow Assistant Minister for Communities and the Prevention of Family Violence.

Jenny is passionate about economic change for a just society, creating opportunities for community participation in politics, working towards gender equality and taking action to reduce our emissions and build a low carbon economy.



# Reconnecting Australia

A speech to members of the Australian Services Union at Blaxland Community Centre on Tuesday, 15 March 2022

*Author: Andrew Leigh MP*

Australia has changed markedly in the last generation.

If you go back to the mid-1980s, the average Australian had twice as many close friends and knew twice as many of their neighbours.

Compared to then, we've seen a drop in the level of volunteering. We've seen a decline in the number of community organisations in Australia.

We've seen a fall in membership of those mass organisations. We've seen a drop in church attendance, union membership and membership of sporting clubs.

In short, Australia has become disconnected.

Just as we've seen a rise in inequality and growing gap between rich and poor, so too the past generation has seen a decline in the engagement of Australians, one with another. To put it simply, we've become less a country of 'we' and more a country of 'me'.

Now I don't hold the Abbott-Turnbull-Morrison Government solely responsible for that, but I do hold them responsible for so much of what they've done since they came to office. If they'd had their way, then the Australian Charities and Not for Profit Commission - a body recommended by a dozen inquiries, which called for a one stop shop for charities - would have been abolished. The only reason that the ACNC wasn't abolished on Tony Abbott winning office was that they couldn't get it through the Senate. They introduced an abolition bill to the House of Representatives, but strong advocacy from Labor, crossbenchers and the community sector meant they couldn't kill off the charities commission.

But they began to undo a lot of the work we'd put in place through the Rudd and Gillard Governments. Not only had we built the charities commission, but we'd also passed amendments ensuring that there wouldn't be gag clauses in federal contracts. Immediately on winning office, Tony Abbott set about putting gag clauses back into agreements with community legal centres. When he was immigration minister, Scott Morrison cut funding to the *Refugee Council of Australia*, on the basis that he didn't think advocacy was something that the government should have been funding. We've seen attacks on charitable advocacy among environmental sector and anti-poverty charities as well. This is coming from a government that takes

the approach that charities and not for profits should be seen and not heard, that they have no business interfering in the hard work of public policy, which should just be left to those in government.

And it's that approach which led them to pick the current head of the *Australian Charity and Not for Profit Commission*. Gary Johns is somebody who made his name as the charities critic. He talked about there being a good deal of what he calls 'impure altruism' in among charities. He's called Indigenous women 'cash cows'. He's criticised *Beyond Blue* and *Recognise*. And it's telling that the government chose the hours after the same sex marriage vote had passed the parliament to announce that they were appointing Gary Johns as head of the charities commission, succeeding the well-respected Susan Pascoe, who headed the charities commission since its inception.

Under Gary Johns, we've seen an increasing centralization of power in the charities commission and increasing attacks on charitable advocacy. Over the course of nearly nine years of Coalition government we've seen three open letters from charities to successive Liberal prime ministers, calling on them to stop their attacks on the charitable sector.

There is a war on charities going on, and you've been on the frontlines of that war. But it's coming at the worst time. This is a moment where there are many challenges for Australia to face. We have climate change, and its clear manifestation in extreme weather events. We've got growing inequality and job insecurity, and we need to respond to that. We've got huge crises in the age care and disability care sector, where we need you to step up and we need government alongside that.

And there is a clear historical track record that shows that advocacy really matters. You look back to those extraordinary figures in history, Martin Luther King and Nelson Mandela. Now all sides of politics would like to claim them, but when my conservative friends want to claim them, I'd like them to also accept that these were two great unionists who were out there supporting the rights of workers, who understood that public advocacy was absolutely critical.

And it's in that very same spirit that we need to ensure that social change is pushed by the community sector. You only need to look at *Every Australian Counts*

campaign, that helped build community support to coalesce around the National Disability Insurance Scheme. Or the Yes! campaign for marriage equality, which brought together an extraordinary range of views and transformed public opinion, from majority opposing same sex marriage to a vast majority supporting it.

Those sorts of campaigns to me are quintessentially the work of the charity and not for profit sector, and I see no reason why they shouldn't be strongly supported.

So as part of the announcement that we're making today, we're saying very clearly that gag clauses should no longer be a feature of the Australian landscape. That builds on what we did in government, and it means that we will go through and look where possible at those agreements and ensure that gag clauses do not exist where possible and are certainly never enforced under a Labor Government.

We value your voices. We love them when you're speaking out in agreement with us, but we respect them when you're speaking out in disagreement. You only need to look at Labor's last term in government to give you oodles of examples in which people in the charity and not for profit sector were criticising the government. That's a good thing. That's a healthy democracy. That strengthens our democracy, and gag clauses are the very anathema to that.

We also want to make sure that advocacy has is a public purpose. We're looking at options around a Not-for-Profit Freedom to Advocate Act, around ways in which the Australian Charities and Not for Profits Commission engages with the charitable sector, about the work that the public service does and their recognition of the importance of public advocacy.

It's a range of levels we've got to work through, but there's a clear principle that underlies, and that principle is that we want your voices to be heard in the public square. We think you have a right to be there and want to hear more from you in those important public debates.



Andrew Leigh is the Shadow Assistant Minister for Treasury and Charities, and Federal Member for Fenner in the ACT. Prior to being elected in 2010, Andrew was a professor of economics at the Australian National University. He holds a PhD in Public Policy from Harvard, having graduated from the University of Sydney with first class honours in Arts and Law. Andrew is a past recipient of the Economic Society of Australia's Young Economist Award and a Fellow of the Australian Academy of Social Sciences. Andrew is the father of three sons - Sebastian, Theodore and Zachary, and lives with his wife Gweneth in Canberra. He has been a member of the Australian Labor Party since 1991.

His books include *Disconnected* (2010), *Battlers and Billionaires: The Story of Inequality in Australia* (2013), *The Economics of Just About Everything* (2014), *The Luck of Politics* (2015), *Choosing Openness: Why Global Engagement is Best for Australia* (2017), *Randomistas: How Radical Researchers Changed Our World* (2018), *Innovation + Equality: How to Create a Future That Is More Star Trek Than Terminator* (with Joshua Gans) (2019), *Reconnected: A Community Builder's Handbook* (with Nick Terrell) (2020), and *What's the Worst That Could Happen? Existential Risk and Extreme Politics* (2021).

Andrew is a keen triathlete and marathon runner, and hosts a podcast called *The Good Life: Andrew Leigh in Conversation*, about living a happier, healthier and more ethical life.



# Women are being ignored in this election (again!) - that needs to end

*Author: Senator Larissa Waters*

All the pundits had this pegged as an election about women. We have had more than two years of a pandemic that magnified our existing socio-economic inequalities, including gender inequality, accusations of sexual assault against Cabinet members and shocking accounts of assault, harassment and discrimination in parliament, amongst school students, and across so many workplaces, a stagnant gender pay gap, exorbitant childcare fees, and still one woman a week being killed by a current or former partner. Thousands and thousands of women and allies marched, signed petitions, formed alliances, and put their hand up for election.

The scene was set for issues of gendered violence and the inequality that drives it to finally feature heavily in an election campaign and force the major parties to demonstrate a genuine commitment to change. And yet these issues have barely rated a mention so far.

When confronted about this lack of attention, Minister for Women's Safety, Anne Ruston, responded that "no government has done more for women than the Morrison government". The same Minister, when asked about the lack of spending on women in the 2021 budget, suggested that women could take advantage of the infrastructure spending as "women use roads, too".

It could not be clearer that this government just doesn't get it. It remains a boy's club that will protect its own, one reluctant to forgo the benefits entrenched sexism has delivered for its members (at the expense of everyone else), and one that offers scraps to women and seems affronted when we're not grateful enough.

So, why are women angry, and what should we be able to expect from the next government?

## Violence against women

Violence against women, including physical, emotional, financial abuse and coercive control, is a national crisis. Australia's first National Plan to Reduce Violence Against Women and Their Children expires on 30 June 2022. In the 12 years since the National Plan was adopted, at least 700 women have been killed by violence. Eighteen women have been murdered already in 2022.

The rate of assault against young women has actually risen since 2010, while rates of violence against men have dropped significantly over the same period. Girls as young as 12 report being harassed.

For First Nations women, women from culturally diverse backgrounds, women in regional areas, older women, LGBTIQ+ women, and women with a disability, the statistics are even worse.

Workplaces are still unsafe. The 2018 National Survey

of Sexual Harassment in Australian workplaces found 1 in 3 workers had been sexually harassed, and only 17% reported the abuse fearing reprisals, that they would not be believed, or that they, rather than their abuser, would lose their job.

The truth is, despite the National Plan, successive governments have continued to treat violence against women as a political issue needed to be managed away, rather than the national crisis it so clearly is.

Services to assist women affected by complex abuse are still woefully under-funded and stretched to breaking point. The Women's Legal Service alone estimates it still has to turn away 30% of women who reach out to them.

Crisis and transitional housing - essential to provide a safe haven for women and children fleeing abuse - is simply not available in many places. And there is not enough long-term affordable housing for anyone, let alone women with children fleeing abuse. Too often, women face the impossible choice between staying in an abusive relationship or risking homelessness and poverty.

And with the removal of the specialist Family Court last year, against expert advice, women and children are now at greater risk than before. The criminal justice system still has shockingly low conviction rates for sexual assault and continues to re-traumatise victim-survivors and discourage others from coming forward.

We won't see the new National Plan to End Violence Against Women and Children before the election. The draft Plan (originally released for only two weeks, before an outcry from women's organisations forced the government to extend consultation) was criticised for its lack of clear commitments, failure to address housing or gender inequality, and funding that falls well short of what the sector says it needs to meet demand. Who knows whether the new plan will address those shortcomings?

While the Morrison government continues to tinker at the edges, the Greens have announced a holistic approach to addressing the conditions and behaviours that perpetuate violence against women, create safe pathways to escape violence, and ensure no-one is turned away when they need help.

Our plan will centre the diverse voices of victim-survivors and vulnerable communities in the design and delivery of a new National Plan to End Violence Against Women and their Children and a standalone First Nations National Plan. We'll invest the \$1 billion annually in frontline domestic violence prevention and response services that the sector says it needs to meet demand, set measurable targets, and hold the government to account for achieving them.

We will invest in the cultural shift needed to tackle gender stereotypes and end the rape culture that drives (and accepts) violence, through nationally consistent expert-based, age-appropriate consent and respectful relationships education, gender equality measures and inclusion strategies in all sectors, and a positive duty on employers to create safe workplaces.

We will fund frontline support, legal, counselling and housing services, provide women with the financial security to make decisions about leaving, and make sure they have somewhere safe to go.

We will fund Our Watch and ANROWS to continue their world leading research to inform prevention and intervention strategies, and reform the family law and criminal justice system, and to evaluate programs so we know what's working.

Grace Tame's tireless advocacy has demonstrated that recovery from trauma is long and complex, and essential to avoid perpetuation of abuse. The Greens will fund the Illawarra Women's Trauma Recovery Centre, Australia's first trauma recovery space dedicated to helping survivors of sexual, family and domestic violence to rebuild their lives, and support the work of the Australian Domestic, Family and Sexual Violence Recovery Alliance.

## **Women's economic security**

As with many things, the pandemic highlighted or exacerbated existing gender inequalities, rather than creating them. Women made up the bulk of those who lost casual employment and were overrepresented in the industries hardest hit by the pandemic, both in the sectors that lost work - arts, accommodation and food services - and in the sectors placed under most pressure by the health crisis - aged care, nursing, and teaching.

Many women who were able to retain their jobs found themselves doing an even-more-precarious-than-usual juggle of work and unpaid care, including supervising at-home schooling and caring for sick relatives. Despite many men also being affected by lockdowns, the ABS found that women continued to spend far more time on unpaid care and domestic work than men throughout the pandemic.

Even before the pandemic, there had been a persistent gender pay gap leaving women with lower overall earnings throughout their lives and fewer retirement savings than men. Workplace Gender Equality Agency data shows women, on average, still take home around \$255 or 13.8% less each week than men.

This is a result of interacting factors - sexism and workplace discrimination, inflexible working arrangements, women doing the bulk of unpaid caring and domestic work, the cost of childcare, and career progression stifled by time out of the workforce.

So, what do we do about it?

### **Higher wages**

The gender pay gap will not close without targeted strategies to lift wages in female-dominated industries. There is no reason to value pushing a wheelbarrow more highly than pushing a wheelchair - both roles are critical

to productivity and a functioning society, and the wages need to reflect that. The next government needs to seriously look at ways to boost women's wages.

The Greens have committed to raising the minimum wage, requiring the Fair Work Commission to consider gender pay parity in wage determinations, and lifting the wages for aged care workers, teachers, nurses, cleaners, and childcare workers to close the gender pay gap across the care sector.

We will also remove pay gag clauses that prevent women talking about their wages and give the Workplace Gender Equality Agency more powers to require employers to close gender pay gaps in their workplace.

And we will address the care-penalties that mean women spend a lifetime caring only to enter retirement at risk of poverty. We will make superannuation carer contributions for low-income earners with caring responsibilities, and task the Productivity Commission with developing a model to value unpaid care work.

### **Childcare and parental leave**

Experience around the world shows that women's ability to work and earn a decent wage grows when they have access to a strong parental leave scheme, flexible working arrangements, and affordable childcare.

The pandemic quickly forced the government to recognise the critical link between childcare and workforce participation. National free childcare for all helped to ease the financial burden families were facing and ensured that women had more ability to engage in paid work. That fleeting relief was gone too quickly, and Australian families want it back.

If the government wants an economic stimulus, free childcare should be a no-brainer. The Grattan Institute has found that an extra \$5 billion towards childcare subsidies would boost women's workforce participation, resulting in an \$11 billion a year increase in GDP and an increase in a typical mother's overall lifetime earnings of \$150,000. Free, high-quality childcare would push the benefits even higher.

Australia's current parental leave scheme tends to lock mums into the role of primary carer and the loss of work opportunities that comes with it. We need to do more to encourage parents to share the parenting load, and to normalise working arrangements that help families to do that.

Adopting models that have worked in Scandinavian countries, the Greens are proposing 26 weeks of paid parental leave, paid at replacement wages (up to \$100,000 pro rata), with a "use it or lose it" component to encourage parents to share the leave. We will also introduce measures to prompt the cultural shift needed to ensure that workplace policies actively encourage all employees to actually take parental leave.

Paying super on paid parental leave should already be happening. Women's organisations, unions, economists, even the government's own Retirement Income Review recognise the difference that it would make to women's long term economic security. The Greens are committed to including superannuation on paid parental leave. We

are disappointed that neither the Coalition nor Labor share this commitment but will work to push the next government to adopt this sensible and long-overdue measure.

### **Income and housing support**

Raising the rate of income support is essential to ensure that no one lives below the poverty line. The Greens will lift all income support payments and the age pension to at least \$88 a day.

We will also prohibit no-grounds evictions, cap rent increases, ensure appropriate tenancy protections for victims of domestic violence in all states and territories, and fully fund tenancy advocacy services with a boost of \$30m per year.

### **Respectful workplaces**

An unacceptable number of women continue to be harassed and bullied in their workplace. Sexism can lead women to work less, to be overlooked for promotion or leadership roles, to be reluctant to call out bad behaviour for fear of retribution, or to leave the workforce altogether.

The unions have been trenchant in their calls to model respect in all workplaces, including in Parliament. The Greens will implement all recommendations of the Respect@Work report, including ensuring all employers have a positive duty to create and maintain safe working environments and take action where staff are disrespected. We will implement all recommendations of the Set the Standard report to ensure parliament is a best practice workplace.

### **Representation**

Last, but far from least, gender equality won't be achieved until we have more women, First Nations women, women of colour, women with disabilities, older women, younger women, women from different social backgrounds in leadership positions, so that decisions are informed by diverse experiences.

Without a formal process to analyse the impacts of government decisions on women, and women around the decision-making tables, women will continue to be overlooked. We need more diversity in parliament, more diversity in cabinet, and a formal budget process that considers the ways that funding decisions help or hinder women's progress.

### **Conclusion**

Women, particularly union women, have been demanding change for decades, chipping away at sexism and patriarchal systems that have stood in the way. This time, change feels unstoppable.

Whether the major parties want to talk about it in this election or not, women have had enough.

Enough with empty promises. Enough with victim blaming. Enough with downplaying the effect of gender inequality and rape culture. Enough with ignoring the impact of financial insecurity and housing stress on women's capacity to leave. Enough with underfunding the services needed to end this epidemic of violence.

Enough with undervaluing the care work that is so essential to our society. Enough with under-representation and ignoring the hurdles that make it harder for women to work, to be paid fairly, and to be safe and respected at work. Enough with accepting that so many older women are retiring into homelessness and poverty.

The Greens can't wait to see the back of this sexist, entitled Morrison Government. The next government needs to listen and act on the issues that matter to women. In balance of power, the Greens will work to make sure that happens.



Larissa Waters was re-elected to the Senate to represent QLD for a six-year term in the 2019 federal election. She is co-deputy leader of the Australian Greens and is the Greens spokesperson for Women, Democracy, Mining & Resources, Tourism, and Gambling.

Before federal parliament, she worked as an environmental lawyer in the community sector for eight years, helping communities to use the law to protect the environment. She was named 2010 Australian Young Environmental Lawyer of the Year by the Law Council of Australia.

Larissa lives in Brisbane with her partner and two daughters, aged 10 and 2, the youngest being the first child to be breastfed in the federal parliament.

Larissa Waters is a proud member of The Services Union.



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