



TRANSCRIPT OF PROCEEDINGS

THE HON RONALD SACKVILLE AO QC, Chair
THE HON ROSLYN ATKINSON AO, Commissioner
DR RHONDA GALBALLY AC, Commissioner
THE HON JOHN RYAN AM, Commissioner

**THE ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND
EXPLOITATION OF PEOPLE WITH DISABILITY**

10.30 AM, TUESDAY, 8 DECEMBER 2020

DAY 2

Kate Eastman SC, Senior Counsel Assisting
Simone Fraser and Melinda Zerner, Counsel Assisting

CHAIR: Good morning, everybody. We commence with an Acknowledgement of Country. I wish to acknowledge the Gadigal people of the Eora Nation, the traditional custodians of the land upon which where Commissioner Ryan and I are located. I also knowledge the Turrbal and Jagera Nations upon whose lands are
5 hearing room in Brisbane is located, and Commissioner Atkinson is of course there, and the Wurundjeri people of the Kulin Nation upon whose lands Commissioner Galbally is located.

10 I pay my respects to the Elders past, present and emerging, as well as to all First Nations people who are following viewing this hearing on the livestream.

Yes, Ms Eastman.

15 MS EASTMAN: Good morning, Commissioners and good morning to everyone following the live webcast before we come to our first witnesses, Commissioners, you may recall I made reference to some work of Professor Karen Fisher yesterday in the opening address. Professor Fisher is not giving evidence in person in this public hearing, but she has provided to us a statement and a number of documents recording her research. Professor Fisher is a professor at the Policy Research Centre
20 at the University of NSW. She leads the Disability Policy Research Program at the Centre and she is responsible for research, evaluation of disability and mental health policy in Australia and China.

25 Among the pieces of research that she has provided to the Royal Commission includes research on policies that change attitudes towards people with disability, and also some research work on perspectives of people with intellectual disability about jobs and support. So, Commissioners, could you receive into evidence the statement of Professor Fisher and the various documents accompanying her statement. You will find the material in Tender Bundle Part B, behind Tab 26
30 through to Tab 33, and Commissioners, if you could mark Exhibit 9.5 for the statement and the exhibits as 9.5.1 through to 9.5.7.

CHAIR: Yes, thank you, that can be done.

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EXHIBIT #9.5 - STATEMENT OF PROFESSOR KAREN FISHER

40 **EXHIBITS #9.5.1 TO #9.5.7 - ANNEXURES TO STATEMENT OF PROFESSOR KAREN FISHER**

MS EASTMAN: Commissioners, our first two witnesses are giving evidence together, and they are joining us from Hobart in Tasmania. I will check that they
45 have come into the hearing room.

CHAIR: They are on screen.

MS EASTMAN: Right.

CHAIR: Yes, we can see you.

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MR E SIANSKI: Thank you.

MS EASTMAN: Those following the webcast may not know that what I'm seeing is a large screen of people and I'm not necessarily sure who's here and who's not here, but I'm very pleased to welcome Yuri Sianski and Edward Sianski from Hobart. The first thing they need to do is take their oaths or affirmations.

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CHAIR: Thank you very much to both of you for coming to give evidence.

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MR E SIANSKI: Thank you.

CHAIR: We appreciate it. If you would be good enough to follow instructions given by my associate for administration of the oath. Thank you very much.

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MR YURI EDWARD SIANSKI, SWORN

MR EDWARD SIANSKI, SWORN

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CHAIR: Thank you very much. Ms Eastman will now ask you some questions.

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EXAMINATION-IN-CHIEF BY MS EASTMAN

MS EASTMAN: Yuri, can I start with you. Your full name is Yuri Edward Sianski?

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MR Y SIANSKI: Yes, correct.

MS EASTMAN: And you have provided a statement to the Royal Commission?

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MR Y SIANSKI: Yes, I have, indeed, yes.

MS EASTMAN: And that statement was made on 25 November this year?

MR Y SIANSKI: Yes. Yes.

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MS EASTMAN: Have you got a copy of the statement with you?

MR Y SIANSKI: Yes, I've got it here.

MS EASTMAN: Can you tell the Royal Commission that what is in the statement is true?

5 MR Y SIANSKI: Yes, to my knowledge, most of it is true, I suppose. Yes.

MS EASTMAN: But you've done your best to tell the truth in the statement?

MR Y SIANSKI: Yes, yes.

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MS EASTMAN: And part of it is you can't remember absolutely every date or everything that might have occurred but you've done your very best; is that right?

MR Y SIANSKI: Yes, yes, I have.

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MS EASTMAN: Commissioners, could you mark Yuri's statement as Exhibit 9.6.

CHAIR: Yes, thank you.

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EXHIBIT #9.6 - STATEMENT OF MR YURI EDWARD SIANSKI

MS EASTMAN: The other gentleman on the screen, you are Edward Sianski?

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MR E SIANSKI: I am.

MS EASTMAN: And you've made a statement for the Royal Commission as well?

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MR E SIANSKI: I have.

MS EASTMAN: And your statement was made on 19 November this year?

MR E SIANSKI: That's correct.

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MS EASTMAN: And are the contents of the statement true?

MR E SIANSKI: To the best of my ability, yes.

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MS EASTMAN: I think I can hear Wolfgang who is joining in your evidence, but I won't ask him about his evidence.

MR E SIANSKI: No, thank you.

45

MS EASTMAN: People following the webcast can perhaps hear background noise, that is Wolfgang.

MR E SIANSKI: Yes, that is Wolfy.

MS EASTMAN: Commissioners, could you receive Mr Sianski's evidence as Exhibit 9.7.

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CHAIR: Yes, that can be done.

EXHIBIT #9.7 - STATEMENT OF MR EDWARD SIANSKI

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MS EASTMAN: Yuri, I start with you. You are 47 years old?

MR Y SIANSKI: Yes, 47.

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MS EASTMAN: You live in Tasmania in Hobart?

MR Y SIANSKI: Yes.

20 MS EASTMAN: And you live in a flat, you live independently in a flat; is that right?

MR Y SIANSKI: Yes, I live by myself in a flat.

25 MS EASTMAN: You've been diagnosed with schizophrenia?

MR Y SIANSKI: Yes. Yes.

MS EASTMAN: And that happened when you were about 19 years old?

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MR Y SIANSKI: Yes, around then. 19, 20.

MS EASTMAN: And you tell the Royal Commission something about that diagnosis when you were a teenager, what can you remember about being diagnosed with schizophrenia and what were you doing around that time?

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MR Y SIANSKI: I was studying mechanical engineering at the time, and I just --- I don't know, I lost the plot for a while. For a couple of months I sought my family for help, so they sent me to the doctors and all that. Yeah, took me about 10 or 11 years or so to get fixed up a bit.

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MS EASTMAN: Before you were diagnosed, you said to the Royal Commission in your statement this, can I read this:

45 *My mind had started to feel like it was closing down and doors were shutting. I was hearing voices and I felt like my intelligence was taken away from me. And I was in and out of hospital a lot. But slowly the medication started to*

make me feel better.

MR Y SIANSKI: Yes. Yes.

5 MS EASTMAN: Yuri --- or Ed, can I come to you. Yuri is your eldest child?

MR E SIANSKI: He is, yes.

10 MS EASTMAN: And you remember him as a child, when he was at school, being a happy and intelligent and very engaged child. What can you tell us about Yuri at school?

15 MR E SIANSKI: Yes, I think Yuri was a good student. He liked sport and he was involved in all kinds of activities. No, he was a good lad.

MS EASTMAN: What stage did you get up to at school, Yuri? Did you finish Year 12?

20 MR Y SIANSKI: No, I finished Year 11 and then studied mechanic engineering and mechanics and, yeah, bartending, cleaning and automotive mechanics after that.

MS EASTMAN: Ed, Yuri developed a drug and alcohol problem in his late teens and 20s; is that right?

25 MR E SIANSKI: He did, and again, I don't know whether he was using drugs and alcohol to masquerade the symptoms of schizophrenia or whether that was the thing that precipitated the illness. I don't know to this day. I just don't know.

30 MS EASTMAN: But the symptoms really came to the fore when Yuri was studying for the Diploma of Mechanical Engineering, is that right?

MR E SIANSKI: That's right, yes, yes. In Year 11 he didn't manifest any of those symptoms at school, college. But he did --- in that first year of TAFE he did.

35 MS EASTMAN: It was a pretty challenging year, wasn't it?

40 MR E SIANSKI: I think for Yuri and for all of us, I think, because we didn't know what we were dealing with. And the drugs and the alcohol didn't help at all. That was a very difficult period of time for all of us.

MS EASTMAN: I think you've told the Royal Commission that Yuri's life took a downward trajectory and his psychotic episodes resulted in many hospitalisations --

45 MR E SIANSKI: Yes.

MS EASTMAN: --- and you feel that marred his effort for further studies, is that right?

MR E SIANSKI: Definitely. Yes. Yuri had the difficulty of getting the right medication for his psychosis, and it was also the problem of Yuri not taking his medication, and there's all kinds of drama we had with him, and it wasn't until the fortnightly injections became available that Yuri stabilised.

MS EASTMAN: Was Yuri living with you at the time of the onset of the illness?

10 MR E SIANSKI: Yes, he was, yes.

MS EASTMAN: Did that have an impact on the family?

MR E SIANSKI: Definitely. We have two other children, and they're close together, and I found myself --- all my kinds of crisis seemed to be on Yuri and not on the other two, so it was a very difficult time, I think, for all of us.

MS EASTMAN: Yuri, one matter for you is that you weren't able to finish the course, were you, on the mechanical engineering.

20 MR Y SIANSKI: No, I did about 3 and a half years of it, I had 6 months left of study, and I went back about 4 years later and I did two of the courses, so there wasn't much left, but I think the courses, the whole structure has changed now so --- but to complete it, I was nearly pretty close, yeah.

MS EASTMAN: This hearing is about looking at the issues of employment. Yuri, it's hard to remember all the dates and times that have occurred over the years when you have looked for different jobs. Is that right?

30 MR Y SIANSKI: Yes.

MS EASTMAN: But trying to do the best you can, you think sometime around 1997 you were doing a trade apprenticeship and that was around the time that you were also doing the study for mechanical engineering, is that right?

35 MR Y SIANSKI: Yes.

MS EASTMAN: If you have your statement, I'm looking at that as well, that's paragraph 10 if that helps you remember.

40 MR Y SIANSKI: Paragraph 10, all right.

MS EASTMAN: Because you became unwell, you not only stopped studying at the TAFE, but you also stopped the apprenticeship?

45 MR Y SIANSKI: Yes.

MS EASTMAN: And from the late 1990s, for a number of years you really weren't doing anything, were you?

5 MR Y SIANSKI: No, no, I totally, like, shut down, I was sleeping a lot, every day. I was taking risperidone pills at the time and they were making me very, very tired and I couldn't go out and do things. I tried to go surfing and that on the weekends or try to do a little bit of sport or just go for walks, but it wasn't helping, my mind just went, and --- yeah, and then I ended up back in hospital for 3 to 6 months. And then it turned around and everything changed and I started repairing after a while, sort of
10 thing.

MS EASTMAN: Yes. I will come --- when I ask you about the repairing, I will come to that in a moment. But do you remember you were initially on some unemployment benefits like the dole at the beginning?

15 MR Y SIANSKI: Yes, I was on the dole at the time.

MS EASTMAN: That meant that you had to try and look for jobs at the same time as not feeling particularly well, is that right?

20 MR Y SIANSKI: Yes, I had to look for 4 jobs a fortnight.

MS EASTMAN: And in about 1998, somewhere around that time, that's when you applied for a Disability Support Pension?

25 MR Y SIANSKI: Yes, about that time.

MS EASTMAN: And you got the support pension approved, and --- because you were not able to work more than 8 hours a week; is that right?

30 MR Y SIANSKI: Yes, because I was getting injections at the time, so they felt that put me on the disability pension, so like --- yeah, I could only work part-time.

MS EASTMAN: And you've been on the DSP now for about 25 years?

35 MR Y SIANSKI: Yes, about that long, yes.

MS EASTMAN: Ed, can I ask you about this period of time, because when Yuri was receiving the unemployment benefits at the beginning, he had to apply for jobs and you helped him put in numerous applications to find work --

MR E SIANSKI: Yes.

45 MS EASTMAN: --- and you put this in your statement as well. What can you tell the Royal Commission about what you did to help Yuri put in applications for jobs? What type of jobs were you looking for and what came of these applications?

MR E SIANSKI: Well, I suppose I was looking for the jobs that I thought Yuri could do, and that also were within Yuri's interest range. So I scoured the newspapers for advertisements, and I remember just typing up all these applications, and it got to a stage where I just felt the whole thing was futile in the end. But I kept
5 trying, and Yuri got 1 or 2 appointments but nothing came of them. It was just a big effort, but there was no mechanism in place to help him and I really felt there was no support available for Dads like Yuri's Dad to help him. Yeah, I just felt bereft of any support from outside, and I felt I was kind of beavering away and getting nowhere.

10 MS EASTMAN: And you got to a point, didn't you, that an employment agency became involved and you took a bit of a step back after that; is that right?

MR E SIANSKI: Yes, I was quite happy to step back in terms --- I knew I didn't have the expertise to help Yuri. And when I did hear that there was an employment
15 agency that Yuri was going to, I felt a sense of relief because I thought, "Ah, well, here is a chance for Yuri to get something", because they would know more than I did. So that was the next phase, yes.

MS EASTMAN: And, Yuri, in the next phase, you did some training courses to help
20 you look for particular types of work, and one of the training courses you did was as a bartender. What can you tell the Royal Commission about that course and did you learn anything from that course?

MR Y SIANSKI: Yes, I did a 6-week course in bartending at Drysdale in Hobart
25 Central, and yeah, it was pretty good, I learned a lot of interesting things, and yeah, I just did it for the --- I don't know, to just broaden from the engineering and the apprenticeship and all that, and then go off and try something that was totally different at the time. So, yeah, and I passed it really well. I got like good scores and things. Things were pretty good, like --- yeah, it was a lot of fun.

30 MS EASTMAN: And did you do any work experience while you were doing the bartending course?

MR Y SIANSKI: Yes, I did one day's work experience and, yes, I found that most
35 enjoyable and, yeah, quite pleasant.

MS EASTMAN: And did that all lead to you getting a job as a bartender or working in a bar or pub in Hobart?

40 MR Y SIANSKI: Unfortunately it didn't. I sent so many resumes to all the bars around Hobart and suburbs and that sort of thing, and unfortunately not even a phone call or a letter or anything. I tried hard. But, yeah, but at least I achieved it for my own self-esteem sort of so I was pretty good.

45 MS EASTMAN: When you sent the resumes and applications out, did you tell employers that you had schizophrenia?

MR Y SIANSKI: No, I didn't at the time. I might have mentioned it because I was on the Disability Pension, but, yeah, at that time I was showing no signs or --- showing no signs or signals or anything, I was really good. I was looking through rose-coloured glasses and it was really good.

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MS EASTMAN: So this was a time when you'd started on the injections and your health was stable --

MR Y SIANSKI: Yes.

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MS EASTMAN: --- and you were really raring to go for getting a job; is that right?

MR Y SIANSKI: Yeah, yeah, I felt my future was going to open up and I was going to, like, head to someone's business and then, you know, totally expand or do whatever. Yeah, I was really switched on at the time.

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MS EASTMAN: And not getting a job out of the bartending course, and I think you tried to get a job for about two years ---

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MR Y SIANSKI: Yes.

MS EASTMAN: --- that did not go well in terms of how you felt in yourself; did it?

MR Y SIANSKI: No, it didn't. But I always found other ways beside money to do things. But, yeah, it was just hard getting knockbacks and having so many of my mates at the time and having knockbacks and only getting below their qualifications like work and things. It was a bit hard, sort of, yeah, but

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MS EASTMAN: So you got a couple of odd jobs, I think around 2007 you did some plastering work for a mate; is that right?

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MR Y SIANSKI: Yes, yes.

MS EASTMAN: And you barely got paid anything for doing that work?

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MR Y SIANSKI: Yes, yes.

MS EASTMAN: And you did some more training, didn't you, in that you had a bit of period of time working as a cleaner?

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MR Y SIANSKI: Yes, yeah. After I did bartending and I couldn't find a bartender's job so I did the cleaning certificate, I think it was about back then somewhere, yeah, and I had --- I spent two years looking for a cleaning job and there just wasn't any. But, I kept on trying, though. Tried hard.

45

MS EASTMAN: You did get a cleaning job doing some cleaning in a music auditorium only, but that was only a couple of days a week; is that right?

MR Y SIANSKI: Yes, I was working about 3 to 4 days a week and it lasted for 2 weeks and somehow the business shut down or something, or I just got told one day, "You can't work anymore", but I didn't get sent a letter or told why. My father sent them a lot of letters asking "Can we have a letter saying why I've been sort of sacked from the job" and there was no explanation or nothing.

MS EASTMAN: And then you've had a job with another mate doing some work on a building site; is that right?

MR Y SIANSKI: Yes.

MS EASTMAN: And you weren't trained, were you, to do work on a building site?

MR Y SIANSKI: No. No, I was just mainly a labourer, just to bring tools, bring, sort of, like, things around and to learn how to build a house, but, yeah, it was more complicated than what I thought and --- it was interesting but a lot of time but, yeah....

MS EASTMAN: Ed, you've watched Yuri go through these phases of the bartending course, the cleaning certificate, having these jobs on doing the plastering and the building, and you've told the Royal Commission that you feel that Yuri has been exploited. Can you tell the Royal Commission why you feel that way?

MR E SIANSKI: Yes, because I think the people who employed Yuri, I think they realised that Yuri was on a Disability Support Pension and that he couldn't earn more than a certain amount, and they didn't pay him anywhere near what he was --- anywhere near the work that he was doing. And I feel that particularly the plastering job that he had, Yuri was struggling to work 5 days a week or whatever at that time, but he wasn't paid. He wasn't paid for doing more --- I mean, he was paid as if he was doing a few hours a week and not --- and I'm struggling right now because I realise that one of the things that I was really --- that bugged me was, I knew Yuri was being exploited but I thought to myself, "Now, it's better for Yuri to go out and do something rather than stay home in his flat all day and do nothing", and I felt the system had failed Yuri in that Yuri wasn't able to get a proper job, and as a result he was open to exploitation, and he was open to people who knew what Yuri's situation was and yet they exploited him. And it made me really angry. I felt really angry that someone like Yuri was put in this position.

But, again, as I said before, it provided an opportunity for Yuri to go out and do something. And I thought he might acquire a few skills that he can perhaps capitalise on down the track in a fairer way. But the whole system is really up against people like Yuri with a mental illness, because a mental illness is a condition that ebbs and flows. You can't get --- Yuri can't risk losing his Disability Support Pension because if he does that, then he has to then go back and renegotiate his pension. And that's a huge task. On the other hand, he's also open to exploitation. So he's kind of caught in between this sort of no man's land, which is really awful.

MS EASTMAN: How have the two of you tried to work out with Yuri on the DSP, how much work he can do, what is the risk to his pension; how do you work those things out?

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MR E SIANSKI: Goodness knows.

MR Y SIANSKI: We think just part-time work, just because full-time might be, I don't know, might be against our OH&S standards or something. I don't know.

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MR E SIANSKI: The whole point is Yuri cannot work full-time. He doesn't have the capacity to work full-time. The reason why I wrote --- I put the submission into the Commission was because I wanted Yuri to have the opportunity of doing something. I saw some people who gave --- witnesses yesterday, and they spoke about having part-time work and the sense of fulfilment and the sense of self-esteem that this gave them, you know. Yuri is not asking for full-time work. Yuri is just asking for the opportunity to do a few hours per day, somewhere, at a job that gives him some kind of satisfaction. Some kind of a feeling of fulfilment. Because currently ---

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MS EASTMAN: Yes, this has been a quest for 25 years, hasn't it?

MR E SIANSKI: 25 years, yes, and we still can't find anything. It's as if --- as Yuri said, like everything is just shut down in front of him. And I know for a fact that Yuri is not the only person like this. Yuri represents many, many people who are in this situation. They have a mental illness, they are put on a Disability Support Pension and then they are forgotten about.

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MS EASTMAN: Well, Ed, I think you say in your statement you gained the impression that Yuri was placed in the "too hard basket". Why did you think that?

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MR E SIANSKI: He was placed in a cul-de-sac of neglect.

MS EASTMAN: Cul-de-sac of neglect. Yes.

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MR E SIANSKI: 25 years of Yuri trying to get a job has convinced me that it is, it really is a cul-de-sac of neglect. And it is shameful. I didn't realise that Australia had actually signed up a *UN Convention on the Rights of People With Disability*, and paragraph 27 of that document says that everyone has got the right to a job of some kind. Now, if the conditions are not available for people to --- or the structures aren't available for people like Yuri to get a job, then they should be.

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MS EASTMAN: So, you are now at a point where, Ed, you still have hope for Yuri?

MR E SIANSKI: Yes, I do have hope. I always have hope. That's part of my make-up, I think, to have hope.

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MS EASTMAN: Do you think, Yuri and I don't know whether you agree with your Dad here, but whether you look at some kind of study or doing some further courses that will actually lead to a job rather than just study for the sake of study; is that right?

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MR Y SIANSKI: Yeah, but I think mainly the study would just be like for something that --- I've got to find something that is more enough in the future --- if I was well enough I might have studied, become a doctor or do an IT course or something, computers or something to pick up, you know, things, because I done a bit of mechanical engineering. I don't know. Yeah, I got to find some type of study that is going to be, like, intelligent in the way, but also to lead me somewhere so I can use that bit to, you know, carry on with my life.

MS EASTMAN: Ed, you've got a view that Yuri would be well-placed to do work such as assembling small motors or working in the recycling area or even getting into crafts and jewellery-making; you think that Yuri has a lot of skills to offer; is that right?

MR E SIANSKI: Yuri, along with a lot of people like Yuri, are very talented in certain areas, and the trick is not to get Yuri to get --- it's not a case of fitting the person to the job, it's a case of fitting the job to the person. And if Yuri has these talents, and if he could find work to fit that, then that would be of enormous benefit because a person with a mental illness, they do start way, way behind the line, behind the starting line. And the gun goes off and they are still at the starting blocks. So what Yuri needs is for someone to identify his skills and then find work that is able to accommodate them.

MS EASTMAN: What sort of supports are available for Yuri at the moment? Yuri, you can comment on this, or Ed. What supports are around you at the moment to achieve this objective of either further study or finding the employment that you've talked about?

MR Y SIANSKI: There's not much opportunity for me at the moment, I haven't got NDIS or anything like that like organising to help me or anything. It's quite hard. The employment agencies I used to go to many years ago, they've shut down and are non-functional now. Yeah, I hope that at this hearing, like, I will be able to get somewhere so someone would be able to organise. Other than that I have to go to Centrelink or something and organise through them, or --- but I don't have a place --- well, where I get my injections is at a local doctor, so it's not through the --- like a psychiatric medium anymore, it's just a local doctor so I don't get to hand over any information to find me any leads or anything. So it's quite hard.

MS EASTMAN: Ed, what is your perception at the moment about the supports around Yuri to look for a job now at the age of 47?

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MR E SIANSKI: I think initially Yuri was --- we had a support service down here for people with mental illness, which was very, very good. It was a local place. And

while Yuri was with us they actually --- Yuri was part of that area that was serviced, and they provided Yuri with --- I think they went out of their way to try to find Yuri work and to support Yuri. And when Yuri moved to his current place, he moved out, out of our district into another district, another mental health district, and I believe
5 they did nothing for him. In fact, they told him, "Well, because you are on injections, you can't work". Effectively they shut him down. So he's had no support from the mental health area. The only support he gets is, and we're grateful --- I'm grateful for this because this is one of the problems that Yuri had, was to get the injection on a regular basis because if he doesn't have his injection fortnightly, Yuri
10 does tend to stray a little bit. Now, Yuri is doing remarkably well today because normally injections are due on Thursday, isn't it? This Thursday.

MR Y SIANSKI: Yeah.

15 MR E SIANSKI: So as he comes towards the end of the two-week cycle, he's not perhaps as functioning as he would be at the beginning of the cycle. But if he misses out on his injection, it becomes very, very difficult. So the support that he had --- he seems to have the support for his injection now, but nothing else. As far as --- I feel as though --- the Government thinks they've now done their job, he's got his pension,
20 accommodation, which is good, it's fantastic, and also his injection, so he's okay. But for the work area, there is nothing. There is no support in that area whatsoever.

MS EASTMAN: Now, Ed, your concern is not just for Yuri and his generation, but it's also for the next generation.

25 MR E SIANSKI: Yes.

MS EASTMAN: Yuri, you have a son who we have called Robert for the purposes of this hearing, and Ed, you are Robert's grandfather and you were the custodial
30 grandfather for about a period of 10 years?

MR E SIANSKI: I was.

MS EASTMAN: Yes. Robert is now 22 years old?

35 MR E SIANSKI: Yes, he is.

MS EASTMAN: In around 2017 Robert was diagnosed with schizophrenia.

40 MR E SIANSKI: That's correct, yes.

MS EASTMAN: And he is currently at a mental health facility outside Hobart, and you tell the Royal Commission that he's been well looked after.

45 MR E SIANSKI: Yes, yes, he is.

MS EASTMAN: But looking at your son and your grandson, you really see some

differences between their opportunities ---

MR E SIANSKI: I do.

5 MS EASTMAN: --- but also have the real concern that Robert doesn't have the same experience as Yuri. Can you tell the Royal Commission about that?

MR E SIANSKI: I can. Robert is under the care of an NDIS package and I think, I'm not too sure of the actual refinement of the package, but it does allow him the
10 opportunity of going out and getting work, or seeking work. So he's had, up until now, he's had 7 appointments for people and he's had about 7 tries at getting a job of some kind. So there is that support. When I heard about that and I see Yuri's position, Yuri's way behind the eight ball and Robert does have some support in getting work. At this stage I think Robert's problems are also, apart from mental,
15 they are also physical problems, so I think it might be a bit more difficult to find the right job for him. But I'm just worried that down the track he will lose that support and eventually end up on his own trying to scrounge jobs. I use that word loosely, but that's what you end up doing when you are in a situation like Robert is, eventually. You take what comes and then you are open to more exploitation. And
20 Robert is on a Disability Pension, so he's got that, he's got that as his safety net. So he can operate from that. At this stage of the game, I don't know what his future will be. I just don't know.

MS EASTMAN: Ed and Yuri, I feel like our time has gone very quickly and you've
25 given us a window into your lives and your experiences and your hope for the future.

Can each of you say something to the Royal Commissioners, who have been listening to your evidence and may have a question for each of you, but what do you think needs to change?
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Yuri, you still have hope for a job. Ed, that hope for Robert will be something that means Robert doesn't have the experience that his father's had.

Who would like to go first, Yuri?
35

MR Y SIANSKI: Yeah, yeah, I would just like to have the experience of being able to get a job and be able to find any type of study I can study. My brain is still young and active, it's not too old. No cobwebs yet. So, yeah, hopefully this hearing will find that way for me.
40

MS EASTMAN: Thank you, Yuri. Ed?

MR E SIANSKI: Well, Yuri is correct. He's not that old. I've just finished a Bachelor of Philosophy and I'm doing a Bachelor of Dementia Care. So at my age,
45 anything is possible. And I really believe that both Yuri and Robert would have the opportunity of using their gifts and talents, if the structures were in place, to help him, to help both Yuri and Robert. If the structures are not in place, then they will

flounder.

MS EASTMAN: Can I thank you both very much for sharing your time and your stories with the Royal Commission today. And I will just ask the Commissioners
5 whether they have any questions.

CHAIR: Thank you very much. I will ask, first, Commissioner Galbally who is in Melbourne if she has any questions.

10 COMMISSIONER GALBALLY: No questions, but thank you very much.

MR Y SIANSKI: Thank you.

CHAIR: And then Commissioner Atkinson who is in our Brisbane hearing room?
15

COMMISSIONER ATKINSON: No, thank you, I don't have any questions. Thank you for your evidence.

CHAIR: And Commissioner Ryan who is with me.
20

COMMISSIONER RYAN: No, thank you, Chair, but I want to thank you Yuri and Ed for being so open about their lives in such a public domain. Thank you so much. It's wonderful to hear from you.

25 MR E SIANSKI: Thank you.

MR Y SIANSKI: Thank you.

CHAIR: Thank you, Yuri and Ed, if I may call you that, I echo those sentiments. I do have one question. We heard yesterday about what seems to be to an outsider like me to be an extraordinarily complicated system. But it did involve someone or people on the Disability Support Pension being referred by Centrelink to a Disability Employment Service. I wonder whether that has ever occurred, or at least has occurred in the last, say, 8 or 10 years?
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35

MR Y SIANSKI: Yeah, it's been about 7 to 8 years, I would say.

CHAIR: Since that happened?

40 MR Y SIANSKI: Yeah, about that. About 7 years, I think. Somewhere there.

CHAIR: And has anybody explained why there hasn't been a further referral to a Disability Employment Service?

45 MR Y SIANSKI: No, there hasn't been at all. No one has chased it up I don't think. No.

MR E SIANSKI: Yes.

CHAIR: Well, I would like to thank you on behalf of all the Commissioners, first of all for putting in the submission, which we very much appreciate and for giving your
5 evidence today and providing the statements that you have. Your evidence has been very, very important for the Royal Commission.

10 Yuri, I would like to wish you every success in obtaining employment. I hope that does come about.

MR Y SIANSKI: Thank you. Yes.

CHAIR: And Ed, congratulations on your Bachelor of Philosophy and all the best with your studies for the future. Thank you both very much.
15

MR Y SIANSKI: Thank you.

MR E SIANSKI: Thank you.

20

THE WITNESSES WITHDREW

MS EASTMAN: Thank you, Commissioners. We now move to the Brisbane hearing room and the next witness will be giving evidence in Brisbane. We'll hand
25 over to Ms Fraser.

CHAIR: Yes, Ms Fraser.

30 MS FRASER: We will now take the evidence of Dr Beth McNally.

CHAIR: Thank you. We'll just wait for Dr McNally to come on the screen.

35 Dr McNally, good morning. Thank you very much for joining the Commission in the Brisbane hearing room. If you would be good enough to follow the instructions of Commissioner Atkinson's associate who is in the same room and she will administer the oath to you.

40 **DR BETH MCINALLY, AFFIRMED**

CHAIR: Thank you. Ms Fraser will now ask you some questions.

45

EXAMINATION-IN-CHIEF BY MS FRASER

MS FRASER: Dr McNally, could I ask you to start by stating your full name for the Commission.

5 DR McINALLY: Dr Beth McNally.

MS FRASER: Are you happy for me to refer to you as Dr McNally or Beth?

DR McINALLY: Beth.

10 MS FRASER: You provided a statement dated 1 December 2020. Do you have a copy of that statement?

DR McINALLY: Yes.

15 MS FRASER: Are you familiar with the contents of the statement?

DR McINALLY: Yes.

20 MS FRASER: Any amendments you would like to make?

DR McINALLY: No, thank you.

MS FRASER: And the statement contents are true to the best of your knowledge?

25 DR McINALLY: Yes.

MS FRASER: Commissioners, you will find a copy of the statement in Tender Bundle A, part A at Tab 5.1. I ask to tender this statement into evidence and that it be marked Exhibit 9.8.

30 CHAIR: Yes, thank you.

35 **EXHIBIT #9.8 - STATEMENT OF DR BETH McINALLY**

MS FRASER: Beth, you studied psychology at university, didn't you?

40 DR McINALLY: Yes.

MS FRASER: And in 2013 you obtained a PhD in social psychology?

DR McINALLY: Yes.

45 MS FRASER: And you now work full-time for a government department?

DR McINALLY: Yes.

MS FRASER: You personally consider the evidence you give today to the Royal Commission does not arise out of any particular incident of violence, abuse, neglect
5 or exploitation that you consider you have suffered, don't you?

DR McINALLY: Yes.

MS FRASER: But in telling your own story and giving your evidence today, you
10 hope to shed some light on some of the systemic barriers faced by many people with disability in seeking and maintaining employment?

DR McINALLY: Yes, that's right.

MS FRASER: Beth, before I move to specifics of your evidence, I think it would be
15 useful for the Commission to get a sense of who you are. Are you happy for me to explore some of these sorts of questions?

DR McINALLY: Yes.

MS FRASER: You live independently?
20

DR McINALLY: Yes.

MS FRASER: And you move freely within your community?
25

DR McINALLY: Yes.

MS FRASER: You would describe yourself as an independent person?
30

DR McINALLY: Yes.

MS FRASER: What does your independence mean to you?

DR McINALLY: It means a lot to me. It means that I can access what I need to
35 independently, that I can spend time with my friends, have a job, it is really important to me to be independent and not have to rely on anyone else to do the things that I want to.

MS FRASER: And despite having a PhD and obtaining full-time employment, your
40 reality is that at times, whilst you are employed in a workplace, that you are most aware of your disability; would you agree with that?

DR McINALLY: Yes, I think the workplace is one of the times that makes me feel
45 the most disabled at times.

MS FRASER: Can you explain to me the reasons for that?

DR McINALLY: I think it's because as a person who lives independently, I've spent a lot of time and effort on making sure that the places that I go, where I live, where I socialise, are places that are set up in a way that is easy for me to access and I can be myself and be independent. Whereas you don't have that control in the workplace. And the way that the workplace is set up is often not set up in a way that works best for me, especially when you are new to a workplace.

MS FRASER: But it might actually be more than that, might it? If I was to say to you that you feel but for your disability, you would be capable of doing any job in your industry, is that something you would agree with?

DR McINALLY: Yes, I think even going back to what I chose to study, I thought a lot about what I could study in terms of what I would actually be able to get a job, considering my physical limitations. So I hoped that studying psychology would not be something where I would be limited in my professional opportunities. And then when it went to finding a job, there is a lot of barriers that you face as a person with a disability to finding a job that you will be able to be successful in. A lot of jobs require you to have a driver's licence, to be able to travel freely, and independently, to a lot of jobs are located in locations that I can't easily access via public transport, or that are in buildings that don't have access to begin with, or the physical requirements of the job may not be possible for me as well.

So there was a lot of limitations around the type of job that I knew I would be able to do when I started looking for employment.

MS FRASER: So your disability really limited you in terms of the actual career that you pursued, and then once you had made that decision, it had placed further limitations on you in terms of the sort of job that you would pursue within your then chosen career?

DR McINALLY: Yes.

CHAIR: Do you mind me --- sorry, can I interrupt to ask, I see you have a PhD in social psychology. What exactly is social psychology?

DR McINALLY: Social psychology focuses on looking at relationships between people a lot of the time. So my PhD was looking at the interpersonal impact of rejection. So what happens to people when they are rejected, how it impacts their subsequent communication with other people, and how it makes them feel. So social psychology really --- I mean, it's a huge field. So there is a lot of different facets, but it really looks into human interpersonal behaviour.

CHAIR: And when you did your, I assume a thesis, were you specifically concerned with people with disability who were rejected or was it a more general thesis?

DR McINALLY: No, I had been a bit late to the advocacy type of motivation in my

life. It took me a long time to be comfortable enough with myself to start to recognise that it was important to talk about the challenges that I faced and what I wished would change. So, no, my PhD was not focused on disability, it was about interpersonal rejection in general.

5

CHAIR: Thank you very much.

MS FRASER: Beth, I would just like to note that I think given your age, you are not late to anything!

10

Beth, you first entered the work force when you were at university?

DR McINALLY: Yes.

15 MS FRASER: And you did this working at the university itself?

DR McINALLY: Yes.

20 MS FRASER: Can you tell me a little bit about the work you did at the university, what sort of work you did?

25 DR McINALLY: Yes. I was lucky to be able to get some research assistant work when I was at the university. My mother is also an academic so I had some understanding of how the department worked, and I applied for some --- to be honest, I don't remember how I got the jobs, but I got some RA jobs, and I also then, when I started doing my post-grad, I worked as a tutor, which is very common for people doing their thesis. And I also did some sessional lecturing.

30 MS FRASER: And by RA, you mean research assistant?

DR McINALLY: Sorry, yes, research assistant.

MS FRASER: How did your disability impact on the work you did at the university?

35 DR McINALLY: So, for the research assistant work, it didn't impact too much because I mostly did boring data entry. So I was able to do that, being good with computers. When I was a tutor, it was --- it didn't stop me from being a good tutor, I don't think, but like I experienced in general in the workplace, there were a number of things, challenges, that I had to independently overcome to make sure I could be
40 a good tutor. For example, my memory is that there was no institutional support for ensuring that the spaces in which I taught were going to work for me, not just in terms of the location of the room, but in terms of the equipment that I needed to use. My memory is I often had my friends come along with me to make sure I could
45 navigate the space and also use the equipment that was provided. And sometimes I would call on students to reach something that I couldn't reach, like the light switches. So although at the time I didn't probably see it as a huge barrier because I was used to overcoming challenges like this, looking back it would have made my

job easier and more comfortable if there had been more appreciation of the need to address those challenges before I started doing the role.

5 MS FRASER: So in the absence of any kind of institutional support, to use your expression, it was really up to you to problem-solve on a daily basis whilst also fulfilling the role as a tutor and an academic?

DR McINALLY: Yes.

10 MS FRASER: You finished your studies in 2013, and that was the first time that you turned your mind to obtaining employment outside the university setting?

DR McINALLY: Yes.

15 MS FRASER: Can you explain to me how your disability impacted on the process of actually applying for jobs?

20 DR McINALLY: Yes. So, I guess I was then faced with realising the large amount of jobs that were just not going to work for me. Like I touched on before, there is a number of things that I had to consider. Given that I don't drive, I had to make sure I could access my job via public transport. And even though you nicely said I'm not very old, back then the buses weren't all accessible, so it was really was thinking about the location of the job in terms of where it was situated in the Brisbane area. And then I had to put thought into whether the building where the workplace was
25 actually going to be accessible as well, and then look at the actually specifications of the job around the requirement to drive or travel independently, or do tasks that I didn't think physically I would be able to do.

30 I think at that stage, rather than go for everything and face the challenges, I just ruled those ones out that had the big challenges that were apparent to me at the time. So it really limited the number of jobs that I was able to apply for.

35 MS FRASER: And, in your experience, how proactively do employers actually address access needs and possible accommodations that they can provide a person with a disability at the point of recruitment?

40 DR McINALLY: I'm not sure if it has changed in a good way now, but I don't remember anything being addressed when I was looking for jobs. I don't remember ever reading about whether or not the workplace considered themselves to be accessible, about any way to find out more information about that. My memory is that there was no information provided about anything to do with inclusion or access.

MS FRASER: So, again, it was up to you?

45 DR McINALLY: Yes.

MS FRASER: Prior to working at the Department where you now work, you worked

at a large organisation; that is correct?

DR McINALLY: Yes.

5 MS FRASER: And how did you get that job?

DR McINALLY: I knew about the job through a friend who worked in the organisation, but I applied for the job through a formal advertisement and job application process.

10

MS FRASER: And you physically attended an interview?

DR McINALLY: Yes.

15 MS FRASER: And when you started in the position, was there a workplace assessment of any description undertaken for you?

DR McINALLY: My memory is that there was not any. I don't remember it being offered to me. I don't know there was nothing done at the time when I started. No.

20

MS FRASER: And it was a job that required you to work at a desk, at a workstation?

DR McINALLY: Yes.

25

MS FRASER: When you first arrived for your first day at work at that large organisation, was your workstation or work area accessible to you?

DR McINALLY: It was accessible in that I could drive my chair to the workstation, but, no, the way it was set up was quite challenging because I have very short arms, and often things are placed where an average able-sized --- average-sized, able-bodied person was able to reach. So I need to do quite a bit of adjustment to my computer and the keyboard and all that in order for them --- for me to use them independently, and that hadn't taken place.

30

MS FRASER: How did you deal with that?

DR McINALLY: I asked colleagues for help is my memory of how I overcome it. It's often the way I dealt with things that weren't set up adequately in the workplace.

40

MS FRASER: And these would be colleagues that you met for the first time that day?

DR McINALLY: I did know one formerly, but the rest were new to me, yeah.

45

MS FRASER: Can you tell me, how does it make you feel when you have to ask students at university or new work colleagues, how does it make you feel when you

have to ask these people to assist you?

DR McINALLY: At the time I think I pretend that I don't mind and use humour to overcome the uncomfortableness, but I feel embarrassed and incompetent because
5 I have very high standards for myself and I like to think that I come across as independent and capable, and I don't feel that way when I need to ask colleagues for help for things that other people would never even think of needing help for.

MS FRASER: Yet, it's not really your incompetency, is it, it's the incompetency on
10 the person who employed you and met you at an interview and placed you at a workstation where they put the computer too far back, it is really their incompetence, isn't it?

DR McINALLY: Yes, I now realise it is.
15

MS FRASER: There was an incident when you were working at the large organisation when you had to travel interstate for work.

DR McINALLY: Yes.
20

MS FRASER: And you don't find airline travel particularly comfortable, do you?

DR McINALLY: No. Airline travel is probably one of the worst experiences that I come across regularly, because they --- airports and airlines, which as they tell you
25 are separate things, do a very bad job of managing how to look after my electric wheelchair and how to make sure I'm comfortable getting on and off the plane. So airline travel is very difficult.

MS FRASER: An inability to travel freely interstate further limits your employment
30 options, doesn't it?

DR McINALLY: Yes.

MS FRASER: When you travelled interstate for the large organisation, did your
35 employer ask you if there were any accommodations they could make or any way they could assist you with the airline travel?

DR McINALLY: There was no formal process that I can recall that they had in place, and no one asked me about the kind of supports that I would need to undertake
40 the travel, no.

MS FRASER: So what did you do?

DR McINALLY: I actually ended up asking my mother to travel with me because
45 generally I don't travel on the plane on my own because of the difficulties. So she needed to travel for work as well, so we designed it that we could travel at the same time.

MS FRASER: Again, it was up to you to problem-solve something for your work?

DR McINALLY: Yes.

5

MS FRASER: While you were aware on that particular work trip, you attended a worksite with your colleagues, didn't you?

DR McINALLY: Yes.

10

MS FRASER: And, again, your employer had not asked you if there was any way they could ask you in travelling to the worksite, had they?

DR McINALLY: No.

15

MS FRASER: So in that instance it was up to you to book the maxi taxi ---

DR McINALLY: Yes.

20 MS FRASER: --- that took you and your work colleagues to the worksite?

DR McINALLY: Yes.

25 MS FRASER: When you finished the visit, you called the maxi taxi to come and collect you and your colleagues, hadn't you?

DR McINALLY: Yes.

30 MS FRASER: What happened when the maxi taxi, as so often happens, didn't arrive?

35 DR McINALLY: My colleagues needed to get to the airport to catch their flight, and when the maxi taxi didn't arrive promptly, a decision was made that we would separate so that they wouldn't miss their flight. So I continued to wait at the work site until the taxi arrived, which it didn't. So I ended up calling my mother who was in the same location --- in the same city, who came and met me there so that we could travel alone. It was raining and getting dark. And electric wheelchairs and rain are not friends.

40 MS FRASER: Do not mix.

DR McINALLY: Yes.

45 MS FRASER: So that I'm clear, you have travelled for work, attended a worksite for a work meeting, travelled with work colleagues, they have left you at the worksite, albeit to catch a flight, and you are remaining at the work site, in the dark, or as it gets dark, as a person in an electric wheelchair in the rain?

DR McINALLY: Yes.

5 MS FRASER: And it's up to you to call your mother who happens to have been there because you brought her interstate with you?

DR McINALLY: Yes.

10 MS FRASER: You now work for a large department.

DR McINALLY: Yes.

MS FRASER: And how did you get that job?

15 DR McINALLY: I've worked in a number of different roles there, but I originally came to be employed at the Department through a friend telling me about a vacancy, and me doing from memory a fairly informal interview to get that short-term position.

20 MS FRASER: When you first started at the Department, you encountered a number of physical barriers, didn't you?

DR McINALLY: Yes.

25 MS FRASER: Can you explain some of those for me?

DR McINALLY: Yes, so even though the Department was more well-equipped than my previous organisation in that there was some thought given to me coming, the building itself was still not well-equipped for having people with disability work there. I was on a floor with no disabled access bathroom, which --- it is a large
30 building so it is common that there wasn't a disabled access bathroom on every level. Also, I was unable to use the kitchen facilities, the water tap or the sink or anything like that.

35 MS FRASER: Let me just stop you there. You mentioned that there was no disabled bathroom --

DR McINALLY: Yes.

40 MS FRASER: --- so you had to travel to a different floor within the building to use the bathroom?

DR McINALLY: Yes.

45 MS FRASER: And when you travelled to that bathroom, was the one you then used accessible?

DR McINALLY: That one was accessible. Accessible bathrooms are often not great in terms of things not being in the right place, but that one was accessible but I had to --- I think it was about 6 levels that I travelled in the lift to access that bathroom.

5 MS FRASER: And that took time out of your work day?

DR McINALLY: Yes.

MS FRASER: When you are there trying to do your job?

10

DR McINALLY: Yes.

MS FRASER: And you mentioned that you couldn't access the kitchen.

15 DR McINALLY: Yes.

MS FRASER: How did that impact on your day?

20 DR McINALLY: I guess it just required me to have a lot more organisation for myself in my day. So, rather than having a water bottle I kept at work and filling up at the tap like everybody else, I would bring water from home so that I wouldn't run out during the day. And I couldn't rely on being able to heat up my lunch, so usually I would eat something that didn't require heating, or that I would go out and get something for lunch, and I could never wash up any dishes after myself so I would
25 have to take those home and do those at home.

MS FRASER: So all those little things that every other employee takes for granted required significant pre-planning on your part and adaptation?

30 DR McINALLY: Yes.

MS FRASER: So something as everyone else gets to bring a lunch from home and heat it up and wash their dishes out, you either eat something that can't be heated or you have to go out and buy something elsewhere?

35

DR McINALLY: Yes.

MS FRASER: Again, because of the failure of an employer to effectively, you know, think of these things in advance, you are modifying your behaviour and impacting on your productivity?

40

DR McINALLY: Yes.

MS FRASER: Because every time you go to use the disabled bathroom on the 6th
45 floor, or you go out to buy lunch when you otherwise would have heated it up at work, you are losing work time?

DR McINALLY: Yes.

MS FRASER: And you take your job really seriously, don't you?

5 DR McINALLY: Yes.

MS FRASER: And you want to be as productive and successful as anybody else?

DR McINALLY: Yes.

10

MS FRASER: You've since changed roles, haven't you?

DR McINALLY: Yes.

15 MS FRASER: And there have been some changes to your work environment?

DR McINALLY: Yes.

MS FRASER: What changes have been made?

20

DR McINALLY: On the floor I work in now, they changed a meeting room into an disabled access bathroom, and they also made some modifications to the kitchen so I could fill up --- have access to a water filter --- tap, sorry. And also they purchased a microwave that could sit near me at a lower level so that I could heat up my lunch.

25

MS FRASER: And would you say that those --- how do you feel about the need that those changes had to be made after you started?

30 DR McINALLY: Yes, I think it is a shame that they are not already in place, but at the same time I feel very lucky to have supportive colleagues because I didn't ask for any of those things. It was my senior colleagues who saw that I needed those changes to be made and advocated on my behalf for those things to happen, which I feel very grateful for. But my concern is that not everybody has great colleagues like I do, and that people will miss out on those things if they are not willing to --- not
35 just willing, but if their advocacy for themselves either within their capability or even effective, they won't be able to have those changes made so that they can then function in the workplace in line with everybody else.

40 MS FRASER: You would agree, wouldn't you, that by employing you, and by at some point in time turning their minds to the requirements of what might make your workday easier, your employer has now made themselves more open, potentially, to employing other people with disabilities?

45 DR McINALLY: Yes.

MS FRASER: So you would say that one of the best ways to institute meaningful

change might be to actually start employing people with disability?

DR McINALLY: Yes.

5 MS FRASER: Because if you don't, you never have the experience of interacting with someone such as yourself, seeing the positive impacts you bring to the workplace and considering how simple it might be to put a microwave on your desk?

10 DR McINALLY: Yes. And I think it is that common thing, which I'm sure most people with a disability find that when you start interacting with people who have never interacted with anyone with a disability before, they become a lot more aware of the challenges that you face and the things that you need to help you get by and they say things like "I never even thought about that", or "I never noticed all these stairs into the restaurant before I tried to come here with you", those kind of things.
15 So I think you are right, in a workplace, having visibility of people with a disability, and that really helps to create that change.

MS FRASER: The Department that you work for recently implemented a workplace strategy that aims to increase opportunities for people with disabilities; that's correct,
20 isn't it?

DR McINALLY: Yes.

MS FRASER: Have you yourself witnessed any tangible changes in your workplace
25 since the strategy was developed?

DR McINALLY: I think there is a lot more discussion around creating inclusive workplaces, there is more visibility around what that means. So there is more promotion and discussion, and I know that there is opportunities for people to attend
30 like professional development sessions to understand what that means.

Personally, I haven't seen any tangible changes. The tangible changes I've seen in my workplace, as I said, have really come about because of my senior colleagues advocating for change and those things being put in place. I hope that it comes with
35 time, because as we know these things, it takes time for their shift but at the moment I don't see the tangible on-the-ground changes.

MS FRASER: You yourself have made some practical changes within your workplace, other than the ones we've just discussed that arguably have a positive impact for other people with disabilities, haven't you?
40

DR McINALLY: Yes, I think as I mentioned before, I have only recently started to have the confidence to advocate for myself and other people with disability. And when I thought about attending meetings, because often I have to attend meetings in
45 other buildings and that often makes me quite stressed because before I go to the meeting, I need to think about where it is, how I'm going to get there, what is the room going to be like, whether there will be a disabled access bathroom. And so my

thinking back on my own experience made me realise that even though I know that someone coming to my building would be able to access the floor because there is lifts and that there would be wide enough doorways, that we don't make that known when we set up the meeting. Again, my senior colleagues are very supportive so I
5 suggested that we added on to our meeting invites that --- information about the access to meetings and inviting people who have any additional not just physical but auditory or visual requirements to let the meeting organiser know in advance, so that we can cater for their needs. I think that makes a big difference not only because people can feel comfortable, okay, I'm in a wheelchair and can access the floor, but it
10 also makes people feel like they are being considered prior to the meeting started, and that they will be welcome at that meeting.

MS FRASER: You just mentioned the word "stress"; I think you said the stress in terms of wondering whether or not I can get to where I need to go to. As a person
15 with a disability, you would experience on almost a daily basis, particularly, I mean anywhere from airline travel, which as a person with a disability you would find to be one of the most stressful things you could do ---

DR McINALLY: Yes.

20 MS FRASER: --- through to daily "Can I access that building?", it creates stress, doesn't it?

DR McINALLY: Yes.

25 MS FRASER: And that level of stress also impacts in some way on your productivity as an employee --

DR McINALLY: Yes.

30 MS FRASER: --- because your mind is not entirely focused on the job, it is focused on "Am I going to be able to get to do the job"?

DR McINALLY: Yes. I find that's something --- I try very hard to not let it get on
35 top of me, but you constantly battle with because every day when you leave the house, you are confronted with obstacles. So in order to make sure the obstacles don't impede your ability to get done what you need to, you have to be problem-solving all the time. So I think it is a hard balance between making sure my mind is problem-solving so I get things done, but not letting that take over, like you
40 said, so it doesn't impact on my productivity. I think people don't understand often the taxing nature of that process, being a continuous thing.

MS FRASER: And, ultimately, while you yourself are good at overcoming those barriers, it is still taxing on you. But, as you mentioned, there are other people with
45 disabilities who might not be able to overcome those barriers the same way?

DR McINALLY: Yes.

MS FRASER: So it is really up to all of us as a community to facilitate --- this hearing is obviously particularly focused on employment, but so many aspects of our community and the way we interact impacts on our employment.

5

DR McINALLY: Yes.

MS FRASER: So it is up to all of us to start thinking, not leaving it to people like Dr Beth McNally to constantly think about how she might be able to get to do her job?

10

DR McINALLY: I think you are exactly right, and I'm cognisant of the fact that I'm lucky to be extremely verbally competent, and without that, I can't imagine how difficult it would be to overcome the challenges constantly if you need that --- if you need assistance.

15

MS FRASER: Beth, you had some hesitation in relation to giving your evidence to the Royal Commission today, didn't you?

20

DR McINALLY: Yes.

MS FRASER: Do you mind if I ask you why you had this hesitation?

DR McINALLY: I think, like I touched on, I have spent a lot of time in my life trying to downplay my disability. I wasn't comfortable with identifying myself or seeing myself as someone who was disabled as part of the overall person, even though obviously I am. It took me a long time to feel comfortable enough to be able to assert what I needed and to identify the challenges that I was facing because I feared that in order to appear competent and independent I needed to pretend that those things weren't an issue. So when I started working with you and your colleagues around this, I was quite hesitant to appear publicly for fear that people would think I was less competent or less independent after speaking out or that I was complaining, which is not my intention. So, yes, I was quite hesitant.

25

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MS FRASER: And can you tell me why you ultimately decided to come today? And I'm so very grateful that you did. Can you tell me why you ultimately decided today to come and give evidence to the Royal Commission?

DR McINALLY: I think because I think that mainstreaming these challenges and making it less silent is very important. I think that also for anyone who watches these hearings, it is really important to see diverse perspectives of disability and to --- for other people with disability to see people who may look like them talking about the issues that they are facing so they feel less alone. Also I think that --- I think it was actually you who said to me --- there is more power in speaking personally about something than just writing it down, so I hope that what I had to say would be more impactful if I spoke in person. Because I'm really motivated to do things that create change so that as the generations go on, it is less difficult for people with a disability

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in all facets of life, but as we are talking about today, especially in the workplace.

MS FRASER: Beth, you have certainly had a tremendous impact today. Thank you so very much for coming to give your evidence. You speak so articulately and
5 succinctly about issues that impact so many people with disabilities, and ultimately, impact the community in general in terms of their interactions with people with disabilities. I would like to thank you very much.

I would like to now turn to the Chair and ask whether or not any of the other
10 Commissioners might have a question.

DR McINALLY: Thanks.

CHAIR: Thank you very much. First of all, I will ask Commissioner Galbally if she
15 has any questions? Commissioner Galbally is in Melbourne.

QUESTIONS BY THE COMMISSION

20 COMMISSIONER GALBALLY: Thank you very much for your statement. I would like to ask, since the Strategy has been developed, whether you know whether more people with disabilities have been employed, and is there an outreach program and even a target to employ more people with disabilities?

25 DR McINALLY: Thanks for the question. Unfortunately I don't know because I don't work in that area of the department that does that work. I have a feeling, from some of the things that I've read, that there is definitely some effort being put forward to increase the number of people who are employed with a disability. I'm
30 not sure whether there is a target. And I don't know whether it already has increased. So I don't have those answers.

COMMISSIONER GALBALLY: Thank you.

35 CHAIR: Thank you.

Commissioner Atkinson, do you have any question?

40 Commissioner Atkinson, of course, is in the same room as you are.

COMMISSIONER ATKINSON: Yes, I do have a question, thank you. Perhaps it is more of an observation with a question at the end.

45 You talked about the importance of employers just doing it, employers just employing someone with a disability so that all the challenges that are faced can be met. But what I want to ask you, and this is something from my own experience, if an employer employs someone with a disability, what they also get are the

advantages of having that person, and the strength and diversity that that brings to the workplace. Do your colleagues reflect that back to you?

5 DR McINALLY: Yes. I'm lucky to have some really amazing friends in my
workplace who do say things like that. I'm not good at listening to compliments but -
-- I think you are right. Especially when it comes to problem-solving, given Simone
and I were talking about problem-solving, and how much you have to use that every
day just to get through the day, I didn't realise how much that would be useful in the
10 workplace until I started managing a team. Often we sit together, not to say that my
team members don't come up with great ideas as well, but I guess I'm able to think
tangentially about things sometimes and see things from a different perspective.
I think at times that can be really valuable. And we know that the research says that
people with a disability are often more loyal to the organisation, and they work
harder on average than other employees, so I think there are advantages, like you say,
15 to employing people with disability.

COMMISSIONER ATKINSON: Thank you very much.

20 DR McINALLY: Thank you.

CHAIR: Commissioner Ryan in Sydney.

25 COMMISSIONER RYAN: Yes, Chair, there are a couple of questions I would like
to ask, largely as a result of your excellent experience in the public sector.

First of all, is there a wide knowledge in your Department of the Employee
Assistance Fund, which is the kind of fund that can be accessed to supply the vehicle,
for example, you were talking about that was needed? Is there a wide understanding
of the fact that there is Commonwealth Government funding available to fund
30 equipment like that?

DR McINALLY: Did you say EAP?

35 COMMISSIONER RYAN: Yes.

DR McINALLY: I only understand EAP as a counselling ---

40 COMMISSIONER RYAN: Sorry, I meant the Commonwealth system, the
Commonwealth funding that is available for buying equipment and upgrading
premises and so on.

45 DR McINALLY: I did not know about it, but I'm not to say that the people who are
in that area of the Department where I work might be aware. But I wasn't aware of
that.

COMMISSIONER RYAN: Okay.

The other thing I was going to ask is, what role have you been able to play yourself in your government agency for --- in terms has anyone consulted you, are you a part of --- it's quite common for large government departments to have like a support group for people with disabilities that are supposed to be able to speak directly to management; have you ever been given access to that? Given your distinguished qualifications and experience, it would seem to be obvious that you would be a candidate to be asked to do something like that. Does that happen?

DR McINALLY: There is a support group I'm aware since policy we were discussing has come out. I know that there is. I am not on it, but not because I wasn't invited, just because I'm not very good with work-life balance and I haven't found the time to open myself up to doing that, but I will because I think it is important. But I have participated in a focus group that my department ran to get perspectives of people from employers with disability in the workplace, and so I did participate in that because I thought it was a really important opportunity to provide feedback about the barriers that are faced. And it was really useful. There was quite a range of participants who took part. Everyone had quite different experiences of what they need. For me it was more about how I could be supported for progressing in my career as time goes on, whereas for other people, it was more about day-to-day access to technology that they needed. So it was important, and I'm sure that the department used that information to inform their policy that they have now.

COMMISSIONER RYAN: That's a fair comment, I must say, and I apologise for suggesting that we need to put yet more work on the shoulders of people with disability to improve something we should have fixed already.

What I would also like to ask you is: have you ever attempted to be promoted in your department and how has that gone?

DR McINALLY: Yes. So where I work, you just need to apply for a higher duties position. I have progressed through different --- so I started off in a temporary job and then I got a permanent position at that level. And since then I've secured another permanent position at the level above. Yes.

COMMISSIONER RYAN: And just a final question. I suspect your government agency is not like many others where there are a very small number of people with disability working in it. Do you think it has got beyond the business of trying to encourage the employment of people with disability, and you mentioned earlier the issue of a target --- do you think it is time for government agencies to set the pace and to actually have some targets for doing this because, frankly, it seems to be we've at this for more than 20 years of trying to improve the situation, and nothing has moved; do you think the time has come to actually set some targets, make some space, and start doing it?

DR McINALLY: Yes, I think targets would be really important, but I think it needs to come in tandem with also the organisations being structured in a way that enables those people to comfortably come into those roles and succeed and thrive in those

roles. So it's not just about meeting a target, it's also about saying, "Hey, this is the workplace we have, these are the things we've already done". Obviously, as we all know and is evident through the Royal Commission, disability is so diverse. There is no way that a workplace can be ready for every need that a person might have before they come in. So I think it's about first securing those kind of global access and inclusion kind of things in terms of bathrooms and kitchen facilities and things like that, but then also saying that if we are having a target, we are also ready to respond to the individual needs of people who come in, and the onus not being on that employee to have to say "This is what I need", but someone works with them to say, "Okay, what do you need to succeed and how are we going to make that happen?"

COMMISSIONER RYAN: Thank you. Thank you, Mr Chair.

CHAIR: Dr McInally, I would like to endorse what everybody and Ms Fraser in the Commission has said about you're coming to give evidence today. You said one of the motivating factors was the need to speak powerfully, and you have spoken very powerfully and we're very grateful to you. Thank you very much.

The only thing I would add, if I'm allowed to give you some advice, as you get older, I think you will find that it becomes easier to accept compliments, particularly when you get much, much older.

DR McINALLY: Thank you.

MS EASTMAN: Thank you, Commissioners. Could we now adjourn until 11.10 Brisbane time and 12.10 Sydney time.

CHAIR: Yes, we will adjourn until that time.

ADJOURNED [11.57 AM]

RESUMED [12.12 PM]

CHAIR: Yes, Ms Eastman.

MS EASTMAN: Commissioners, you will see with me is Professor Ron McCallum.

May I say, on behalf of Counsel Assisting, we are delighted that Professor McCallum has joined us at the bar table.

CHAIR: Yes.

MS EASTMAN: Professor McCallum has been blind from birth. When he was a child, many blind people spent their lives making baskets in sheltered workshops,

but Professor McCallum's mother had some other ideas for her season. His mother's confidence was well-placed.

5 Professor McCallum is the leading labour and employment law scholar in Australia. He has had an eminent academic career, including a role as the Dean of Sydney University Law School. He is the first totally blind person to be appointed to a deanship of a law school in Australia or New Zealand. Professor McCallum was the inaugural President of the Australian Labour Law Association. He has served as the Asian Regional Vice-President of the International Society for Labour and Social
10 Security Law. In early 2003, the Australian Government awarded Professor McCallum a Centenary Medal for his role as a labour law scholar and for his role as a disabled citizen.

15 On 3 November 2008, Professor McCallum was elected as one of 12 persons to serve on the inaugural Committee of Experts established under the then new *Convention on the Rights of Persons with Disabilities*.

20 At its inaugural meeting in February 2009, Professor McCallum was made the General Rapporteur for the Committee. That's indeed an onerous job. At its second meeting in October 2009 Professor McCallum was unanimously elected the Chair of the United Nations Committee on the Rights of Persons With Disability, and he served on that Committee until 2014.

25 In early 2010, Professor McCallum was appointed by the Governor of NSW to the position of Chair of the Disabilities Council of NSW.

30 In January 2011, Professor McCallum was awarded the honour of being the Senior Australian of the Year for 2011, that award being conferred by the then Prime Minister The Honourable Julia Gillard. Later that year, Professor McCallum was appointed by the Minister for Workplace Relations to review Australia's *Fair Work Act*, that is the key piece of labour and employment law legislation that operates in Australia. And Professor McCallum, with the other authors, prepared *Towards More Productive and Equitable Workplaces: An Evaluation of the Workplace Legislation*. That report was published in June 2012.

35 In 2013, Professor McCallum was appointed to the Administrative Appeals Tribunal specifically to hear appeals arising in relation to NDIS matters. I've barely touched the service of Professor McCallum's most eminent and distinguished career, and he also does a very good TED talk.

40 Professor McCallum is a special adviser to this Royal Commission. Now, that makes it an impediment to me calling him as a witness, either as an expert witness or a person with lived experience, particularly not only practicing in the field of employment, but also his own employment. But we are indebted to Professor
45 McCallum for his advice, his wisdom, generally, but specifically for the preparation of this public hearing. And I'm absolutely delighted to be able to appear with Professor McCallum, as are my colleagues in Brisbane.

Thank you very much, Professor McCallum.

5 CHAIR: Thank you, and may I add to that, on behalf of all Commissioners, that it has been a great privilege and pleasure to work with Professor McCallum whose contributions to this Royal Commission have been inestimable. Professor McCallum and I share something, namely that we have both been deans of law schools, but in Professor McCallum's case, he was the dean of the second-best law school in Australia!

10 Yes, Ms Eastman.

MS EASTMAN: Commissioners, our next witness has a pseudonym and her name is "Taylor". She is joining us to give evidence. Taylor has decided that she would like to read parts of her statement, and I will invite Taylor to do that in a moment, but occasionally I might jump in and ask a few questions as we go along.

Taylor, I can see you on the screen. I think the first thing is to take your oath or affirmation.

20 CHAIR: Yes, thank you, Taylor, for joining us today and for giving evidence. If you would be good enough to follow the instructions of my associate who will administer the affirmation to you. Thank you very much.

25 **"TAYLOR", AFFIRMED**

CHAIR: Thank you. Now Ms Eastman will ask you some questions.

30 **EXAMINATION-IN-CHIEF BY MS EASTMAN**

35 MS EASTMAN: Taylor, you've prepared a statement for the Royal Commission dated 22 November this year?

TAYLOR: Yes.

40 MS EASTMAN: You've had a chance to read the statement?

TAYLOR: I have.

MS EASTMAN: And what you say in the statement is true?

45 TAYLOR: That's right.

MS EASTMAN: Commissioners, can I ask you to receive Taylor's statement into evidence, and that will be marked Exhibit 9.9.

CHAIR: Yes, that will be done.

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EXHIBIT #9.9 - STATEMENT OF "TAYLOR"

10 MS EASTMAN: We had a discussion the other day and you decided to read part of your statement, so can I invite you to start reading from perhaps paragraph 3.

TAYLOR: Sure. Okay.

15 I've spent most of my clear in the Australian Public Service, known as the APS, and I've worked in several agencies. I've been with my current employer for about 7 years. A few years ago I was diagnosed with autism. Looking back, I think this explains the previous difficulties I've had in undertaking certain aspects of my work, and problems I've had with social interactions and challenges I've had transitioning
20 from school to adulthood.

So I think having to perform my role without knowing why I was struggling and not having any --- the necessary adjustments which would have assisted me came at a cost to my mental health. And I --- I've often felt I was working below my capacity
25 and I haven't made a great deal of progress in my career. So I've applied for 2 jobs in the APS, in which I have disclosed my disability and I asked for reasonable adjustments. Well, I should say I've disclosed my disability status, not my specific disability. So one was partly undertaken by an external recruitment agency and the other one was undertaken within the Government agency. And on both occasions
30 I was rated as "not competitive". And one of the positions was --- in one case I had applied for exactly the same position a year earlier where I didn't disclose that I had a disability and I was rated as "competitive". So I've also applied for other positions in the APS where I've opted for the RecruitAbility Scheme, and I've progressed to interview stage and was rated as "competitive". But in those cases I didn't seek
35 reasonable adjustments, I was placed in the merit pool both times but I wasn't offered a position. So I would just like to talk about my experience regarding recruitment processes in the APS, and also my experience regarding supports for people with disability in the APS.

40 So I will firstly talk about the first job I applied for. So, for this position I submitted a written application. Then the next step was to complete a timed, pre-recorded video interview. And this involved speaking to a camera on my own device and in my own time. And it was asynchronous. That means recruiters would view the interview later on. These are called "robo" interviews, for obvious reasons.
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On this occasion I wasn't contacted by anyone before the interview to discuss my request for reasonable adjustments, and there wasn't any contact person or phone

number to call on the email I received from the generic recruitment mailbox. Due to the really short time frame between receiving the email and the deadline for completing the interview, I had little choice but to go ahead and go ahead with the interview and do my best.

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One of my requests was for the interviewer to provide feedback on whether I had adequately answered the question or if further detail was required. This is obviously not possible in an automated online interview as there isn't any human interviewer to provide feedback, so I didn't really find that format very accessible, and I don't think it would be accessible for many other people with different disabilities. And there was no option for reasonable adjustments. So I do feel that this format does disproportionately result in people with disability being disproportionately eliminated from the recruitment processes.

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15 MS EASTMAN: When did you have that experience? Was that recent or some time ago?

TAYLOR: This happened last year.

20 MS EASTMAN: Right. And when you talk about having a robo interview, what adjustments do you think could have been made to a robo interview?

TAYLOR: Well, I think, you know, maybe being given more time to think about the question before the camera started rolling. So this question pops up on the screen, and then you have a minute or so, and then the camera starts rolling and you have to start talking. And also perhaps being given a bit more time to answer the question.

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The other thing with these interviews is that there is no option to redo the answer if you feel like you stuff it up. So that could possibly be an adjustment as well. But, you know, I feel even --- overall this type of recruitment process isn't really that accessible for a lot of people with disability. I think they are becoming more popular because they are a cheap way for recruiters to weed out large numbers of candidates. But it doesn't seem to me that they've really considered the needs of people with disability when --- who might be applying for the position.

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MS EASTMAN: Right. So, can I pick up now and ask you to read from paragraph 13, so you can tell us about the second position.

TAYLOR: So in the other position I applied for, I just asked for a few minor reasonable adjustments when I submitted my written application. So, some of the things I asked for --- requested were being provided with the questions a few minutes before the interview so I had a chance to think about them, some extra time to answer the questions and to have the interviewers prompt me if they thought I needed to answer the question more fully. So after --- I was offered an interview for the position. Then I changed my mind and decided I wanted to withdraw my request for reasonable adjustments because I didn't want to be --- I didn't want to risk being

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discriminated against.

5 So I rang him and --- human resources and said that I had decided --- I didn't want them to provide the adjustments anymore, and they actually refused and said that they were obliged to provide me with these adjustments because I had asked for them, and that they needed to make sure I had a fair chance of being offered the position. So, in the end, I found the panel only provided me with some of the adjustments I asked for. I don't think they prompted me at any time. They did provide me with the questions in advance, but it was quite rushed, it was only a few
10 minutes before the interview started. So I didn't really have a lot of time to think about the questions.

15 So I was rated "not competitive" in the interview, and this was the --- I had applied for the exact --- the same position, the exact same job, a year earlier, but in that process I had not identified as a person with disability. And the recruitment process was pretty much the same, except the second process the interview was conducted by video conference because of COVID. And the actually --- the same manager who was on the panel in the first interview was on the panel in the second interview as well, and I did feel I performed at least as well as I had in the earlier interview. So
20 when I was rated "not competitive" in the second interview, it was really disheartening.

25 And I should mention I have found if you want reasonable adjustments in interview process, it is really up to you to work out what you need and to ask for it. And I believe that the people conducting the interview might not have a really --- appreciation of why you might want or need those adjustments, and they might even think that it is unfair for you to get those adjustments. And I do get the impression that a lot of people involved in recruitment are not necessarily very disability aware.

30 So, in both of the recruitment processes, the panel knew I had a disability and although they didn't know my diagnosis, I assumed they had an idea of the type of disability I had based on the adjustments that I requested. I am aware that there is a view that people with invisible disabilities such as autism shouldn't disclose their condition if they can avoid doing so to avoid the risk of being discriminated against,
35 and people with invisible disabilities might be seen as not deserving adjustments as people with physical disabilities. And asking for adjustments might be seen as faking it for an unfair advantage.

40 So, based on this experience, based on my own experience, I do believe some managers in the APS have this view. So the reason I made the decision to disclose my disability status was I thought it was important for others following me, and I wanted to try and pave the way. And I did feel I performed as well in the interviews that I was rated "not competitive" as in the interviews where I was successful.

45 So I do suspect there was a correlation between me asking for reasonable adjustments and being rated as "not competitive". Obviously there is no way I can prove that or even be certain. So, because of that, I don't think I would --- I'm not

really likely to request reasonable adjustments again in future in an interview.
Because I believe that the risks of discrimination are not worth any benefits.

5 I do find it quite demoralising just to feel that you are being rejected for a difference
which you have no control over and which doesn't really have any impact on your
ability to do the job.

10 And in my experience in the second position, it was quite disheartening because
when I got the rejection email, it said "no feedback will be offered for this process".
So it sort of gives the impression that the recruiters don't feel like it's worth their
while giving you feedback so that you could possibly use that to improve your
chances in future processes.

15 MS EASTMAN: Can I ask you: you've talked about the invisible disability, and that
decision whether to disclose or not disclose. And the two experiences that you've
had have been, as you say, demoralising. So can I ask you this: if you decide in the
future not to request a reasonable adjustment, how do you think that that might affect
how you will perform in interviews? Have you thought about that?

20 TAYLOR: Yes, I have. Look, I do find interviews challenging and I do feel like I'm
at a disadvantage with traditional interviews compared to people who don't have my
disability. So, just as an example, in the APS job interviews you are always expected
to use the STAR technique when answering questions. So this is where you have to
25 tell a little story about how you handled a specific situation, something that actually
happened in the past, to show to the panel how you have a particular skill or attribute
that they are looking for. In my case, I have slower-than-average processing speed
and anxiety, so it can be quite difficult thinking up an answer that addresses the
question when put on the spot. And even if I've prepared for the interview, which I
do, it is very challenging and it does kind of put the onus --- you are kind of put on
30 the spot. And I think some people who have autism really do struggle in that
situation.

MS EASTMAN: It's a little bit like giving evidence to the Royal Commission and
being put on the spot with the questions?

35 TAYLOR: It is!

MS EASTMAN: A similar situation.

40 TAYLOR: But more stressful.

MS EASTMAN: Having disclosed that, I am going to ask you what could employers
do to make asking for adjustments during recruitment processes, and you might also
say, how do we make it easier for people to give evidence in the Royal Commission
45 if our process is answering questions and having to answer them on the spot? What
should we be doing?

TAYLOR: Well, look, certainly I think the Royal Commission is a really good model for how things could be made easier for people with disability in recruitment processes. As an example, so the employer could have like a Disability Liaison Officer available to speak to candidates to discuss reasonable adjustments. So this
5 would be someone who is trained and has an interest and understanding of disability. And then that person could then work with the panel to make sure that the adjustments are properly implemented, and address any other queries so the person is really --- gets the support they need.

10 Another idea I had was that the employee could provide a checklist of common adjustments that candidates could just choose from. I do think in general that the concept of reasonable adjustments needs to be expanded a bit to include adjustments for people who have invisible disabilities such as mental health conditions. At the moment I don't really think --- I think the concept of reasonable adjustments in my
15 experience is quite narrow.

MS EASTMAN: So you want to make further comments about APS recruitment programs. So can I take you back to your statement, and I think we had reached paragraph 23, so you are going to take it up from paragraph 23.

20 TAYLOR: So I would like to say --- talk a little bit about the APS as an employer and people with disability. So the representation of people with disability in the APS is significantly worse than any of the other key diversity groups. So that includes LGBTI, Indigenous, culturally and linguistically diverse, and women.

25 The rate of APS employees who identify as having a disability is currently only 3.8 per cent, but people with a disability represent 14 per cent of the working age population. So I think it is really important for the APS to take some steps to increase representation of people with disability in the workforce, and ensure that
30 people with disability are not disadvantaged in the recruitment process.

So I would like to mention --- I mentioned the RecruitAbility scheme before, and this is widely applied to APS jobs advertised in the APS Gazette. I think there is an issue with the RecruitAbility scheme because although it guarantees the person with
35 disability an interview if they meet the minimum requirements of the position, the person with disability still needs to be related as competitive at the interview and, secondly, they need to be selected from the merit pool.

40 So, through my own experience, for --- many, many people with disability find traditional interviews to be a barrier for gaining employment. And, as far as I know, there isn't actually any evidence that the RecruitAbility scheme has had any effect in increasing representation of people with disability in the APS. So the proportion of people with disability in the APS has actually been declining over the last 20
45 years, and is at least stagnant.

I would like to talk about disability affirmative measures, which is an option for APS

job vacancies. With a disability affirmative measure, when it is applied to a vacancy, that means that only people with disability are eligible to apply for the job. I think this offers a lot more promise to people with disability, and it has a lot more potential to improve representation of people with disability in the APS. But I have noticed,
5 as I've been looking for jobs over the last 2 years, it is very unusual for APS positions to be advertised using the disability affirmative measure. There is an equivalent Indigenous affirmative measure which is widely utilised. I haven't actually seen any jobs with my current employer advertising or using the disability affirmative measure.

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I would also like to talk a bit about the merit pool. When you apply for a job in the APS now, if you sit the interview and you are rated as "competitive", you are not necessarily offered a job. Instead you are placed in the merit pool. And the merit pool is very popular in the APS. When I was rated as "competitive" and placed in
15 the merit pool on 2 occasions, I noticed several of my colleagues, who were also in the merit pool, were offered promotions where I wasn't offered a promotion, and I didn't really have any way of knowing why I hadn't been selected from the merit pool. Obviously because I had already been assessed as "competitive", there was no feedback available.

20

And I find that the process of selecting people from the merit pool is quite opaque and mysterious. And I do get the feeling that people with disability, like myself, who might be neurodivergent, they might not be as good at promoting themselves or networking as other people are and as a result might be less likely to be selected from
25 the merit pool. I feel that there is a risk that the merit pool system could result in people with disability being disadvantaged in the recruitment process.

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MS EASTMAN: So what do you think would assist neurodivergent people in these situations where you go through a process, you are in a merit pool, I think as you said in your statement, you are not blowing your own horn to promote yourself, what would assist neurodivergent people in such situations?

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TAYLOR: Well, I think the disability affirmative measure is a good option because it narrows the field, I guess, and if you use the disability affirmative measure then they can use that process to create a separate merit pool which only contains people with disability. I know this is the approach that has been taken with the Indigenous affirmative measure in the APS and it has resulted in increased Indigenous representation.

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So with the merit pool system, I think it is a really complicated issue, because I think a lot of people who have invisible disability experience stigma and discrimination in the workplace and that might be why they are less likely to be selected from a merit pool. And I think employers need to address this. Obviously it's not something for which there is a really quick fix. But there needs to be greater awareness and
45 understanding of invisible disabilities so that people who do have these disabilities can feel safe about disclosing and, therefore, this will help them be their best when they come to work.

MS EASTMAN: Okay. So, we're now going to talk about workplace adjustments. Let's come back to paragraph 31 and you will take up from paragraph 31. Then I think you are also going to address support for employees with disabilities. So let's
5 start at paragraph 31.

TAYLOR: Sure. My current employer has a workplace adjustment passport, this is a document on the employees HR system, so you just complete the passport with your reasonable adjustments, and you submit it to your manager and for it to be
10 approved. And the idea is that you have control of your passport, so when you move from one position to another, it moves with you.

So it is a technological solution, which is really good, but the critical part of reasonable adjustments is that a person with a disability needs to have that human
15 support from their direct line manager to implement those adjustments. Without that, the workplace adjustment passport isn't really going to be of any use. You really need to have a manager who is supportive and that's the key.

So, with my experience, I requested workplace adjustments. It was left up to me to
20 take control of the process and I had to negotiate adjustments with my manager, and to try and educate my manager about my disability. And I contacted the specialist area in human resources to have the workplace adjustments implemented. And I did find it a bit tricky, like, engaging with the human resources area because there wasn't actually any name or contact number of a person to speak to. I just had to send
25 an email to a generic email address and then ask someone to contact me. So I didn't find it really --- the process that accessible, I guess. But once I did get in touch, did get someone to contact me, it was fine. But it did seem a bit --- the actual process of requesting adjustments seem --- there were a few barriers there.

30 So, in my case, the adjustments that I requested included flexible work arrangements, flexible working location, a quiet desk location, the ability to take short breaks throughout the work day, a mentor to provide guidance and feedback, and clear expectations from my manager provided via regular catch-ups.

35 So the impression I got from him and human resources is that their concept of disability was sort of limited to physical or sensory impairments. And I sort of felt a bit of anxiety about being seen to be difficult or demanding by asking for something that was out of the ordinary. I wasn't sure if my disability was a valid reason for requesting adjustments. When I did speak to the person from human
40 resources, she said it was quite unusual for her to have someone requesting the type of adjustments I requested, and normally she just dealt with things like assistive technology, for example.

Obviously, in the last year, with COVID, everything --- the workplace has changed
45 a great deal and people have been working from home for very long periods, and now people are starting to return to the office. And I understand that some people in my organisation with disability who wanted to continue working from home some of

the time because they found it worked a lot better for them. And with my employer they've put an arbitrary cap of 40 per cent of regular hours that can be worked from home. And some employees with disability have said they want to work more than 40 per cent of their hours at home. But they were met with a brick wall. There
5 seems to be a lack of understanding that working from home can actually be a reasonable adjustment that can help people with a disability do their job as well as they can.

10 So I will quickly talk about support for employees with disability in general.

As an employee with a disability, I have observed the --- your experience is heavily dependent on the goodwill of your direct line manager, and this is extremely variable; it's really the luck of the draw whether or not you have an understanding manager. If you have a manager who is supportive of your needs, you are much
15 more likely to progress in your career and have a good experience overall. At work, I'm involved in the Disability Employee Network. This is a volunteer network. So it is in addition to your regular job. I found the network had been going for a long time but it's not particularly active and a lot of people aren't aware that it exists. I found it a bit disheartening being in the network, because it doesn't seem to get a lot of
20 support from human resources and there isn't really engagement with staff at the senior level of the organisation who might be able to provide some visibility or support. So with my employer, the APS agencies have senior executives who are nominated to be Disability Champions, is the word. So Disability Champions are members of the Senior Executive Service, and their role is to champion the rights of
25 employees with disability, to promote them and increase the visibility of employment of people with disabilities. So the Disability Champions haven't been involved in the Employee Disability Network at all since I've been a member of the network, which is quite unfortunate.

30 I've noticed that there are other diversity champions in the other diversity groups who seem to be a lot more active and involved than the Disability Network than the Disability Champions. So the impression I get is that disability is the poor cousin of the other diversity groups.

35 Just, finally, I wanted to mention, my employer produces videos and articles about employees with disability for internal use, to mark events such as International Day of People with Disability, and these tend to feature employees with a physical disability. And I would just like to make the point that if the only stories told are those with visible disabilities it does have the effect of marginalising those people
40 with invisible disability, who are actually the majority of people who have a disability. Thank you.

MS EASTMAN: Before you go, I've got one question, and that is, can you give any advice to the Royal Commission about what you think employers could do to include
45 people with invisible disability?

TAYLOR: Look, I think there is probably a lot they could do. I think really it

comes down to attitude that employers need to have --- employers need a more contemporary attitude to disability, which includes people with both visible and invisible disabilities. Of course, some people have both. And I think this concept of disability needs to be brought up to date, and it should be reflected in policies and procedures, in everything that the organisation does that relates to disability. I have thought about --- I have got a few suggestions, if you don't mind me going through them.

I think employers should also consult with employees with disability, and involve them when they are developing plans and strategies instead of taking a top-down approach. I think they need to address stigma and discrimination towards staff with disability and not pretend that it doesn't happen. As an example, someone being pushed out of the team even though there is nothing wrong with their work performance, just because they don't fit in. And there needs to be options for staff who feel they are experiencing disability discrimination to be able to report that and get help for that.

I think there needs to be tailored support to employees with disability to progress their careers. So, for example, leadership development programs or tailored mentoring programs. Tailored support, I think, would be really beneficial. As I said, I think reasonable adjustments, the concepts should include people with invisible disabilities and mental health conditions. I think employee disability networks are very --- can be really beneficial and really good, but they do need to be properly supported and resourced by the employer and they can make it easy for people to participate. It shouldn't just be another challenge that they have to --- something they have to fight for.

And, finally, I think it is really important that senior staff should publicly promote staff with invisible disability, and promote visible and invisible disability, and also be accountable for promoting inclusion because they set the example the others in the organisation will follow.

MS EASTMAN: Taylor, thank you very much for giving evidence and sharing your experiences with the Royal Commission and also assisting us at the Royal Commission to do a better job in the way in which we take evidence from people who are neurodiverse. So thank you very much for your evidence today.

TAYLOR: Thank you.

40

QUESTIONS BY THE COMMISSION

CHAIR: Thank you. I will just ask the Commissioners if they have any questions for you, Taylor.

45

First, Commissioner Galbally?

COMMISSIONER GALBALLY: Thank you very much for your evidence, Taylor. I would like to ask whether you have any thoughts about --- you said you felt disability was the poor cousin of other diversity groups. That's a very striking statement. So, do you have any thoughts about how disabilities --- it's always been in this position I gather is what you mean, it's just not acceptable; is that sort of what you mean, that it's not --- you know?

10 TAYLOR: I think --- how should I put it --- I'm just going to --- bear with me a moment.

I just feel that from the point of view of the senior staff, it's not really given --- seen to be a priority, and I think that is reflected in the statistics which show that the representation of people with disability in the APS is the worst out of any of the diversity groups.

15 COMMISSIONER GALBALLY: Yes.

20 TAYLOR: And I think maybe --- I don't know why that is, but perhaps it is just seen as the difficult or a big task to include people with disability because, you know, obviously we're such a diverse group and have needs to be able to participate in the workforce that other diversity groups might not have.

25 COMMISSIONER GALBALLY: And were you sort of suggesting that it would be good --- you talked about accountability of management for this area, and I wondered if you were suggesting that it should be part of performance assessment for line managers and up the line, how people with disabilities and other diversity groups, but people with disabilities are treated: recruitment, retention, all of these issues?

30 TAYLOR: Well, I'm not sure --- I wasn't suggesting it should be specifically in performance assessment. I guess more from the --- I was more thinking about how, you know, organisations have disability inclusion plans and they are required to have these. In the APS they are required to have these plans, but it doesn't seem to me that there is any kind of monitoring or assessment to make sure that these plans are actually implemented, and that the spirit of the intention behind the plan is actually honoured.

40 COMMISSIONER GALBALLY: Thank you.

CHAIR: Thank you. Commissioner Atkinson?

COMMISSIONER ATKINSON: No, thank you, Chair.

45 CHAIR: Commissioner Ryan?

COMMISSIONER RYAN: No, thank you, Mr Chair, just thank you to the witness

for a dozen excellent suggestions.

Thank you very much.

5 CHAIR: Thank you very much, Taylor, for your statement and for giving evidence. We know it is not particularly easy to give evidence in a public forum like this, and we very much appreciate your having done so. Thank you very much.

TAYLOR: Thank you.

10

MS EASTMAN: Commissioners, the next witness will be taken by Ms Zerner in Brisbane so I will now pass over to the Brisbane hearing room.

CHAIR: Yes, Ms Zerner.

15

MS ZERNER: Thank you, Chair. The next witness is Mr Dominic Golding. He is appearing by videolink.

20 CHAIR: Thank you. We will wait for Mr Golding to come up on the screen. There is Mr Golding.

25 Good afternoon, Mr Golding. Thank you very much for coming to the Commission to give evidence. If you would be kind enough to follow the instructions of my associate who will administer the affirmation to you. Thank you very much.

25

MR DOMINIC HỒNG ĐỨC GOLDING, AFFIRMED

30 CHAIR: Thank you, Mr Golding. Now Ms Zerner will ask you some questions. You are probably aware of all of this, but Ms Zerner is in our Brisbane hearing room together with Commissioner Atkinson. Commissioner Galbally is in Melbourne. Commissioner Ryan is with me in our Sydney hearing room. So I will ask now Ms Zerner to ask you some questions.

35

EXAMINATION-IN-CHIEF BY MS ZERNER

40 MS ZERNER: Mr Golding, can you tell the Commission your full name?

MR GOLDING: My name is Dominic Hồng Đức Golding.

45 MS ZERNER: Are you happy for me to refer to you as "Mr Golding" today?

45

MR GOLDING: Yes, ma'am.

MS ZERNER: Mr Golding, it is correct, isn't it, that you provided a statement to the Commission?

MR GOLDING: Yes.

5

MS ZERNER: And you've had the chance to read that recently?

MR GOLDING: Yes.

10 MS ZERNER: And you would like to make an amendment to paragraph 6, of your statement where it reads:

Since in or around 2015

15 That should actually read "in or around 2019"; is that right?

MR GOLDING: Yes, ma'am.

MS ZERNER: Taking that amendment into account, are there any other changes that
20 need to occur to your statement?

MR GOLDING: No, but there will be clarifications as per the discussion this morning regarding the data.

25 MS ZERNER: Thank you.

Given that, is the contents of your statement true and correct to the best of your knowledge?

30 MR GOLDING: Yes, it is, ma'am.

MS ZERNER: Just an administrative task, Mr Golding.

I would ask the Commissioners to please find a copy of Mr Golding's statement in
35 Tender Bundle Part A, at Tab 23.1, and I ask that the statement be tendered into evidence, and that it be marked and admitted Exhibit 9.10.

CHAIR: Yes, that can be done, thank you.

40

EXHIBIT #9.10 - STATEMENT OF MR DOMINIC HÔNG ĐỨC GOLDING

MS ZERNER: Mr Golding, you are currently the Policy and Project Officer at the
45 National Ethnic Disability Alliance, commonly referred to as NEDA; is that right?

MR GOLDING: Yes, ma'am.

MS ZERNER: You have an Advanced Diploma in Community Development, and a Masters of Social Work, and a Masters of Research into inter-country adoption in Australia, particularly those who are from Vietnam and Korea?

5

MR GOLDING: Yes, ma'am.

MS ZERNER: From your experience over the last 17 years, you have worked in the disability sector; that's right?

10

MR GOLDING: Yes. So back in 2000 I moved to Footscray, which is the inner West Melbourne, and started working with the Vietnamese community and the refugee communities there on various different community projects.

15

MS ZERNER: Since that time you have had other experiences, but you come to us with a unique experience in that you wear three hats if I can call it that: you have the lived experience hat?

MR GOLDING: Yes.

20

MS ZERNER: You have a policy hat in relation to your current role, and then with the work you've done with refugees and asylum seekers you have the advocacy hat; is that right?

25

MR GOLDING: Yes, ma'am, yes.

MS ZERNER: I thought it would be helpful for the Commissioners today if we went through the three aspects of what you can provide and share with the Royal Commission. I thought we would start with your own personal experience. Would that be okay?

30

MR GOLDING: Yes, ma'am. It is always good to start there because it gives context as to why I led into what I'm doing, so thank you.

35

MS ZERNER: Absolutely. So you are a Vietnamese man and you live with two disabilities: you have cerebral palsy and you also have a hearing impairment, that's right?

MR GOLDING: Yes.

40

MS ZERNER: And you immigrated to Australia as a baby and you worked --- sorry, you lived out in Mt Gambier?

45

MR GOLDING: Yes. I grew up on a farm in Mt Gambier from the age of 4, and that was probably when I was diagnosed with a hearing impairment, and of course later on developmental around cerebral palsy, as I wasn't reaching certain milestones in child development. I also come from Vietnam, so I'm an orphan, and there is

a relationship there with a conflict in disability regarding my hearing impairment. So there is belief that my hearing was a direct result of bombing where I was found in Saigon, Vietnam.

5 MS ZERNER: So you came from Vietnam and you ended up in Mt Gambier on a farm and, as I understand you, you went through school. But when you went to leave school, you were concerned about what your future was going to be like, and you said in your statement that:

10 *If I had stayed in Mt Gambier, I may have ended up in an ADE*

We heard about ADEs yesterday in evidence. Can you explain why you thought that, growing up and living in Mt Gambier?

15 MR GOLDING: Well, growing up in Mt Gambier, there wasn't much references where people with disabilities had anything other than an ADE or what was then known at the time as a sheltered workshop. There was only one place in Mt Gambier for people with disabilities to get some form of post-high school work, one other avenue, which was really just whatever a person with disabilities could get
20 channelled into. I wanted specifically to have a choice and be empowered over my future direction, so I moved from Mt Gambier to Adelaide to take up some training opportunities there. Yes.

MS ZERNER: And moving to Adelaide and taking up those training opportunities,
25 I'm interested to explore what happened once you did your training opportunities and then went to employment. But before I do that, you say in paragraph 11 of your statement --- I don't need to take you there, we can talk about that, but you say that you don't think that your Vietnamese culture had an impact on you from an employment perspective, but you say, "I think my working class background did".
30 Can you explain a little bit about that, please?

MR GOLDING: Yes, I think in some ways having a background which is more rural, working class, means that certain opportunities weren't necessarily available to me if I had grown up in a relatively upper, middle-class, urban situation where
35 parents and families would have had more opportunities to seek out choices and be able to also seek out better supports. Mt Gambier particularly, we were on a farm. Relatively remote. Very little access to certain things. So, as an example, I wouldn't have --- I do not know how to do Auslan even though I'm hearing-impaired, because there was no opportunity to learn that.

40 Secondly, it took six hours' drive to the nearest audiologist for me. So, again, if you are in an urban, city situation, you have means, you can access those sort of things.

So, in terms of employment, most people within that --- even within a township such as Mt Gambier and had a family that has relatively middle-class background,
45 generally that carries on through into working for the family business. So obviously I didn't really have that kind of opportunity.

MS ZERNER: So was it the informal network or the social networks that you felt you didn't have to help you to get those opportunities?

5 MR GOLDING: Yes, that's correct, ma'am.

MS ZERNER: And you say in paragraph 11 that:

10 *If I had to live my life again, I would not have gone on to the [DSP, the Disability Support Pension] and [I would not] have been forced into the DES system.*

I want to explore that with you, if I can.

15 MR GOLDING: Yes.

MS ZERNER: We heard in evidence yesterday a little bit about the complexities of the DSP and the DES system. Can you tell us when you first went on to the DSP, and the process that was involved in that?

20 MR GOLDING: Well, I was really 17, 18 when I put onto the DSP as an alternative welfare support payment system for myself. It was useful in terms of my study, it was an income for my study when I was in Adelaide. But in terms of employment prospects, you are very restricted. So, DSP is like a label, it's a bit like a class form of discriminating label. So as opposed to some people who I think have a disability and entered straight into the workforce, that label of "disabled pensioner" isn't really there and they've also stated that they've managed to have a career, because it was a work-orientated drive for them as opposed to, "I don't want to be restricted and labelled with DSP".

30 Of course, with DSP comes, if you want to get work or you have been classified to be able to get work, then that moves you onto the Job Network or the DES program, Disability Employment Services.

35 MS ZERNER: You said that the DSP was very helpful when you were doing your studies and you also said, when you finished your tertiary studies, I think you say "I had to be placed with a DES provider" once you finished your study.

40 MR GOLDING: Yes.

MS ZERNER: Why did you have to be placed with a DES provider?

45 MR GOLDING: Because I was assessed by Centrelink that I had the capacity to work and then I was --- also partly I wanted to get work in the qualifications that I had, which is social work and community work, to move off the Disability Support Pension. And so within that, you have to sign a contract and it is a mutual obligation and that carries on forward from there.

MS ZERNER: And with that Job Capacity Assessment that you had, do you recall now what hours you were assessed to be able to work, or that you had the capacity to be able to work?

5

MR GOLDING: No, there wasn't a particular number that I could remember. I do apologise.

MS ZERNER: No.

10

MR GOLDING: It was a while ago.

MS ZERNER: Sure.

15 MR GOLDING: But it was just that I can just enter the open employment market even though my disability was considered to be --- so I'm in a funny --- I'm funny in that sense of my disability and capacity.

20 MS ZERNER: When you say "I'm funny", what do you mean in the sense that you have a disability, but you have also been assessed as having capacity, even though you have a significant disability; is that what you are saying?

25 MR GOLDING: Yes, ma'am. So my combined disability is considered severe enough for the Disability Pension and so forth, but my study had proven and my previous work that I've done had proven that I can work.

MS ZERNER: All right.

30 So, once you've got that assessment, you had said you had to sign a contract. You talked about mutual obligation. You talk later about in your statement of having to present to a DES to meet that contractual obligation. Can you just explain what happened there? I think you said you were with two DES providers through 2007 to 2014. Can you just give us a brief summary of your experiences with those DES providers and your requirements to attend the DES providers?

35

40 MR GOLDING: So as it works for me was that I would get a letter or statement or email saying that I am required to turn up for interviews. They would say "If you do not turn up to the interviews, your Disability Support Pension could potentially be cut". That's one aspect of it. The other aspect was that I had to enter into an agreement every year with the DES, with the two DES providers. And that was basically an agreement about what I would do, and what the employment service provider would do. It is generally that I will go out looking for work and they will also look into stuff. And also educate, supposedly educate the potential employer what reasonable adjustments could be made. That is generally what the agreement was.

45

MS ZERNER: I will pause you there for a moment. So, in regards to the obligations

that you had there, you said your goal was to get off the DSP; that was right, wasn't it?

MR GOLDING: Yes, ma'am.

5

MS ZERNER: And you just finished tertiary studies in regards to community service, et cetera, that's right?

MR GOLDING: Yes.

10

MS ZERNER: And you were really wanting a job in that area of work, and you were wanting the help from DES provider to find that employment?

MR GOLDING: Yes. I was looking for work that was relatively permanent, wasn't infrequent, and it was matched to both community development and social work background that I have the training of. But the DES providers --- both of those DES providers were kind of scratching their heads about --- they couldn't really find me employment or placement in that sector.

CHAIR: Mr Golding, I wonder if you don't mind if I could ask a question so I get the chronology right. I see that you have two Masters degrees, one in social work and one in research into intercountry adoption. Is that right or is that part of the same Masters?

MR GOLDING: No, they are two different Masters done over two different times.

CHAIR: Right. Would you mind telling me when you got those Masters degrees?

MR GOLDING: I graduated with a Masters of Social Work in 2014 and I finished the Masters of Research in 2010.

CHAIR: And, prior to that, in order to do the Masters in research, did you have other qualifications, tertiary qualifications?

MR GOLDING: Yes, I had a Degree in Arts and a Diploma in Performance, dramatic arts.

CHAIR: Right. And you had those prior to 2010?

MR GOLDING: Yes, that's correct, sir.

CHAIR: I'm just trying to work out what your formal qualifications were at the time of your first interaction with the DES.

MR GOLDING: That would be my Masters of Arts and my Masters of Research when I first encountered DES.

CHAIR: Right. And you were reminding yourself of the dates by looking at the certificates on the wall, I assume?

MR GOLDING: Yes, sir.

5

MS ZERNER: Mr Golding, just picking up from your studies, so you had those qualifications when you were with the DES providers. It's the case, isn't it, that in the two jobs that you were placed with, they were not related to your tertiary qualifications; that's right, isn't it?

10

MR GOLDING: Yes, ma'am. In terms of the job roles as described, the first one was at a food bank with an unemployment agency, which is they had --- my job provider had a relationship with that agency. It was half a day to manage the food bank, which is somewhat community. But all I was doing in that capacity in terms of daily activities, in terms of the work was basically to stack and shelve dry foods and some wet foods. Some perishables, ma'am.

15

MS ZERNER: And then you went on and were placed in a Mexican restaurant and you had some struggles and challenges there. Can you tell us a little bit about that?

20

MR GOLDING: My second DES gave me an opportunity to work in a Mexican restaurant. That was for two evenings a week. And because of my cerebral palsy I had to stand up for long periods of time. And also my cerebral palsy doesn't give me great fine motor skills. So often I would --- occupational hazard, I cut myself with the wine glasses. And obviously I had to declare that I had to leave the position because it was only for two evenings a week. So both positions of pay was not --- one would specifically live on with the cutbacks with the DSP with the wage--- (overspeaking) ---

25

MS ZERNER: I want to touch on that because in your --- you actually had the opportunity to finally find some work in your area, but you found that job yourself, and I think you refer to it as:

30

35 *My break [finally] came when I [was able to find] some casual work with Disability and Diverse Victoria.*

And that was running workshops in regards to working with people with disability. You say that the casual work that you were able to obtain affected your DSP, and that due to the casual contract and the agency pay cycle, you ended up owing Centrelink money according to their Robodebt system. Can you explain what happened there with the work you were earning and what happened with the DSP?

40

MR GOLDING: With all those positions that I had, from the food bank for half a day a week and two weekends, and then even with the short casuals, because the community work would be --- the support centre through Diversity and Disability were about three hours a week. So of course, that income, I had to send an invoice to them to get payment from them, and of course that had to be declared to Centrelink.

45

And, of course, because of that time lag between invoice, doing a job, getting paid, it doesn't fit well at all, if at all, with the Centrelink compulsory reporting timeline. So often I couldn't report because I didn't know (a) how much I would be getting, and (b) when I would get paid. And of course when I did declare on Centrelink that my \$150 for that one day a week of workshops or the \$150 of working in the restaurant for that weekend, Centrelink would say well, we paid you too much. You owe us X amount of money. And that generally would work out to be about \$500 a fortnight or so forth. So it varies, of course, because the short-term contracts were variable and of course that shifted how much pay I would get the subsequent fortnight with Centrelink, which is another reason why I really wanted to get off the DSP.

MS ZERNER: And you say in your statement that you've been off the DSP for around 5 years and that was your goal and you've been able to achieve that.

15 In your current role at NEDA, you have required some assistive technology and I think you are using that assistive technology today, and you say that you are able to obtain that through the Commonwealth Job Access Scheme. Did you arrange those technology assistance through the scheme or did your employer arrange that for you?

20 MR GOLDING: The employer arranged it as per eligibility of being a not-for-profit organisation. I followed through with medical and disability advice to make sure the technology matches up with my impairments.

MS ZERNER: Mr Golding, the Commissioners have your statement and I'm conscious of the time so I will skip through parts of your statement. There is data provided in relation to your policy work. That is there for the Commissioners to review. What I wanted to do is really go to your advocacy work that you've done and your work you've done with people from the culturally and linguistically diverse community. You say people arriving in Australia, you think they are provided mixed messages about their future opportunities, and they are not really told about the barriers to employment. So from your experience working, I guess with policy but also more specifically your advocacy work, can you explain what you mean by that?

MR GOLDING: Yes. So, generally speaking the Government has put forward that there are work opportunities available for migrants and refugees. Sometimes in their visas, there is work possibilities. What I mean by that, in their visas they can apply for work. But other visas deny them being able to work. Generally that is for those who are temporary visas who are asylum seekers.

40 Now, this mixture of work creates a lot of expectations for someone that they can just go out into the open market and get a job.

Now, of course that means they come in contact with Job Network, that means they also have --- settlement services also have some form of Job Network in order to get their clients into work.

Now, the problem is that generally our social system is that you have to pass many

ideas about being eligible to work. And I'm not just talking about one visa, I'm talking about one's ability to speak English, one's perception of understanding the employer. So many, quite a few of the people I try to support in my work, they encountered various degrees of discrimination. Yeah, so --

5

MS ZERNER: And was that compounded when you've got English as being a barrier, but also someone with a disability, so when you combine those, your experience was that that was really creating some challenges for people?

10 MR GOLDING: Yes, because the system is built on the idea that you can work 9 to 5, not a problem, and you have a sufficient level of English to communicate just like we are communicating today. And, of course, many employers, when they see an applicant or see someone with a non-English speaking background, they go, "Oh, how well do you speak English?", or "Can you do the job that I'm asking?", and of course many people with disability, particularly with migrant background, their
15 disability is not always visible. And also the invisible aspect of their disability, as a result of their traumatic experience, presents a lot of barriers for the employer. And also, it is --- not always one tends to disclose to Job Network or employer in the field of rejection or, yeah.

20

MS ZERNER: Mr Golding, in your advocacy work, it is the case, isn't it, that you would have people come to you frustrated, angry, couldn't get a job, and whilst you were not an employer agency, you would try to help them. What would you do for those people to try and help them to get work?

25

MR GOLDING: Basically my role would be to look at what avenues are available. What they wanted, and to actually try and make contact with the potential employer and explain them the background, what they can do, what mechanisms they could use to support the potential employee, and also I would ask or request that at least there can be a three-day probationary period so that they can demonstrate to the
30 employer that they can actually do the job.

And on many occasions they can actually can do the job; they just needed a bit of extra allowances and support around communication needs.

35

MS ZERNER: And you were wanting those people to have the opportunity to prove themselves, weren't you?

MR GOLDING: Yes, just like I would like anybody else for me to have the
40 opportunity to prove myself.

MS ZERNER: And when you rang a number of employers on behalf of people who were of non-English speaking background and had a disability, and you tried to advocate on their behalf, what would be the response generally from employers?

45

MR GOLDING: "No, I would have to do X, Y and Z", and "I don't have time to do that", or, "That's going to cost too much money, we can't invest in that kind of

assistive technology", without knowing that they can could apply to Job Access for this sort of thing. Also they would say that "How well is his English?", and it's like, "Well, I can't speak to him, he doesn't know English". So generally those kind of responses I got back from employers.

5

MS ZERNER: Is there an example you can provide in relation to, I think you had mentioned about someone that had communication difficulties and could text. So is there an example you could provide in regards to that?

10 MR GOLDING: Yes. In terms of technology?

MS ZERNER: Yes.

MR GOLDING: Sorry, I didn't quite pick that up.

15

MS ZERNER: Sorry.

MR GOLDING: So there is a gentleman who was a recently arrived refugee. He needed assistive technology to be able to screen --- read the computer, but he also needed some voice-activated software systems for him to actually understand messages and texts on the screen.

20

We approached --- his normal job settlement worker told him to approach Vision Australia, that supports those who are blind, and he got rejected back because they said that they didn't understand him because he didn't speak English well enough.

25

So I also encouraged to explain to the person, this is his background, this is what he needs, and this is what he requires, because for some reason the settlement support worker couldn't vouch for him like I just basically did. But he himself could not self-advocate for himself because of his language barrier. But once the worker understood that he could get support and then say to the employer, "I have this equipment, assistive technologies available for me, I'm quite happy to seek employment", so, yes, that is one of the cases.

30

MS ZERNER: In your statement you talk about that there are a number of people that come from a culturally and linguistically diverse background who have a disability and were working in their prior country.

35

MR GOLDING: Yes.

40

MS ZERNER: They come to Australia and they are looking for a job, and because of the English barrier and their qualifications, what happens to those people that were working, had some qualifications, were able to do a job and they come to Australia in relation to recognition of that skill and qualifications?

45

MR GOLDING: Yes, I think that most migrants come to Australia with a relatively high expectation that they can just go from the job that they had and move straight

into the job that they were doing in Australia within their context. But if Australian employment --- the whole --- there is a whole raft of requirements, qualifications, degrees, certificates, police check, all these sort of things. And of course most people from CALD backgrounds don't necessarily have that at their fingertips, particularly if you are a refugee with a disability. So they would actually have to --- the main barriers that they have is "How do I get these things? How do I demonstrate?". And also because there is a requirement that they have to work according to their visas. They would go through what the settlement service and network would tell them they needed certificates and so forth in order to gain employment.

The problem is that with disability, with recognition, the employers don't understand and settlement workers don't understand disabilities. They don't know how to make the system work in favour for their clients most of the time. So people would feel frustrated that they can't fulfil the obligations and they will be rejected, they will be parked, they will be told that they could do a three-week casual hard labour job picking fruit when their body hasn't got the capacity to do that. That is the only job available, they will have to take it. And so the cycle keeps going around and around.

MS ZERNER: Can I just pause you there for a moment. What I'm taking from that is that people are coming from experience in a different country, they come here, they have a disability, and that perhaps they are not being matched to the right job, maybe doing hard labour work that is not consistent with what they have been doing previously, that they may be doing courses inappropriate to their past experience, that's what you are saying, isn't it?

MR GOLDING: Yes, ma'am.

MS ZERNER: And you are referring in your statement that they are churned through jobs and of course fall back into the Job Network system. That is what your experience of seeing that?

MR GOLDING: Yes.

MS ZERNER: You say, and I come to this in conclusion, you mention a number of future recommendations and you say that:

I believe we should leverage a lot more on the abilities of people not looking at their disability. I think more time needs to be taken in examining the professional background of people in terms of better placing them in positions where they can thrive and feel ownership of the workplace.

And you've also said that many people come from background where violence is the norm and insecurity is a way of life, and so they are looking for that opportunity of employment. That's correct, isn't it?

MR GOLDING: Yes, ma'am.

MS ZERNER: Mr Golding, that has gone very quickly and there is so much content in your statement. The Commissioners will have the opportunity to read your statement. I will now hand over to the Commissioners just to see if they have any
5 brief questions for you.

MR GOLDING: Yes, ma'am.

10 QUESTIONS BY THE COMMISSION

CHAIR: Yes, thank you.

15 Commissioner Galbally?

COMMISSIONER GALBALLY: I would like to ask you a question about paragraph 56 where you say that you consider that DES and settlement job agencies do business, and the profits they receive are reinforcing disadvantage and
20 marginalisation of CALD people with disability. I was going to ask you before about DES's inability to deal with CALD, so if you could roll those two together in an answer, that will be great.

MR GOLDING: I will do my best, ma'am.

25 Essentially DES and CALD are getting X amount of money from the Government for X amount of people that they have on their books. They get X amount of money for putting people into a job. Then they get X amount of money from the Government when they stay in a position for a certain amount of time. Now, this
30 cycle, and a lot of the contracts for asylum seekers with a disability, they are told to just do this job, go for the position, do the job, and then go back out again. And then of course when they have to sign back up to a Job Network provider, again job provider gets another set of money. So the cycle continues.

35 Now, one would normally go, for someone such as myself or anyone else in the Australian community, the assumption is built in that you do this once, or at the very most, twice, in your job-seeking journey, so to speak. The idea of getting you into a position where you can thrive in a position, in a job where you feel you have
40 ownership and earn a decent living wage. But Job Network providers say that some settlement services it is just a way to get people into the job market but they earn a bit, because of the business model, they earn a bit of funding.

The problem with those, for example, I have one gentleman that was a refugee. He had a limb amputee but he drove trucks back in his home country. He wanted the
45 opportunity --- they allowed him to drive trucks. But no one in the Job Network provider, they looked at his disability and said, "You can't drive a truck". "We can't give you a job driving trucks". That's what he wanted to do, and why I'm saying

5 people should be looking at people's ability, not their disability. And they should make allowances for people with psychosocial disability or invisible disability, because they may be able to work in a different capacity than what we normally see as a straight-out 9 to 5 job of working. Or if you do a night shift, it will be 6 to 6 in the morning. That is an example, because I used to do night shift in my disability work.

10 But they see and they judge you but not only because of the way you look, the way you speak English, the way your disabilities are presented. And I think that is a barrier. And I think we, like any other able-bodied Australians, we need to look at people's abilities and what they can contribute to the workforce and, of course, everyone deserves a good living wage to pay the rent, put food on the table and so forth.

15 CHAIR: Thank you for that. I will ask Commissioner Atkinson if she has a question.

20 COMMISSIONER ATKINSON: No, thank you, you answered the question I was about to ask. Thank you very much, Mr Golding.

CHAIR: Commissioner Ryan.

25 COMMISSIONER RYAN: I don't have any questions, but I'm aware Mr Golding is a very talented person, he wrote a play and performed in a play called Shrimp. One of his viewers said he had a way of compelling people to understand how he feels. And you've certainly done that today.

MR GOLDING: Thank you, sir.

30 CHAIR: Thank you, Mr Golding, for giving your evidence. You have provided us with a perspective that actually we haven't heard a great deal of during the course of public hearings of this Commission, and we are very grateful to you for doing so. Thank you very much.

35 Shall we now adjourn?

MS EASTMAN: Commissioners, we can adjourn. Perhaps we need to make up a little bit of time. Are you happy to return at 2.30pm?

40 CHAIR: Yes, we shall resume at 2.30pm.

ADJOURNED [1.43 PM]

45 **RESUMED** [2.32 PM]

CHAIR: Yes, Ms Eastman.

5 MS EASTMAN: Thank you, Commissioners. Our next witness is Oliver Hunter.
He lives in Albury, but he has made his way to Sydney and so he joins us in the
hearing room in Sydney. So the first thing we need to do for Oliver is his oath or
affirmation.

10 CHAIR: Mr Hunter, thank you very much for coming all the way from Albury to
Sydney.

MR HUNTER: No worries, good to be here.

15 CHAIR: If you would just follow the instructions of my associate who is just to your
right, she will administer the affirmation to you. Thank you.

MR OLIVER KANE HUNTER, AFFIRMED

20 CHAIR: Thank you very much. Now Ms Eastman will ask you some questions.
I think, however, I think you are the first person to give evidence in this hearing
room, isn't he? There you are, you have set history for the Royal Commission.

25 MR HUNTER: That's good, I'm glad I'm part of history.

EXAMINATION-IN-CHIEF BY MS EASTMAN

30 MS EASTMAN: Let me confirm you are Oliver Kane Hunter?

MR HUNTER: Yes, that's me.

35 MS EASTMAN: And you prepared a statement for the Royal Commission?

MR HUNTER: Yes.

MS EASTMAN: You have a copy of the statement with you?

40 MR HUNTER: Yes.

MS EASTMAN: What you said in the statement, that is true?

45 MR HUNTER: Yes.

MS EASTMAN: You are passionate about stand-up comedy, is that right?

MR HUNTER: Yes.

MS EASTMAN: And you have an ambition to be a comedian?

5

MR HUNTER: That is the plan, yes, hopefully I can be a full-time comedian one day.

MS EASTMAN: What performances have you done to practice being a comedian?

10

MR HUNTER: I started stand-up when I was at university in Wollongong about five years ago. I've done a lot of open mic in Sydney and Melbourne and regional ones, Albury where I'm from, Wagga, another town in NSW where I have performed. I've also been overseas to the US, and done a few open mics in New York and LA, which were very cool. So, yeah, happy to --- love performing wherever I can, and however long someone wants to put me on stage for is always a good option.

15

MS EASTMAN: So the idea of a stand-up mic is that there is an open mic, and in effect you've metaphorically put your hand up and said "I'll do a particular routine"; is that right?

20

MR HUNTER: Yes, you will do four or five minutes usually. At open mic level, there are a lot of other comedians that are trying to fight for stage time, so you always try and do well as soon as you can, and then if you are lucky, you will get invited to do some more professional-style shows, which I've been lucky enough to do. They are easier because the crowd usually like you more when you're at a professional show. When you are at open mic, no one really likes you or wants you to do well. But when you are at a professional show, they want the best for you.

25

MS EASTMAN: What drew you to being a comedian?

30

MR HUNTER: I always loved comedy as a viewer, and then one day I saw a sign in Wollongong for the Wollongong Comedy Club, and I thought "My mum told me I was funny, so maybe I should give it a go". I never was someone when I was young that would go, "I want to be a comedian", but once I started, I thought, "These might be my people and these might be my scene".

35

MS EASTMAN: Got the bug.

40

MR HUNTER: Yeah.

MS EASTMAN: Can I take you back in time.

MR HUNTER: Yeah, absolutely.

45

MS EASTMAN: You are 25 years old now and I want to ask you a little bit about university, but can I take you back another layer. Where did you go to school?

MR HUNTER: I went to school at Albury High, a public high school in Albury, and then before that I was at a little country public school, Howlong Public School which, is about 30 minutes outside of Albury. That was my primary school, and I
5 caught the bus into school every day, to high school, for the whole time.

MS EASTMAN: What was it like going to school?

MR HUNTER: I was lucky to have a really supportive family, siblings, parents and
10 extended family that always promoted mainstream participation and being included and at school that was continued. I met some great friends and had a lot of good experiences in high school. There were some tough times, socially. I always had good friends and I was never targeted or bullied for my disability, but there was
15 some sort of maybe subconscious or accidental exclusion or misunderstandings from teachers and students. Most of my issues came from a couple of teachers and their lack of adaptability, if that's a word.

MS EASTMAN: How did you cope with that as a kid?

MR HUNTER: I was lucky to have to have good support from the welfare team at
20 the school, so whenever I had an issue, I would either go confront the teachers myself, and that came from the support of my family and the confidence that they gave me, but I would also then go to the Head of the Welfare Department and she would go into bat for me.

MS EASTMAN: So many kids start part-time jobs when they are at school. Did you
25 have a job when you were at school?

MR HUNTER: So I got a job at the local supermarket when I was about 16.
30

MS EASTMAN: What did you have to do?

MR HUNTER: Well, one of my jobs was --- and this is true --- I had to dust the tops
35 of the fruit tins. Because we all know it is important to have dust-free fruit tins when you put them in the back of your cupboards for four years. So if you ever wanted a dust-free fruit tin, I was your man to do that. That was one of my jobs. And then I would just pack shelves. I had work with one of my best schoolmates so we had a good time together packing.

MS EASTMAN: How did you get that job?
40

MR HUNTER: Through an employment agency that specialised in disability employment.

MS EASTMAN: At the age of 16, is that the job you wanted to have?
45

MR HUNTER: No. I would have loved to have worked --- my idea at that point was

to work in a sports store, retail job, customer service, and that sort of thing. But in the end, I was happy just to have the job and that was fine at that point.

5 MS EASTMAN: So you think the job in the supermarket was a little bit tokenistic --

MR HUNTER: Yes.

10 MS EASTMAN: --- becoming an expert in dusting the dust off the top of fruit tins, you questioned whether you had a real job, is that right?

15 MR HUNTER: Absolutely. I definitely felt there were times within the job where management were happy to have the local kid in the wheelchair rolling around in the shops, and it looked good for them and they felt good about themselves, but I wasn't really contributing to the business or to the productivity of the supermarket like my friend was. He was an employee and they relied on him for a lot of the goings-on in the supermarket and the jobs, whereas I was just sort of just there and did what I could.

20 MS EASTMAN: So your friend started at the same time as you?

MR HUNTER: Yeah, roughly, yes.

25 MS EASTMAN: Did he have particular skills in dusting the dust off the top of fruit tins?

30 MR HUNTER: No, he was relied on for a lot more than just dusting the tops of the fruit tins, so he would pack shelves to a higher extent, and he would be on the checkout, which was something I was willing to do and happy to be trained in at the time, but at the time I wasn't given the opportunity because I thought the checkout would be a perfect role. I could see that at the checkout, all I would need is a seat, and I could do that. I thought that would be my way to be productive and contribute. But that never happened.

35 MS EASTMAN: Did you ask whether you could do the checkout job?

MR HUNTER: Yes, several times.

40 MS EASTMAN: Did you ever get rostered on at all to do anything like checkout work?

45 MR HUNTER: We tried once to do it, and the office chair that I was given to sit on, I couldn't manage because it was wheels and I couldn't control with my function control. So they said, "We can't really do much more than that", and I did sort of raise that "You could as a business apply to the government for funding to modify a checkout, or modify anything that needed to be done", and that was never followed up.

MS EASTMAN: So how long did you last in the supermarket job?

5 MR HUNTER: I did that for about 15 months. I think I finished towards the end of Year 12, senior high school. Yeah, I was 17.5, 18. I think my friend finished up at the same time.

MS EASTMAN: When you were at school, was there a career counsellor or any discussions about what you might do after school?

10 MR HUNTER: It wasn't necessarily anything with counsellor directly, I had a couple of good teachers that I would talk to, advisors and mentors, but regardless I wanted to go to the university. More to the point I wanted to leave Albury and leave home, and live independently. So I always had the eye on leaving town and living a different life. I was lucky enough to do a taste of uni experience through my
15 school with UoW.

MS EASTMAN: When you were doing your HSC and thinking about uni and where you wanted to go, you also had a major operation, didn't you, in Year 12?

20 MR HUNTER: Yes.

MS EASTMAN: Did that have an impact on you in terms of finishing your schooling?

25 MR HUNTER: Yes, I did. I had two within that period, so October 2012 and then February 2013. And in NSW we start the Year 12 course in the end of Year 11, so I missed a chunk of time in October and then in February. So a week in hospital, five days in hospital, and then another week at home. So I would miss two weeks, just away from school, and then I would come back but still be affected, pain
30 management, and just being at school was difficult in those recovery weeks. So I applied to UoW for early entry and I was lucky enough ---

35 MS EASTMAN: Perhaps just explain to the Commissioners --- no offence to the Commissioners but it's a while since they've been at school --- what is the early entrance program?

40 MR HUNTER: That was a program that they based your entry scores into uni on your Year 11 results, and you went and had an interview, and they --- it was like a job and they based it on you as a person rather than your marks. You would put in the application that you may have had a misadventure or surgery or you've had other circumstances that might have affected your academic results, which in my case it very much did.

45 MS EASTMAN: Yes.

MR HUNTER: And I was fortunate to be given that chance to get into uni early.

MS EASTMAN: So you set your sights on going to Wollongong, and you moved to Wollongong in 2014, and you started to study a Bachelor of Media and Communications. And you lived on campus?

5 MR HUNTER: Yes.

MS EASTMAN: What was that like? Without telling us all the secrets, but what was that like living on campus?

10 MR HUNTER: I loved it. I thought it was one of the best times of my life being away from home for the first time and meeting all these new friends and discovering uni as an idea and experience. I thought I was going to be an academic student, but then after about four weeks I realised I was going to be a social student. So I found that out pretty well, and I enjoyed the social side of uni and just dealt with the
15 academic side when it had to be dealt with. But I loved that lifestyle. We were right near the beach, I love the coast. A lot warmer on the coast than it was in Albury. So I love the warmer weather. It was a nice, amazing experience to be up there.

20 CHAIR: They're not necessarily totally incompatible experiences, social and academic?

MR HUNTER: No, I had a good time in the academic side of it, some great tutors and lecturers and great courses. I still have good contacts with some of the academic staff at the uni. And I enjoyed my course. I probably could have done another year
25 just to do an extra bit of study, but in the end I had a great time. I would definitely go back to study, and especially at Wollongong one day.

MS EASTMAN: This hearing is about employment --

30 MR HUNTER: Yes.

MS EASTMAN: --- so I will start to focus in on your experiences of finding jobs and the applications that you've made.

35 In your second year of uni, having lived on campus, you thought that you might try for a job at the university. What was the job that you wanted to take on at the university?

40 MR HUNTER: So the job for the uni was actually at my residence where I lived. It was a job known at the time as a residential adviser position. You would act as a student leader which involved helping organise events for the student body and assisting students with any issues they might have as best you could, and just being a leader around campus and giving that extra bit of responsibility.

45 And I went for the job in the second year because you couldn't as a first year because you were new. Your second year you could go for it.

MS EASTMAN: So when you were in your second year, that first attempt at the job, you put in an application fairly late, didn't you, it was a bit rushed --

MR HUNTER: Yes.

5

MS EASTMAN: --- so what happened in relation to that application?

MR HUNTER: So that application came up, as you said, rather quickly, and I had about a week to put together an application and write the cover letter and all the things that come along with that. I knew it was quite rushed but I thought I would put my hat in the ring for the job, and so that --- I did the best I could on the short notice, and then unfortunately wasn't given the position, and I was told by the manager, who I knew very well, said "Yeah, your paperwork and your written application was a bit rushed and not quite good enough compared to who we gave the job to in the end".

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MS EASTMAN: So it was a bit of a learning experience?

MR HUNTER: Absolutely, yes.

20

MS EASTMAN: But having not got the job in 2015, when it came up the following year in 2016, you thought you would give it a go again?

MR HUNTER: Absolutely. I was more prepared than before and I had time to write the application. It was as good as it was going to be, and I went through it with different support people, and it was pretty sharp so I was happy with it.

25

MS EASTMAN: Now, things didn't quite turn out the way you expected when you put your application in. Can you tell the Royal Commission what happened when you put your application in and you got a call from somebody? Take us from there.

30

MR HUNTER: Yes, so I put the application in and, as anyone would, and the night before the interview at about 5 o'clock, so close of business, everyone had gone home from the admin office, I get a call from the head of campus and he says, "Would you mind coming in and having a chat about the interview tomorrow?" Even then, like I was 20 years old. Even then I thought that's not a normal thing to do, I wondered is everyone getting asked to do that. But again, I still didn't have the complete idea that it was necessarily a bad thing. So I happened to be in my room on campus so I said, "I'll be over there shortly." So I went into his office and he told me pretty directly that due to my physical restrictions I won't be able to do the job as a residential adviser.

35

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MS EASTMAN: How did you react to that?

MR HUNTER: I was shocked. I didn't really have anything to say back to that. I had a moment to gather my thoughts and I thought, well, you know, everyone on the team already I've known for at least two years. We can adapt the position to help me

45

do it because there was one thing that I couldn't do, and that was access all the rooms, because part of our job was to do rounds and check on everyone, knock on their door and make sure everyone was all right, if we got any reports of anything. And so I knew that was going to be an issue, I said, well, I can't get to every room on the campus. I said, I thought, okay --- I said, I knew this was going to happen, but surely we can adopt the role and work with me and I can work with the rest of team. I get on well with them socially, so I think professionally we could definitely make it work. And he wasn't coming to that party with me.

10 MS EASTMAN: So this is the afternoon.

MR HUNTER: Yes.

MS EASTMAN: And the next morning you had the interview.

15

MR HUNTER: Yes.

MS EASTMAN: Was that --- did you think what's the point of going to the interview? What happened?

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MR HUNTER: Yes, I did.

MS EASTMAN: What happened?

25 MR HUNTER: I did have that moment. I think what threw me as well he politely said at the end of our chat, after quite blatantly discriminating against me, said, "I'll see you at the interview tomorrow and we'll talk more about it tomorrow". So I still went in, trying to --- putting on my nice shirt and thought I would try and be as professional as possible. There were two others on the interview panel. I thought, no, I will still give it my absolute best and I will try to convince myself that this conversation won't affect the outcome of the interview. But it definitely sat with me the whole night. I didn't interview very well, whereas the first time around I interviewed very well because I was comfortable and confident, whereas this time I was still very shaken up and I lost a lot of confidence.

30

MS EASTMAN: Was the head of campus part of the interviewing panel?

MR HUNTER: Yes.

40 MS EASTMAN: Did the head of campus say anything about the conversation you had the day before?

MR HUNTER: No, none of the other two on the panel knew of the conversation.

45 MS EASTMAN: Did you say anything in the panel, "Hey, you just said to me last night I didn't get the job"?

MR HUNTER: No, I didn't say it and that's something I regretted for a few years after I didn't get the job, that I didn't say anything to anyone in the moment of the interview. I can't say what would have happened as a result of that, but that is something I do wish I had have done at the time.

5

MS EASTMAN: I think you say you've stewed on this incident for many years; is that right?

MR HUNTER: Yes, yes. It was a few years after that, now 4 years since it happened, but there was a few years where it sat with me and I stewed on it, as you said. You start to wonder, especially when you are at that age, at 20, "If I can't get a job at my uni with people that I know and who know that I'm capable, how am I going to do even with my degree, how am I going to do with the general population and general public?" And that starts to eat away at your confidence. Yes, that sat with me for a while.

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MS EASTMAN: Some people listening to this might be saying, "You're an intelligent, well-spoken young man", you have a good education, why didn't you stand up for yourself and make a complaint to somebody or report the head of campus?

20

MR HUNTER: I think at the time --- again it comes back to I was in a bit of shock for a while. I did eventually go to someone at the uni in the Disability Services Department who I had dealt with in the past. Not anything formal but I sort of said, "This is a conversation that happened. I'm not sure what we can do about it, but I just want to tell you". And nothing obviously come of that. But at the time, being young, as I said, 20 years old at the time, I was still shaken up and just tried to do my best to move on from it as quickly as I could. Again, it sat with me. I will never forget it. I've definitely dealt with it and moved on to other opportunities, but I will never forget that conversation in that office that night.

25
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MS EASTMAN: Yes.

So, when you finished uni, what were you thinking about in terms of the next steps for you? What did you want to do as a career and where did you end up?

35

MR HUNTER: Well, I think I knew that I would have to, especially after the experience at the uni, I knew that I would have to somehow create my own path, so to speak. I knew --- maybe it was the negative aspect of having that experience, but part of me is like, I can't let someone tell me "no" to a job that I deserve again, so I am going to have to try to find my own way, and that is where I'm at now. I'm doing a lot of consulting work, and I'm part of a research team with ACU in Sydney and Melbourne, and I was asked to do that due to my lived experience with disability, similar to my role with Get Skilled Access, it's due to my lived experience.

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MS EASTMAN: I will ask you about that in a moment but you had a job, didn't you, after university, that wasn't doing the things you are doing now. Tell us a little bit

about that job.

MR HUNTER: I first got that job as a receptionist just in an office between my
summers of second and third year of uni, so November 2015 to February 2016. My
5 brother worked for the business, and he gave me a call October of 2015 before I was
coming home, he said "They need a receptionist, the CEO would like to meet with
you". So I got home, the second day I was home, I went into her office, and it was
less of an interview and more of a bit of "Sign this paperwork, we'll have a chat and
you can start Monday", so I was lucky enough to have that job as a receptionist.

10

MS EASTMAN: What did you do as a receptionist? What were your tasks?

MR HUNTER: So, answering the phones and greeting people as they came into the
office. Some basic data entry and stuff. Mostly customer service and answering the
15 phone and dealing with people as they came in, which I was very good at and got
better at. So that sort of helped me develop those skills as well.

20

MS EASTMAN: But still in the back of your mind you think that job might have
been a bit tokenistic as well; why do you say that?

MR HUNTER: I think it's partly due to my previous employment experiences with
the supermarket and the uni. I think I still had that in the back of my mind and there
were times where I felt underutilised, because they knew of the degree I was
studying, and I would try and ask, "Oh, do you need a hand with some marketing or
25 communication or social media?". I thought I could definitely help out.

30

There was part of me at times I felt that again, they were happy to have a guy in the
wheelchair on a front desk. But again, I had many good colleagues at that job. But
I think that was more my experience rather than actively giving that attitude.

MS EASTMAN: There were some good aspects to this job, weren't there, in terms
of flexibility to let you do a few things like travelling overseas, is that right?

MR HUNTER: Yes.

35

MS EASTMAN: And you took the advantage of this job to be able to do quite a lot
of travelling; is that right?

MR HUNTER: Yes, so the point of me taking --- I took the job in the summer
40 between my years of uni, and then I was lucky enough --- they said "If you need
a job when you come back from uni, let us know", and I knew I wanted to travel in
2017 immediately after uni, kind of like my gap year, because I went straight from
school to uni so I knew I wanted to travel. I had built great connections through
exchange students at Wollongong. They were in America. So I knew I had good
45 contacts there and could have a good trip. So I finished uni in November of 2016
and worked from November to June, and then took off overseas for a couple
of months. Again, they were a super flexible business and they allowed me to go and

come back after the trip. And I also continued the job for another full 15 months and travelled again, with my brother this time, also in America. And then, yes, so I was very fortunate to end up in that situation and have that flexibility from them. And they were very nice, and I'm still in touch with a few of those people.

5

MS EASTMAN: You are still in touch with them?

MR HUNTER: Yes.

10 MS EASTMAN: You've done some volunteering. One bit of volunteer work that you did was for a music festival called Ability Fest?

MR HUNTER: Yes.

15 MS EASTMAN: That is a festival that among other people, but Dylan Alcott organised and the first one was in about 2018, is that right?

MR HUNTER: Yes.

20 MS EASTMAN: You were volunteering for the music festival?

MR HUNTER: Yes.

25 MS EASTMAN: What can you tell us about this particular music festival; what was special about this?

MR HUNTER: Ability Fest was created and designed specifically for people with disability, taking into account a lot of different disability and inclusive needs, because I think a lot of people with disabilities haven't been able to attend music
30 festivals in the past because of access needs, whether that be to a bathroom or a lot of festivals are in fields and paddocks and venues that is hard to get across and through. Ability Fest was a bit smaller and easier to get around. For example, there was matting put down, creating hard and solid paths for someone in a chair to roll over easier, even someone who --- could feel comfortable walking on it because it
35 wouldn't be uneven.

MS EASTMAN: I think there was a bit of wheelchair crowd surfing at the festival?

40 MR HUNTER: Yes. I've done that.

MS EASTMAN: How was that done?

MR HUNTER: You ask people who are able to lift you above the audience and enjoy that. So I've done that at Ability Fest and also other music festivals. It's nice
45 when you have a couple of brothers that are just as crazy as you are and are willing to put you up above --- and it's a good viewing area. So, yeah.

MS EASTMAN: And at this festival every performer also had an Auslan interpreter on stage, and I think one of the Auslan interpreters got a little bit of notoriety because they were rapping with one of the rappers, is that right?

5 MR HUNTER: Yes, it went a bit viral online because they were able to keep up with the rappers' lyrics, and they move very quickly. I don't know how --- I couldn't do that, but it's a great skill for somebody to be able to keep up with --- again, it shows how inclusive. And that, since Ability Fest, I've noticed that more and more, at live events such as music --- because of seeing how inclusive it can be for some people who
10 are hearing impaired.

MS EASTMAN: So when you were doing the work at Ability Fest, that is when you met Dylan Alcott?

15 MR HUNTER: Yes. I happen to be the only volunteer staff in a wheelchair with a disability. So before the event started, because we were there to get ready, we had a good chat and met and then he happened to be in Albury Wodonga doing a corporate engagement and we met again. I was there. And he was like, "You were at Ability Fest", and I said "yes". And then I was able to --- he said I should come
20 down to Melbourne and meet some of his colleagues at Get Skilled Access, which at the time was a relatively new company, new business.

MS EASTMAN: And that meeting, Dylan said, "Drop us your CV", and you did that?

25 MR HUNTER: Yes.

MS EASTMAN: So where did that lead to?

30 MR HUNTER: So I've done with Get Skilled Access, a couple of different what they call awareness training. So I will go in with my lived experience of having a disability to, I've spoken to a couple of different organisations, both government and private, and I just --- we sort of talk about employment for people with disabilities, how important it is to employ people with disabilities and we try and break down
35 some barriers and re-inform or re-educate maybe if anyone has any misconceptions or different ideas of disability, and I like to think that telling my story and showing what I've been able to achieve has helped different people.

MS EASTMAN: You've been part of a campaign called Remove the Barrier
40 campaign. So you were filmed for a part of the Remove the Barrier campaign. Do you want to say something about that?

MR HUNTER: Yes, I was able to get that through --- Get Skilled Access, I was offered that opportunity to be part of that campaign, and that was involved, that was
45 a TV commercial and an online campaign where we would highlight that people with disabilities face invisible barriers. So that involved me pushing, on film, into an office door, and I was stopped while other typically developed people passed me.

The point of the campaign was that, yeah, people with disabilities face invisible barriers, meaning they can't even get access to the same opportunities that others do.

5 MS EASTMAN: So working with Get Skilled Access has really shifted your focus a little bit from perhaps where you expected you might start to really doing a lot of advocacy work in the sector; is that right?

10 MR HUNTER: Yes. And there was a time when I was a bit younger where I didn't want to be in that space necessarily. I just wanted to use my marketing degree to have a regular marketing job, but then I was back to that "create your own path" and I sort of fell into this advocacy role and consulting role and it's been really rewarding and I've met some good people and met connections, and it's some work I want to continue along with comedy and other keynote speaking and public speaking engagements.

15 MS EASTMAN: I think you mentioned a moment ago about also doing some work with another university. This is work that came up in October last year. So you are a consumer investigator. What does that mean?

20 MR HUNTER: Basically I interpret it to mean that through my lived experience and through consulting and helping shape the study, and how we produce the materials, and helping inform the researchers of things that they may have missed due to not having experience with lived disability.

25 MS EASTMAN: Is that an ongoing role or a shorter term project role?

MR HUNTER: That has been ongoing since October last year, but we are hoping to wrap up in about May 2021. So that's been a great experience to be part of. Yes, I hope that that is the sort of work I can continue.

30 MS EASTMAN: What's the future hold for you?

MR HUNTER: I think more of that sort of consulting work. I want to keep doing that and comedy as well now that hopefully we can get comedy up and going again. But, yeah, I think because I have the capacity and ability to, and I'm happy to be in the public eye or be onstage and telling my story, and I hope that that can help people with disabilities that may not be able or willing to do that. And I hope that I can continue that sort of work.

40 MS EASTMAN: You've put something right at the end of your statement, if you have a copy there, it is on the final page. Paragraph 52. I wonder if you could read that to the Commission and I might ask you one or two questions from the final paragraph.

45 MR HUNTER: Yeah, no problem, so I said here that I believe that living with a disability, we have to be extraordinary to be ordinary. What I mean by that is we have people with Dylan Alcott or Kurt Fearnley who have been doing amazing

things --- and other Paralympians who have done amazing things, but we still have a big gap in how we perceive disability generally. People are surprised sometimes when I'm out and about and doing things and working, but then they always see Dylan Alcott and Kurt Fearnley and other Paralympians do their amazing sporting achievements and think that is what you have to do to be noticed when having a disability.

When I was younger, I felt this pressure sometimes that if I want to be noticed and relevant, I have to have a gold medal or go to the Paralympics or do something extraordinary.

MS EASTMAN: Do you still feel like that?

MR HUNTER: Not as much as I used to, but again I think my work is leading down that path of being a bit out of the ordinary and I'm happy with that. But I think my point with that statement is that so many people with disabilities just want access to normal, like a normal life, or their normal life, and be able to have a regular job and career and friends and a social life, and sometimes I think our perceptions don't lend to that.

I had a friend who also had a disability say to me the other day, "It's hard to be average with a disability. You've either got to do something out of the box to make it for people to acknowledge that you've achieved something."

MS EASTMAN: Taking that into the area of work, for people with disability looking for work and hearing your story today, what is your advice for young people with disability in terms of looking for work into the future?

MR HUNTER: I think, for me, it would be, figure out what you can do and what you are capable of to the best of your ability, and also work on that capacity the best you can, and find some good people around you and find a good support network. That might not be your family --- for me it was my immediate family, for others it may not be --- but do your best to find a good support network, and really make the most of your capacity, and that should hopefully create some opportunities and hopefully you are given those opportunities.

MS EASTMAN: And you've done a lot of talks and advocacy work to try to help organisations, including employers, to be more inclusive. So, as a young person, what is your advice to employers? You reflect back on your own employment experience. What little things could employers do that would make a big difference?

MR HUNTER: I think, say, if you interview someone with a disability and you have any concerns or are uncomfortable with their accessibility needs, ask them. My bad experiences, as we've spoken about, is I was never asked how I could do things or if I was capable of doing a job or part of the role. I think if you are uncomfortable or unsure, ask the questions and have the conversation early and get as comfortable as you can with hopefully a future employee with a disability, and then that makes the

person with a disability more comfortable, and I think you will find that they are just as productive and valuable as anyone else in the public.

5 MS EASTMAN: Mr Hunter, that time has also gone very quickly. Thank you so much for coming from Albury and sharing your experiences with us today. Some of the Commissioners may have questions for you.

10 CHAIR: Thank you. Commissioner Atkinson, in our Brisbane hearing room, I think you can see her there.

COMMISSIONER ATKINSON: I'm sure you are not asking me, Chair, because I once was an actor with ambitions to be a comedian and, look where I've ended up, Mr Hunter, so good luck! No, I think I'm probably the wrong age group to ask you questions. Thank you very much for your evidence. I very much enjoyed it. I hope
15 all your ambitions do come to fruition.

MR HUNTER: Thank you.

20 CHAIR: Commissioner Galbally, who is in Melbourne.

COMMISSIONER GALBALLY: Thank you for your evidence. No questions.

CHAIR: Commissioner Ryan?

25 COMMISSIONER RYAN: I have no questions. I would love to say give me, us, 3 minutes.

30 CHAIR: I was just going to say, I was waiting for my colleagues to ask you the obvious question, which is, can you do a stand-up routine for five minutes.

MR HUNTER: I think I'd better not --- maybe off the record!

35 CHAIR: Anyway, you said that your ambition is to be on a stage telling a story. Well, you just had 40 minutes you've been on the stage telling your story, and we are very grateful for you for doing that, it's been enormously helpful to us.

MR HUNTER: Thank you.

40 CHAIR: Very much appreciated. As with the other Commissioners, we wish you the best for your career.

MR HUNTER: Thanks very much.

45 **THE WITNESS WITHDREW**

MS EASTMAN: Thank you, Commissioners. Just dealing with the formalities, could Mr Hunter's statement be marked Exhibit 9.11.

CHAIR: Yes.

5

EXHIBIT #9.11 - STATEMENT OF MR OLIVER KANE HUNTER

10 CHAIR: Yes.

MS EASTMAN: Then if we could have a short adjournment of 10 minutes, and then our final witnesses are joining us from Melbourne.

15 CHAIR: Good, we will do that. We'll take an adjournment for 10 minutes and resume 3.20 in Sydney time, 2.20 Brisbane time.

20 **ADJOURNED** **[3.11 PM]**

RESUMED **[3.22 PM]**

25 MS EASTMAN: This afternoon we have two people giving evidence together. One will be familiar to the Royal Commission, welcome back, Professor Anne Kavanagh.

PROFESSOR KAVANAGH: Hi.

30 MS EASTMAN: With Anne Kavanagh is Alexandra Devine, soon to be Dr Devine, but we are about 2 and a half weeks off the conferral of your PhD. So, first of all, before I ask questions of these witnesses, they both need to give their oaths or affirmations.

35 CHAIR: Thank you, Professor Kavanagh and soon-to-be Dr Devine for joining us today. You are both emerging from what seems to be the gloom of Melbourne, but we can sort of pick you out on the screen. If you would be good enough ---

40 MS DEVINE: Oh, are we too dark?

CHAIR: A little bit dark, but what can you do about Melbourne, it is perpetually in the dark.

45 If you wouldn't mind following the instructions of my associate, she will administer the affirmations to you.

PROFESSOR ANNE MARIE KAVANAGH, AFFIRMED

MS ALEXANDRA DEVINE, AFFIRMED

5

CHAIR: Thank you.

10 **EXAMINATION-IN-CHIEF BY MS EASTMAN**

MS EASTMAN: I might just need you, if you can, on occasions to lean a little closer into the microphone.

15

Professor Kavanagh, can we start with you. You have given evidence at a previous hearing of the Royal Commission, Public Hearing Number 5, into the impact of the COVID-19 pandemic on people with disability. Can you confirm you are Professor Anne Marie Kavanagh?

20

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: And you are an epidemiologist and public health physician?

25

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: You are a member of the Australian Faculty of Public Health Medicine, and a Fellow of the Australian Academy of Social Sciences?

30

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: You hold the inaugural chair in Disability and Health, and you are the Academic Director of the Melbourne Disability Institute at the University of Melbourne?

35

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: Now, Ms Devine, welcome to the Royal Commission. You work with Professor Kavanagh and you are a research fellow with the Melbourne School of Population and Global Health?

40

MS DEVINE: That's correct, yes.

MS EASTMAN: Can I ask you to tell the Royal Commission a little bit about your research work. The Commissioners have an outline and a summary of your CV, and I will get to dealing with that outline in a moment, but can you tell us a little bit about your background and your particular areas of research?

45

MS DEVINE: Yes, certainly. I have been with the University of Melbourne for 15 years now, mainly focused on mental health and disability inclusive development, so working for a number of years on research and technical advice in low and middle income settings to try and improve inclusion for people with disabilities.

More recently, as part of my PhD I was focusing on Disability Employment Service participants with the lived experience of psychosocial disability, and examining how their life circumstances interacted with the DES program to help facilitate or undermine access to employment.

MS EASTMAN: Thank you both for agreeing to give evidence.

Commissioners, we haven't asked our witnesses to prepare statements, but they have very kindly worked with the Royal Commission to provide an outline of evidence, and also provided to the Royal Commission a number of documents, including the results and reports of the research that we'll discuss in the evidence this afternoon. If it is convenient, Commissioners, could you mark the outline of evidence as Exhibit 9.12.

20

CHAIR: Yes, that can be done.

EXHIBIT #9.12 - OUTLINE OF EVIDENCE OF PROFESSOR ANNE MARIE KAVANAGH AND MS ALEXANDRA DEVINE

25

MS EASTMAN: And then in Tender Bundle B, where you will find the evidence, there are a number of exhibits which comprise the reports and some publications, and that could be marked Exhibits 9.12.1 to 9.12.10.

30

CHAIR: Yes, that too can be done.

EXHIBITS #9.12.1 to #9.12.10 - ANNEXURES TO OUTLINE OF EVIDENCE OF PROFESSOR ANNE KAVANAGH AND MS ALEXANDRA DEVINE

35

MS EASTMAN: You've both been involved in a recent research project as a result of the Australian Research Council Linkage Project, and the project is called "Improving Disability Employment Study", the IDES; is that right?

40

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: And the aim is to improve an understanding of the factors that promote sustainable and meaningful employment outcomes for people with disability.

45

MS DEVINE: Yes.

5 MS EASTMAN: Professor Kavanagh, you have been the lead researcher for the IDES Project?

PROFESSOR KAVANAGH: I have.

10 MS EASTMAN: Ms Devine, you said part of the work that you've done for your PhD has involved the IDES project but not exclusively, is that right?

MS DEVINE: That's correct, yes.

15 MS EASTMAN: So before I ask you questions about the particular results and the methodology used for the IDES project --- and whoever would like to answer this question is fine --- but can you tell us a little bit about this project and specifically why did you decide to investigate these issues.

20 PROFESSOR KAVANAGH: We've known for a long time that the employment outcomes for people with disabilities have been poor and particularly poor in Australia. We also know that one of the major --- the Disability Employment Services are one of the major ways in which government invest to try and improve employment outcomes for people with disability. So this project actually specifically focuses on participants who are attending Disability Employment Services either
25 because they choose to or because it is a requirement. And so we decided, because that was such a large investment and we still needed to understand how we could get that program to achieve better outcomes, that it was actually very important to focus on this particular program, noting that previous research had tended to focus more at the service level, whereas we really wanted to talk to the participants in the program and to follow them a bit more over time. Noting that some of the KPIs of those
30 programs are not really looking at some of the things that might be important for people with disabilities, the six-month KPIs and so forth. We were actually looking to see whether people managed to stay in meaningful work and whether they were able to, you know, their experiences and barriers to enabling them to do that.

35 MS EASTMAN: One of the underlying premises for this work was some work done by now your late colleague, Ms Milner, and that was her work finding that there are mental health benefits of employment for people with disability compared to people with disability who are outside employment and that overall increase in standard of
40 living and outcomes around social, health, economic benefits were significant. Do you want to say something about that earlier research which really seemed to be the starting point for the IDES project?

45 PROFESSOR KAVANAGH: Yes. We have an ongoing program of research using existing longitudinal data, but particularly the 'Household, Income and Labour Dynamics Australia Survey' of around 20,000 adults. Associate Professor Milner ran most of that work, although there were others involved. What we --- over the

many years we basically showed that clearly losing a job was particularly bad for people with disabilities' mental health and, in fact, had a worse outcome on the mental health of people with disabilities than it did on the mental health of people without disabilities, which was particularly concerning given that we know that
5 actually the mental health often tends to be poorer to start with. We also found under-employment was very prevalent amongst people with disabilities, and again that had mental health impacts.

10 And the other issue was the working conditions of people with disabilities. So more often, those people with disabilities were in jobs that were fully paid, where there was high --- (inaudible) job control, what we call with psychosocial working conditions, poor psychosocial working conditions, which make the sustainability of jobs poorer and undermining mental health. So Alison saw that as --- more broadly
15 because of poor workplace-readiness, lack of training and so forth, discrimination --- we also have done some work on discrimination --- and that leading to less likely to be in work, once you are selected into work, once you get work, getting the kind of jobs that are not so sustainable, and which also undermine health, and then therefore leading to much more likely to leaving the work force or leaving your job. And this
20 cycle obviously repeats itself often throughout someone's life.

MS EASTMAN: And another factor was, I think, that there were estimates that the Government invests around \$1 billion annually into disability employment programs, and taking into account some reforms for the Disability Employment Services, so the
25 DES's, in 2018, you wanted to better understand the perspectives of the jobseekers with disability, and their engagement with the DES, because your view is that it is imperative to get this perspective to inform both effective service delivery and also client retention. I think client retention is keeping people in jobs; is that right?

30 MS DEVINE: Yes, absolutely. So both from a service provider perspective, in terms of how can they better understand the cohort of people that they are trying to support, but also from the perspective of the jobseekers with disabilities themselves. So we get a better understanding of what works and what doesn't work within DES, but also to understand some of the broader circumstances that people are
35 experiencing.

MS EASTMAN: The IDES Project itself involved what is called a "two-way longitudinal quantitative study" with individuals with disability who are engaged with the DES providers. So can you just help me a little bit on what does a "two-way
40 longitudinal quantitative study" actually mean?

PROFESSOR KAVANAGH: Don't we love coming up with great terms to make them not understandable to everyone else! All it means is we did two surveys with participants, and followed them up at one year apart.
45

MS EASTMAN: Right. So, can I get into some of the methods? So, first of all, who were the participants and how did you find them?

PROFESSOR KAVANAGH: So we recruited participants through the employment service providers. We had 13 partners on this ARC grant, so it was mainly through those partners, but also others. So partly it was recruited by the types of people ---
5 the frontline workers, and then later through emails with the two participants from the service providers, making clear, however, that none of that information was shared with providers, and that was provided to us anonymously.

10 MS EASTMAN: And did this survey have a national focus or was it limited to particular areas?

PROFESSOR KAVANAGH: It had a national focus. Naturally by the fact that we only had a certain portion of the DES's involved, it means it is not a representative sample. There is really no other way to sample DES participants easily, so we had to
15 do the best we could in terms of getting as much national representation and as much representation of the broader community.

MS EASTMAN: So in the report at page 7, you have an infographic which tell us about the age, gender, location and disability type of the participants. We'll put that
20 up on the screen and I will ask you a few questions about each of those matters.

CHAIR: While we are doing that, I want to know what was the prize as part of the incentive to join the survey.

25 MS DEVINE: So they went into a draw to win an iPad at the end, and they also received a \$10 gift card or voucher that they could use.

CHAIR: Very good.

30 MS EASTMAN: Looking at the infographic there, the first graph is about age, and that identifies participants ranged in the age from 18 years to 65 --

MS DEVINE: Yes.

35 MS EASTMAN: --- and most participants were aged between 18 and 35 or 45 and 65 years old.

MS DEVINE: (Nods head).

40 MS EASTMAN: Did you consider that that was sort of a reasonable spread of ages? So you didn't look below the under-18s, but you started from 18 and then up to 65, I assume is the ordinary expected retirement age; is that right?

MS DEVINE: That's correct, and also because the majority of DES participants,
45 unless they are participating in an Eligible School Leaver Program, the majority of participants are over the age of 18. We have a slighter younger population within the survey than the broader DES population.

MS EASTMAN: You've anticipated my next question. Is there something about the cohort of age that had any correlation with the particular DES service providers and who, at least from an age perspective, you are more likely to see with DES service providers?
5

PROFESSOR KAVANAGH: We don't have the distribution of all the service providers, yes, don't have the distribution of each service providers, but it well could represent that, or it could represent the fact that particular groups are more likely to respond to surveys. For instance, women are more --- we know more commonly respond to surveys generally and we do have a higher proportion of women in the sample than found in the whole DES population, and we also do, as Alex pointed out, have a slightly --- a slight difference. It's not a major difference in the slightly younger population, but it's not --- I wouldn't think it is a major flaw in terms of the age distribution.
10
15

MS EASTMAN: And then you've just mentioned gender. Can I ask you about disability type, and that's the little pie graph at the bottom of the page.

20 PROFESSOR KAVANAGH: Yes.

MS EASTMAN: It identifies that 44.8 per cent, so almost half of the participants had a psychological disability as their main disability type, followed by physical disability and then ASD and then 2.7 per cent of sensory disability and then there is a gap there. What can you tell us about the profile of the people with various types of disability for this study?
25

MS DEVINE: So we probably had a slightly higher proportion of people whose primary condition is reported as psychological or psychosocial disability compared to the broader DES population. But it's not far off. I think of the current DES population around --- it fluctuates between 40 and 42 per cent had a primary psychological disability, followed by people with a physical primary condition is around 40 to 41 per cent. So it is fairly similar to the DES broader population, although we had a slightly higher proportion of people with a psychosocial disability.
30
35

MS EASTMAN: Okay.

Over the page, so this is page 8, there is a table of participant demographics. Can I ask you to have a look at that, and that will come up on the screen.
40

Just explaining that, perhaps those following the webcast who don't have access to the written material: 86 per cent of the participants were born in Australia. 3 per cent from Aboriginal and Torres Strait Islander backgrounds. 10 per cent speak a language other than English at home. 90 per cent attended mainstream school.
45 And then there is two categories of the highest level of high school education, and then the highest level of post-school education and that covers university degrees or diplomas, but also covers apprenticeship, trade or other certificates.

So in terms of this as representative of the cohort of people with disability who use DES services, can you say anything about that aspect of the demographics?

5 MS DEVINE: Yes. So we definitely don't have the same level of diversity as the broader DES population. Within the broader DES population there is an increasing number of people from culturally and linguistically diverse communities. There is an increasing number of Indigenous participants, and an increasing number of participants from refugee backgrounds.

10 I guess one of the limitations of our survey, partly because of resources and the way it was conducted, is that it was only offered in English, which meant that while there was a small number of people from linguistically diverse groups, that the majority of our participants had English as a first language.

15 MS EASTMAN: Now, moving from the participants to the survey itself ---

CHAIR: Sorry, can I just ask a question: did you determine what proportion of the cohort was NDIS participants?

20 PROFESSOR KAVANAGH: Yes.

MS DEVINE: Yes, we did, and it was a very small proportion. I think in the first wave of the survey, it was around 6 per cent or 22 of the 369 participants. And in the second study it was about 8 per cent, so around the same number.

PROFESSOR KAVANAGH: The first survey was done in 2018 and the second survey 2019, just to give you context.

30 CHAIR: What do those percentages tell us, if anything, about the cohort? About its representative nature as far as clients of DES?

MS DEVINE: We don't really know because there is no publicly available data that highlights the number of DES participants that are accessing the NDIS or vice versa.

35 PROFESSOR KAVANAGH: Yes. So we can't actually answer that question. It's not in the demographic profiles of the DES that DES puts out.

40 CHAIR: Would I be right in thinking that the group that you got, compared with most --- with, if you like, typical DES clients, is relatively well-educated or trained?

PROFESSOR KAVANAGH: Again we don't know that information because we don't have that information from the DES population, so we can't answer that question.

45 MS DEVINE: Except we were discussing before that we would agree that the DES population is not representative of the broader Australian population of people with

disabilities, partly because of the eligibility criteria to have access to DES. So it is probably quite likely, therefore, the subset in our survey had a higher level of education than the broader Australian community of people with disabilities.

5 MS EASTMAN: So, coming back to the survey, the survey for the first wave was a survey that would take the participants on average between 30 and 40 minutes to complete.

PROFESSOR KAVANAGH: Yes.

10

MS EASTMAN: And without going into every question asked in the survey, the survey covered a number of areas, it didn't just focus on employment and past employment experience; is that right?

15 PROFESSOR KAVANAGH: Yes.

MS EASTMAN: So some of the aspects that you asked in questions --- questions that you asked in the survey covered areas such as health, financial well-being, housing and transport.

20

PROFESSOR KAVANAGH: Yes, discrimination, yes, those kinds of things, yes.

MS EASTMAN: All right. Can I ask you about why, coming back to what the aim and objective of this particular project was, asking these questions that go beyond employment --- why did you take that approach, and perhaps just give us a little bit of an overview about why you designed the survey in this particular way, which is sort of touching on broad aspects of people's lives?

25

PROFESSOR KAVANAGH: Yes. I think we were very cognisant from the start that the services --- Alex can expand on this, but --- the Disability Employment Services is just one aspect of people's lives. And that actually, what enables or gets in the way of people being able to get jobs are much broader than simply the service. So we really wanted to understand things like can people get to a job, are there jobs around where people are, what is the state of housing, and to what extent does that actually impact on their capacity to get work? Because we think it is important that we don't look just at one aspect of someone's life to understand what the barriers are. And also recognising what the role of DES is in that context. You might want to expand on that.

30

35

MS DEVINE: Absolutely. And I think the previous work done by our colleagues and other people in the field have really demonstrated that Australians with disabilities have experienced socioeconomic inequalities across their life course, and this can have an influence on their employment. And again, we know Australians with disabilities are less likely to be in secure employment and that again has an impact on their socioeconomic experiences. So it is all very interrelated and we wanted to better unpack some of those relationships.

40

45

MS EASTMAN: I'm now going to really hand over to the two of you. We've got a snapshot of your report, but can you tell us what were the results, and then I will ask you about that, what was either surprising or perhaps results that met your particular expectations?

5

MS DEVINE: Where to start!

So I think one of the key findings was that among our cohorts, around 90 per cent of respondents reported that they had worked at some point but at Wave 1, just under 30 per cent of respondents were currently working.

10

PROFESSOR KAVANAGH: Yes.

MS DEVINE: And when you look at Wave 2, a similar amount were working, but what was more significant was that 50 per cent of the respondents at Wave 2 had remained unemployed from Wave 1 to Wave 2.

15

MS EASTMAN: What, there is a two-year gap between Wave 1 and 2.

PROFESSOR KAVANAGH: A 1-year gap. But I think it is also important to say that there was some cycling through jobs, so only 13 per cent of them actually were in the same job as they had been. 26 per cent had new jobs, and 12 per cent had been in work since the last survey but were no longer in work. And as Alex said, 49 per cent had not been employed at either wave, rather both waves, sorry.

25

MS EASTMAN: And I'm looking now, and Commissioners will have a copy of the report published in August 2020 so this is a result of the second wave; is that right?

MS DEVINE: You might have had a non-public draft --

30

PROFESSOR KAVANAGH: Yes.

MS EASTMAN: Which we are allowed to make public, is that right?

MS DEVINE: Yes, I think so.

35

MS EASTMAN: I've tendered it into evidence so it is public now. It's in now! So is this the part that picks up aspects of the wave 2, or have I jumped too far ahead on that one?

40

MS DEVINE: I'm wondering if you are still on Wave 1 report.

MS EASTMAN: I have Wave 1 report and that is the 15-page report which the Commissioners have. And that gives a brief summary around the areas of employment, experiences with the employment service providers, well-being, and then picks up very briefly on some of the external factors. So that was the result of Wave 1. And then Wave 2 --- so the Wave 2 reports, right. Sorry, I've got a little

45

confused there. We have a secret copy of the Wave 2 reports, but I haven't tendered that into the evidence.

PROFESSOR KAVANAGH: It's part of the analysis document, yes.

5

MS EASTMAN: Okay. So I was trying to be careful that --- if I drew you into any confidential information about the Wave 2 report. But I think you can tell us about the outcome of the Wave 1 and now Wave 2 study for the IDES project; is that right?

10 PROFESSOR KAVANAGH: Yes.

MS DEVINE: Yes.

MS EASTMAN: Sorry for confusing you.

15

All right, so in terms of looking at employment, and the outcome of both the Wave 1 and Wave 2 surveys, you've given us a general overview, but looking at the overall outcomes, what would you say was a key outcome in relation to the participants' perspective on their engagement with the DES providers?

20

PROFESSOR KAVANAGH: So there were a range of things in terms of what they actually wanted from the DES providers. And I think what is interesting is that there are a range of things they wanted from the DES providers. One was actually to make them --- help them obtain confidence in their own abilities. That was a major issue for many people in the survey. The others were to be assisted in finding jobs --- go on.

25

MS DEVINE: Yeah, to find jobs that met their needs. They wanted help from their DES provider to help them develop their skills, to apply for jobs, and also to gain support once they had a job.

30

PROFESSOR KAVANAGH: Yes. That was very important that point, that actually people felt the real need, when they were in, once they got a job, was to have ongoing support from their DES providers.

35

MS EASTMAN: I think part of the outcomes ---

COMMISSIONER ATKINSON: Sorry, Ms Eastman, to interrupt. Is there a document we should be looking at or not?

40

MS EASTMAN: No, there is not. I'm sorry. I just got a little bit confused and that is my fault around the document in Tab 5 and some background material which the Commissioners don't have.

45 CHAIR: Just so that I'm clear, the document behind Tab 5 is headed "Exploring the interface of the NDIS and Disability Employment Services". Is that a separate, published document?

PROFESSOR KAVANAGH: Yes.

MS DEVINE: Yes, that's correct.

5

CHAIR: That is in the public domain?

PROFESSOR KAVANAGH: Yes. These are just additional analyses we did for the Royal Commission that haven't been published yet.

10

CHAIR: Thank you very much. Now I understand.

MS EASTMAN: Right. But you are able to talk about ---

15

PROFESSOR KAVANAGH: Absolutely.

MS EASTMAN: --- that without providing the documents. I will try to navigate that as well as I can. But coming back to that, one thing was that the outcome was that people using the DES service all had a fairly firm view that they wanted employment. My understanding of reading the material that you'd provided to us is that that is why they were with a DES provider, and so even if they were unemployed, there was still that wish to be in employment?

20

PROFESSOR KAVANAGH: Well, that's not completely true --- well, they did want to be in employment, but that wasn't because they chose to be with the DES provider, that's a requirement.

25

MS DEVINE: Yes, there is a mixture, so like the broader DES population, around -- - the overwhelming number of our respondents were engaged with DES as part of their mutual obligations, and then similar to the broader DES population, around 20 per cent were engaged as voluntary participants.

30

I think when you follow that up with what the survey found and also our qualitative interviews, the overwhelming majority of people do want to work and recognise that they require support to work, and one of the very few options, or because of their mutual obligations, was to engage with the DES program.

35

MS EASTMAN: And one other factor that you looked at is the way in which people found employment. So what were your findings between Wave 1 and Wave 2 in terms of the way in which people found employment?

40

MS DEVINE: So the majority of people that had succeeded in finding and maintaining work did report that the main way they found work was by applying through an advertisement, and a smaller proportion felt that their DES provider had directly supported them to find work.

45

So in wave 1, 40 per cent of people reported that the main way they found work was

applying through an ad, and around 23 or 25 per cent --- sorry, yes, around 28 per cent felt that their DES provider had directly helped them find work.

5 COMMISSIONER ATKINSON: Sorry, Ms Eastman, to interrupt again. I think we do have these figures in Appendix B to the statement. I thought I had seen them somewhere before, but on page 10 of the outline of evidence, it has Wave 1 survey respondents, how main job was obtained and then Wave 2 respondents, how their main job was obtained.

10 PROFESSOR KAVANAGH: You are right, it is in the back of the statement. There are tables at the back of the outline of evidence. You are completely correct. You just don't get the commentary associated with it.

15 MS EASTMAN: Commissioners, you don't have the narrative and the discussion about the contents of the tables, but you have the tables.

20 COMMISSIONER RYAN: Can I ask a question about the statement we've just had made, which is you said the majority of people found a job by responding to an advertisement as opposed to assistance from their DES. I've seen other information in the community generally suggests the way in which most people find jobs is through networking. Would you draw a conclusion that people with disabilities either don't use networking or don't have access to that as a means of finding jobs and that could be a significant reason as to why they are not always successful?

25 PROFESSOR KAVANAGH: We did ask that question. Only 13 per cent of people in Wave 1 nominated that as a reason and 15 per cent at Wave 2. So I think it is a hypothesis that we thought about. We actually did consider putting some questions into IDES very early on exactly on the questions that you are asking about networks, and how they enable employment. As you say, it is a very important way of getting jobs.

30 MS EASTMAN: In terms of qualitative work, did you find anything there worth commenting on in relation to that?

35 MS DEVINE: I feel while, the survey respondents, yes, they didn't report as often as we would have expected that they found --- the main way they found their jobs was through connections of family and friends, it was still an important pathway for people with disabilities, but I think it is accurate to say that their networks are sometimes smaller than jobseekers without disabilities, and even within their networks, they might not have --- there might not be the same number of people that can help them apply for work or identify work that they can then engage with and apply for.

45 MS EASTMAN: Another factor that you looked at is people's experience of discrimination, or their perception of having been discriminated at work. Did your results examine whether a person's disability may have had a greater impact on

perception of whether they had experienced discrimination at work?

5 MS DEVINE: Yes. So there was definitely a high level of people. So close to 40 per cent, or even more, depending on the type of disability reported that they had experienced discrimination. And then different people with different types of disability reported different experiences of discrimination. So some people were more likely to report discrimination when they were finding a job, whereas others were reporting a discrimination within the workplace.

10 MS EASTMAN: And then ---

PROFESSOR KAVANAGH: Sorry, that discrimination could take various forms in the workplace from not being promoted to not even experiencing social exclusion and so forth as well in the workplace.

15 MS EASTMAN: Did your survey ask the question as to what people did if they felt that they had been discriminated against?

20 PROFESSOR KAVANAGH: No, we didn't ask that question.

MS DEVINE: No, we didn't ask that question directly, but when people were asked why they had left their most recent job, if they had indeed left their most recent job, there was an opportunity for them to respond under "other", and within that, people commonly reported discrimination as a factor of why they may have left the job, or bullying, or harassment.

25 MS EASTMAN: All right, so when we have the table of results as to why people had left their most recent job, that category of "other" can pick up discrimination, poor pay, bullying, working hours, a range of reasons; is that right?

30 PROFESSOR KAVANAGH: Yes, that's correct.

MS EASTMAN: And in terms of why people had left their most recent job, what was the principal finding in terms of the principal reason?

35 MS DEVINE: So the main reason reported was because of their health or their disability. And this was followed by "let go by the employer".

40 MS EASTMAN: After that the numbers seem to drop off a little bit in terms of a range of things. But that also included "unable to keep going to work because of transport issues".

PROFESSOR KAVANAGH: Yes.

45 MS DEVINE: Indeed.

PROFESSOR KAVANAGH: Yes, although that wasn't really very commonly

reported, but if there were --- certainly transport barriers reported in other parts of the survey, people nominating that as a potential reason.

5 MS DEVINE: Yes. I think the qualitative interviews that we conducted help unpack
maybe why health reasons and disabilities were one of the reasons why people left
work. Again, it seemed to be linked to the fact if people were encouraged or placed
in jobs that didn't --- weren't accommodating of their disabilities or actually made
their disabilities and health conditions worse, they were more likely to leave
10 employment. If people were not receiving adequate training at the start of their job,
or ongoing support, then this made it more difficult to sometimes manage their health
conditions, and sometimes, because of employment, they were unable to continue to
access some of their mental and physical health supports. So that was a --- it
compounded their conditions and therefore they might decide to leave employment
or not be able to continue.

15 MS EASTMAN: Ms Devine, stepping outside the IDES Project report for
a moment, one aspect of research that you did around this time, and published under
the title "I don't think they trust the choices I will make", that is a piece of research
work that you published being a narrative analysis of choice and control for people
20 with psychosocial disability within the reform of the Australian Disability
Employment Services Program.

You say in that article that:

25 *Within the context of the newly-reformed DES, it is assumed, (a) participants
will exercise choice and control, and (b) this will incentivise providers to be
more efficient and responsive to participants' needs as providers, aim to
improve services to retain existing customers and compete for new customers,
ultimately leading to (c) improved employment outcomes.*

30 So, Commissioners, you have a copy of that article behind Tab 6 and the passage I
just read was from page 2 of that article.

35 Against that background of what assumptions around choice and control for
participants with psychosocial disability, did your research draw any conclusions as
to whether or not those assumptions had been borne out?

MS DEVINE: Again, acknowledging that these narratives were gathered from
a relatively small amount of DES participants with psychosocial disabilities, that it
40 was fair to say that the people we spoke to, very few people were actively engaged or
choosing to stay with their current DES provider. There was very few people that
felt that they had choice within the system, the DES system, and fewer people that
felt that their choice of employment or that their aspirations for particular types of
employment were being currently met by their DES provider.

45 MS EASTMAN: And did the research go behind that to identify why that was the
case? Were you able to do that?

MS DEVINE: Yes, there are a number of reasons, and they are very diverse for different individuals. Some individuals talked about never having their choice and control nurtured across their life. So this might be from parents not providing with them the tools to develop their capacity for choice and control.

Other people had experienced families discouraging them from the sort of life choices that they would make both in terms of education or employment, so they might decide --- have felt that they would like to pursue a career that involved going to TAFE, but that their families had discouraged that choice.

Then there were other participants whose life circumstances made it very difficult to have choice and control, whether this be because they were experiencing housing insecurity or unmet needs for mental health.

And then there were other participants who, within their engagement within the DES program, felt that their desire to perhaps attend university was undermined or that their aspirations to pursue a particular career pathway were undermined by their DES frontline workers.

MS EASTMAN: So coming back to the IDES project, having completed Wave 1 and Wave 2, you also drew some conclusions about pathways and barriers to employment for people with disability, particularly vocational barriers, non-vocational barriers and structural barriers. Can I ask you about each of these, and please comment on any other additional barriers that you identified.

In terms of vocational barriers, what barriers did you identify and what did the research tell you?

MS DEVINE: So I think across both the IDES survey respondents and the qualitative interviews that we've conducted and our broader research, it really talks about these barriers being very interwoven. So in terms of vocational barriers, the most common barriers were people reporting lack of qualifications and skills. Often, that might have been because they experienced other barriers such as discrimination in their educational settings and in their transitions from education to school.

MS EASTMAN: Sorry, Anne.

PROFESSOR KAVANAGH: No, if you want --- there are other non-vocational and structural, but we can start with vocational.

MS EASTMAN: I'm happy, I want to cover all three. The structural barriers, I think, collectively bring all of those barriers together. But in terms of non-vocational barriers, what did the research tell you in terms of the key non-vocational barriers?

PROFESSOR KAVANAGH: As we said before, one of them is the actual health

condition itself making it harder to work, potentially. And then other really important non-vocational barriers were things like housing, access to mental health services, financial security and so forth. All of those things were important non-vocational barriers. Issues around transport. Those kind of things were very important non-vocational barriers.

But I also wanted to point out in terms of non-vocational barriers which we haven't discussed, one of them which kept coming up over both surveys was issues around lack of confidence. I mean whether that's a vocational or non-vocational barrier is hard to know, and what means that --- people with disabilities lack the confidence is probably a life-long experience of partially low expectations and so forth. But that was an incredibly important vocational/non-vocational barrier.

MS EASTMAN: On that lack of confidence, did you see any difference between the younger and older cohort of people?

PROFESSOR KAVANAGH: We haven't looked.

MS EASTMAN: Can we make an assumption that older people were less confident than younger people or vice versa?

MS DEVINE: I think we'd have to take that on notice.

PROFESSOR KAVANAGH: We haven't analysed that particular question.

MS EASTMAN: Bringing them together, and I think looking at key structural barriers, is lack of jobs was identified as the most common structural barrier; is that right?

MS DEVINE: That's correct. And that was one of most --- in the first wave where people weren't asked about health conditions in terms of it being a particular non-vocational barrier, the lack of jobs was the most commonly reported barrier among the cohort.

MS EASTMAN: And then discrimination was identified as a significant barrier; was that the second key barrier?

MS DEVINE: That was a key barrier. That was asked as a separate domain of questions. Yes, that was definitely highlighted both amongst the quantitative and qualitative parents as a key barrier to employment.

MS EASTMAN: When you investigated discrimination and people responded to that question, what exactly did you mean by discrimination there? Was it intended to have a legal meaning in the sense that it is used legally or was it a more lay person's perception?

PROFESSOR KAVANAGH: Definitely the latter. When you tend to ask about

discrimination in surveys, and this happens in ABS surveys and so forth as well, you ask them whether they have experienced discrimination or unfair treatment with respect to some particular thing, and we asked them whether in general they had experienced discrimination because of their disability or health condition, and then
5 we asked them when they looked for a job, when they applied for the job, and when they were at the job interview. So we asked them at those three stages.

And then we asked them if they were employed, whether they were discriminated in terms of the tasks that they were asked to do, how much they were paid, the supports
10 that were put in place in the workplace, whether or not they were promoted and whether they experienced discrimination or unfair treatment from other employees or customers and clients.

MS EASTMAN: So looking at that issue of discrimination, its focus really was on
15 the perception of the person with disability about how they were treated by reference to outcomes in employment, so, either not getting workplace supports, not being included, et cetera; is that right?

MS DEVINE: That's correct.
20

MS EASTMAN: Taking the whole of Wave 1, Wave 2 and the material that you provided to the Royal Commission, where do you go with this research? What is the next step, coming back to the starting point which was the objective of this survey and research was to identify better ways of developing policies but to also bring in
25 the perspective of people with disability for the purpose of policy development --- where do we go with this research?

MS DEVINE: I think one of the key findings from the research is that currently,
30 there is a big investment in the DES program, but because of broader structural barriers it is very difficult for the DES program to adequately support job seekers with disabilities to find and maintain work. So I think if we are actually going to improve employment outcomes, both for the DES population and for Australians with disabilities more broadly, there does have to be greater investment in those structural barriers. So that means, particularly when we are looking at a post-COVID
35 economic recovery and we are looking to generate jobs, that we look to ways to make sure that we are generating enough jobs that also meet the needs of people with a diverse range of disabilities.

PROFESSOR KAVANAGH: I would say that too. If you look at the DES program
40 in isolation, in terms of reform, I don't think that is the way you can actually generate jobs because I suspect part of the issue is we really do have to deal with the structural barriers and the structural discriminatory barriers that go across people's life course. So it is a multi-level, multi-pronged approach. If you think simply in terms of concentrating on the person with the disability without changing things and levers
45 around that, it's not going to lead to better outcomes. I think that --- not being in employment, experiencing not being able to get employment, is very undermining of confidence and so forth as well. So I think there is an issue around those kind of

building --- the more broader structural issues, but also taking care not to undermine people's confidence. So I think it is a very broad, a slightly different way of thinking about how you influence employment outcomes.

5 CHAIR: Your research projects are very detailed studies either from a qualitative or a statistical perspective, but I'm finding the material difficult to understand how all the programs link in, one with the other --- and this is not a criticism, it may be due to my lack of information on some matters. But I'm just wondering, if I want to find out, or the Royal Commission wants to find out, for example, what proportion of
10 people in receipt of the disability pension at any given time are NDIS participants, can we find that out? Is that easy?

PROFESSOR KAVANAGH: No. I can answer that question for you. Well, the NDIS collects information on the proportion that are on DSP. What you can't find
15 out so easily is that the proportion of people on DSP who are NDIS participants.

CHAIR: I see.

PROFESSOR KAVANAGH: The only way to start to get that information --- I don't
20 know to what extent you know about the National Disability Data Asset, but the only way we are going to be able to get that information --- and I have to declare I'm on the Advisory Committee for that, but --- is to link NDIS data with social security data.

25 CHAIR: And if we wanted to find out the sources of the clientele of DES or DES', that is what proportion, for example, were part of the mutual obligation system, or what proportion had been compulsory referred by Centrelink, what proportion were self-referrals, would we be able to find that out easily?

30 MS DEVINE: Yes, that is available. So the Department of Social Services releases monthly data on the DES population, and that does describe the portion of DES participants who are now receiving --- now what, JobSeeker or a Disability Support Pension or who are engaged under mutual obligations, which I think currently in the last monthly report I think close to 80 per cent are engaged with DES under mutual
35 obligation and a few, less than 20 per cent are voluntarily engaged.

CHAIR: Right. So there is a certain amount of basic information concerning the way in which these systems operate at a high level. So if I want to better understand this, I need to go about finding out the basic information and then the more detailed
40 analysis of what is wrong can fall more readily into place. Sometimes it is better for people who don't know a lot about a system to start at the beginning.

PROFESSOR KAVANAGH: No, I think that is very true. The other think I would comment too is we are talking about the Disability Employment Service system, a lot
45 of people still --- about half of them seeking jobs I understand go through the Job Active program, which isn't a specialised program for people with disabilities, but it is the general program.

MS DEVINE: Yes, that's correct. So there is approximately around 300,000 jobseekers currently engaged with Disability Employment Services, and I think around 250 job seekers with disabilities accessing support through the mainstream Job Active program.

CHAIR: Yes, thank you.

PROFESSOR KAVANAGH: Yes. There is more information on that. The difficulty you will get is getting information on the intersections of DES and NDIS, and that's more complicated.

MS EASTMAN: And that is the report from August 2020, in the material where you explore the interface of the NDIS and the Disability Employment Services scheme. So I think, Ms Devine, this is a project that you've been involved in and that project identifies a number of areas and priorities for future research. But just in the time that we've got available, could you give us a broad summary of what the findings of this recent research is?

MS DEVINE: So this research, again it correlates with what we found in the IDES research in terms of people finding it difficult to access the NDIS, people finding it difficult to access Disability Employment Service Programs, and then, for people that are participants of both, having difficulty navigating that interface.

So, for example, someone might be an NDIS participant and have employment as a goal, but not have any support through their NDIS package to engage with DES, or not have any support to help them overcome their barriers for employment.

There might be other people who within their NDIS package do have employment support, they are encouraged to access the DES program as part of that, but they are not receiving the level of support that they require through the DES program. We note --- a number of stakeholders talked about problems more broadly in terms of there is still low expectations of the work capabilities of young participants who are engaged with the NDIS, but also more broadly that then impacts on their access to work experience as we've heard from a number of the witnesses this week, and then that has an impact on how they engage with DES and then the labour market more broadly.

MS EASTMAN: All right. So, as the Chair says, it is a complex system and we've deliberately taken the approach that we have, is to see the systems through the eyes of people with disability who use the system. And I think the Commissioners are getting a sense from that perspective it is a complex and sometimes very opaque system; would you agree with that?

MS DEVINE: Absolutely.

PROFESSOR KAVANAGH: Absolutely. One thing I just wanted to say to the

Chair was also that some people in the NDIS would not actually be eligible for DES if they were classified through the Job Capacity Assessment as not being able to do more than 8 hours a week of work.

5 MS DEVINE: Yes.

CHAIR: Yes, we heard about that magic number yesterday.

10 PROFESSOR KAVANAGH: So I just thought I --- yes, so you can see there are people across these different systems in some areas that overlap and in some areas they are separate systems. It is pretty complicated.

15 MS DEVINE: And it is very difficult to navigate. I think, potentially, there are a lot more opportunities opening up within the NDIS in terms of people, younger participants are now able to access supports from an earlier age, but again, these are fairly new supports. The markets and services are not necessarily at scale. So, yes, that is definitely an area that we hope to follow in future and better understand how younger and older participants both within and outside of the NDIS can access employment supports.

20

CHAIR: If we wanted to find a nice simple guide to take us through this that started at A and finished at Z, where would we find this nice, simple ---

25 PROFESSOR KAVANAGH: You wouldn't!

30 MS DEVINE: Well, yesterday, I really liked the Inclusion Australia, they also talked about the challenge of developing a nice, simple guide to support people with disabilities navigate those different systems. From my understanding, you will hear later from other people with lived experience and other people within the sector that really try to support people with disabilities to navigate this, whether that be through local employment networks or different training providers, but I think that is one of the key issues that currently not enough people with disabilities and their families are well enough informed or supported to navigate the different services and systems.

35 CHAIR: At the moment I'm worrying about Commissioners not being able ---

PROFESSOR KAVANAGH: Yeah, no, I thought that was your question. Actually, I did think that was your question.

40 CHAIR: Yes.

PROFESSOR KAVANAGH: I don't see an easy --- I haven't seen anything that sets all of that up easily, do you?

45 MS DEVINE: No, I think ---

PROFESSOR KAVANAGH: We've had to learn ourselves!

MS DEVINE: Yes. I think within the NDIS, the online portal does provide a really good overview of what supports are available within the NDIS, and within that they talk about what supports are available outside in terms of the DES programs, but I
5 guess what they don't necessarily cover is all the other programs both within the private and other government programs that people might be able to have access to.

CHAIR: Looks like we might have found a couple of good PhD projects.

10 MS DEVINE: Indeed, indeed.

MS EASTMAN: Can I thank you both very much for your time this afternoon and walking us through the IDES Project, and the Commissioners have copies of the other projects that you've been involved in and publications. I will just check before
15 we finish for the day whether any of the Commissioners have any additional questions.

CHAIR: Yes, thank you.

20 I will start with Commissioner Galbally. Do you have any questions?

COMMISSIONER GALBALLY: No, thank you very much. No questions.

CHAIR: Thank you. Commissioner Atkinson?
25

QUESTIONS BY THE COMMISSION

30 COMMISSIONER ATKINSON: One of the witnesses we had today, and his father, talked about the lack of jobs being the major problem that they were facing. And is that --- do I understand correctly, that is on page 12 of your outline of evidence that is what you set out as people reported as being the major barrier to employment?

35 MS DEVINE: Absolutely. So alongside the experiences of long-term health conditions and disabilities, the lack of jobs that meet people's needs and aspirations and aligned with their capacity is a significant issue for our cohort, and we feel the broader population of Australians with disabilities.

40 PROFESSOR KAVANAGH: And is likely to be increasing as we move out of the current economic circumstances with COVID.

CHAIR: Thank you. Commissioner Ryan?

45 COMMISSIONER RYAN: So I guess it logically follows, if lack of jobs is the problem, is there a need for Australia to experiment with ideas of incentivising employers to employ people with disabilities, either by financial incentives or fiats,

which somehow or other perhaps require --- I mean, for example, over in Europe they have tried quotas. Are you suggesting we need to do something like that? The jobs have come and gone over the last 20 years, and the level of disability unemployment has remained the same. So it seems to be producing more of them or
5 having less of them makes almost no difference to the graph. How do we move it?

MS DEVINE: I think we have to probably tackle it from both the supply and demand side. I think, absolutely, generating more jobs is crucial that meet those needs and aspirations, but again I think it comes back to addressing those underlying
10 socioeconomic inequalities as well, in terms of improving housing, transport, mental health services. So I think --- yes, lack of jobs is huge and creating more jobs and potentially trying targets is part of the solution, but we have to address the socioeconomic inequalities first, or at the same time.

15 PROFESSOR KAVANAGH: In terms of financial incentives, the evidence is we don't fully understand the evidence on how well that works. And, secondly, if we do come up with financial incentives, we need to be really careful they don't create
perverse incentives, and those kind of perverse incentives include, you know, you keep people in a job for six months and they end up then losing the job at the end of
20 six months, and then they bring in another person and they have that job for six months so you end up churning --- or, indeed, even the same person going out for a while and coming back in again.

So we need to be really careful about those perverse incentives and really understand
25 how you can influence employers potentially through financial incentives, but making sure it doesn't create those.

And quotas is something definitely worth talking about. I mean, I think the fact that
--- and I think Government leading the way is absolutely critical here; a lot of private
30 industry has done a lot better with this, so yes, we've been talking about that for a long time in terms of quotas.

COMMISSIONER RYAN: Thank you.

35 CHAIR: Thank you very much.

Thank you, Professor Kavanagh, and thank you, Ms Devine, for all your detailed work and for explaining it to us so clearly. It's a very great help to us. We'll carry on with our investigations as the issue proceeds. I have the feeling we maybe should
40 have applied for an extension to 2033, but we'll have to manage as best we can. Thank you very much for your assistance.

MS DEVINE: No problem.

45 PROFESSOR KAVANAGH: Thank you.

THE WITNESSES WITHDREW

5 MS EASTMAN: Commissioner, that concludes the evidence today. If we can adjourn to 10.30am Sydney time tomorrow, 9.30am Brisbane time.

CHAIR: Yes, we will adjourn until then. Thank you.

10 **ADJOURNED AT 4.33 PM (ADST) UNTIL WEDNESDAY, 9 DECEMBER 2020 AT 10.30 AM (ADST)**

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