

# AUSTRALIAN PARENT ADVOCACY INC.

P.O.Box 139, Bundaberg Q4670

17 June, 2003.

Ms. Helen Owens,  
Commissioner  
Productivity Commission  
LB2 Collins Street East  
Melbourne Vic 8003

Dear Ms. Owens,

**Re: Inquiry into the Disability Discrimination Act, 1992.**

I realise that submissions for the above inquiry have now closed, and that Public Hearings are now being conducted, based on those submissions.

The existence of the inquiry has only recently been brought to our attention, and I respectfully request that consideration be given to accepting a submission on behalf of the 1500 Australian families represented by our organization.

Attached is a copy of our recent submission to the Australian Industrial Relations Commission concerning the issue of wages for our disabled family members, employed in Australia's business services.

Thankfully, the Industrial Commission has been astute enough to recognise the implications of their future decision, and the issue has been relegated to a Disability Sector National Industry Consultative Council for further deliberation. Australian Parent Advocacy has been asked to be a part of that Council, and we appreciate the opportunity to put a family point of view.

The AIRC submission is very comprehensive and covers the background issues in the Addenda section of that submission. This background is critical to our request for input into the current Inquiry because the Disability Discrimination Act has been the vehicle used by the National Council of Intellectual Disability, the Disability Employment Action Centre and the CAUCUS to disadvantage Australian families, and many of the people with intellectual disability currently employed in Australia's business services.

We fully support the Disability Discrimination Act of 1992 and accept the need for this vital piece of legislation to protect and support our family members with an intellectual disability. We also believe that these three advocacy groups have used the DDA as a launching pad to achieve a goal - which we all support - but done so, without adequate consultation with their constituents, and in time frames which can create gross disadvantage to the people they purport to represent. Ultimately their actions affect the Australian families struggling to support their family members -emotionally, financially and physically.

Schedule 1 details our reasons for requesting the inclusion of our submission as part of these Hearings, and we would be happy to discuss this with your Office at any time, should the issues require greater clarification.

Yours faithfully

Mary Walsh ASA, AIFS  
Authorised Representative

## **SCHEDULE1**

**The Disability Discrimination Act, 1992 aims:-**

- 1. to eliminate, as far as possible, discrimination on the grounds of disability**
- 2. to ensure equality of people with disabilities before the law**
- 3. to promote recognition and acceptance of the rights of people with disabilities.**

The National Council of Intellectual Disability (NCID) is not accepted, throughout the disability sector, as being representative of industry opinion - be it workers, families or service providers. The attached submission covers this issue in great depth.

In 2002 NCID used the DDA as the basis of their appeal to the Human Rights and Equal Opportunities Commission against the Commonwealth Government for funding 263 organisations employing people with disability. The majority of the workers employed in these services have an intellectual disability (76%), and some 65% of them are still supported by their families, due to the limitations of their disability.

APA contacted the HREOC to put a further perspective and were advised that "a representative complaint can be lodged without the consent of all members of the class" . We were advised that we should take the issue up with NCID, but they do not consult with members - and were not even represented in two Australian States. They are funded to represent people with an intellectual disability - and their families - and contend they do this.

Their subsequent actions in intervening in the Safety Net Wage Review have the capacity to close 85% of Australia's business services. Unless resolved by the Consultative Council, this will disadvantage those workers with intellectual disability who will be displaced, and further disadvantage those families providing the care, love and support.

The intervention by NCID, DEAC and the CAUCUS (their lack of representative status is covered in the AIRC Addenda) has been based on the Disability Discrimination Act. Those interventions have the capacity to benefit a minority of workers by discriminating against the majority. That majority is the most vulnerable of the sample population as they are the more significantly disabled, and those most likely to be displaced. Any such displacement will probably affect the population age group of 30 -49, many of whom still live at home, and are supported by family. Families are then caught by the "ripple" effect of such actions - with no resources, or capacity, to use the same legislation to protect themselves from the results of the actions by resourced, funded advocacy groups. Many workers will be disadvantaged, and their families - not the funded activists - will have to cope with the results.

Families of people with disability at this point in time, have no national mechanism to have input into policy at either Federal or State level. Whilst this is now under consideration, it will not be in place in a time frame that would benefit those most likely to be disadvantaged.

We therefore ask the Commission to consider that:-***"ambit claims based on the Disability Discrimination Act must be representative of all stakeholders, and that families of people with intellectual (decision-making) disability, be accepted as secondary stake-holders in such ambit claims."***