



TRANSCRIPT OF PROCEEDINGS

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

PUBLIC HEARING 21

WEDNESDAY, 23 FEBRUARY 2022 AT 10 AM (AEST)

DAY 1

MS KATE EASTMAN SC, Senior Counsel Assisting
MS CATHY DOWSETT, Counsel Assisting
MS REBECCA McMAHON, Counsel Assisting

CHAIR: Good morning, everybody. I would like to welcome everyone who is or will be following this, which is the 21st Public hearing of the Royal Commission. The subject of this
5 Public hearing is the experiences of people with disability engaging with Disability Employment Services, DES. We begin, as always, with an Acknowledgment of Country, and I will ask Commissioner Mason, who is in our Brisbane hearing room, to make the Acknowledgment of Country.

10 COMMISSIONER MASON: Thank you, Chair. (Speaks in indigenous language). We recognise Brisbane. (Speaks in indigenous language). We recognise the country north and south of the Brisbane River as the home of both the Turrbul and Jagera nations. (Speaks in indigenous language). And we pay respect to the Gadigal people of the Eora Nation. Their
15 land is where the city of Sydney is now located. We also pay respect to the Wurundjeri people of the Kulin Nation where the city of Melbourne is now located. We pay deep respects to all Elders past, present and future, especially Elders, parents and young people with disability. Thank you, Chair.

CHAIR: Thank you very much, Commissioner Mason. We had originally planned for this
20 Public hearing, Public hearing 21, to take place in Brisbane with everybody, witnesses, counsel, legal representatives and others appearing in person. In my opening statement for Public hearing 19, which was concerned with the measures taken by employers and regulators to respond to the systemic barriers to open employment for people with disability, at that hearing I expressed the hope that our first Public hearing in 2022 would
25 make a return to a Public hearing in the fullest sense.

Unfortunately, due to the intervention of the Omicron variant of COVID-19 in 2022, we, again, have had to take a cautious approach and conduct the hearing remotely. Members of the public have not been able to attend Public hearings in person since Public hearing 14
30 which was conducted in Adelaide in June 2021. We are planning, all being well, to conduct about 12 Public hearings in 2022, and this, of course, is the last full year of the Royal Commission's life.

The last of this series of hearings, which will be held in December 2022, will consider a vision
35 for inclusive - for an inclusive Australia. We remain optimistic that as the pandemic recedes and restrictions on movement are lifted, we will be able to conduct Public hearings in states and territories that we have not yet visited. And that includes Western Australia and the Northern Territory.

40 This Public hearing 21 will be held with the Commissioners in three different locations: Commissioner Andrea Mason OAM is in the Brisbane hearing room, Commissioner Rhonda Galbally AC is participating in this hearing from Melbourne, and I am participating in the Sydney hearing room. Senior Counsel Assisting the Royal Commission, Ms Kate Eastman AM SC is also in the Sydney hearing room together with Ms Cathy Dowsett and Ms Rebecca
45 McMahon of Counsel.

The Royal Commission of this hearing will hear from eight witnesses. All but one will appear remotely. A number of parties have been given leave to appear at the hearing and their legal representatives will appear in the proceedings remotely and announce their appearances shortly. Now let me say something about this hearing. This particular Public hearing follows two earlier hearings which heard evidence on the pathways and barriers to open employment for people with disability.

Public hearing 9 was held from 7 to 11 December 2020. Public hearing 19 was held from 22 to 26 November 2021. Public hearing 9 examined the experiences of people with disability in trying to obtain employment in the open labour market, including the challenges and successes they experienced during recruitment processes and in the workplace. Public hearing 19, as I've indicated, concentrated on the measures taken by employers and regulators to respond to the systemic barriers to employment for people with disability.

The evidence of Public hearing 9 also included the experiences of people with disability who engaged with Disability Employment Service providers. While those hearings did not focus exclusively on DES providers, it became apparent that witnesses with disability had mixed views about the quality of services offered and provided by DES providers. Some witnesses suggested that DES providers generally did not adopt a person-centred approach to training people with disability, and securing worthwhile employment for them. The result, according to these witnesses, was that DES participants were seldom placed in meaningful work.

This hearing will examine the DES system more closely. We will hear, as Ms Eastman will explain, from a witness with direct experience of the DES system, and the evidence will address aspects of the operations of a particular DES provider called AimBig Employment. We will also hear evidence from the Department of Social Services, the service provider itself, and representatives of the Youth Disability Advocacy Service.

Senior Counsel Assisting the Royal Commission, Ms Eastman, will shortly provide details about the DES system and the service provider which the evidence - whose activities the evidence will address. Before Ms Eastman makes her opening submissions I will make some brief remarks about the DES program. The program is funded by the Australian Government Department of Social Services, DSS, to assist people with disability to prepare for, find and maintain open employment.

DES providers train job seekers in skills required in employment and required to seek employment, as well as assisting job seekers to find suitable employment. DES providers also assist people with disability who have been employed through the program with on-the-job training and support, with adjustments such as Auslan interpreters. DES providers also have a role in advising employers how to provide support to employees with disability.

The evidence will indicate that different approaches have been taken to calculating the numbers of DES providers and participants. On one set of statistics that will be referred to in the evidence, in the financial year 2020 to 2021, 112 DES providers serviced 410,000 DES participants. According to this set of statistics, the number of DES participants had

increased by nearly a third from the 2018/2019 financial year, that is, two years before, when the number of participants serviced was 312,000, approximately.

5 Although the number of DES participants has increased according to these figures, this appears not to be matched by outcomes. According to the same set of statistics, in 2020-2021, of the 410,000 approximately participants, just over 55,000, or 13.4 per cent, had remained in open employment for six months or longer, including those who received ongoing support from the DES provider.

10 In 2018-2019, that is, two years before, about the same number, 55,000-odd, had remained in employment for six months or more, but that figure represented 17.8 per cent of all DES participants serviced during that financial year. The figures I have quoted may or may not be definitive. The point is, although the number of DES participants appears to have increased in recent times, the number of participants gaining and remaining in open
15 employment does not seem to have materially increased. Of course there may be explanations for these trends which the evidence no doubt will address.

The evidence of this hearing, in addition to addressing the case study about which Ms Eastman will provide details, will consider a number of broad themes. First, whether DES
20 providers adequately assist DES participants to transition into long-term open employment. Secondly, whether DES providers appropriately prioritise supports for participants over maximising the fees from DES outcomes. Thirdly, whether DES providers offer a person-centred approach to each DES participant and ensure that participants have the best opportunity to take up meaningful employment. And, fourthly, whether the Department of
25 Social Services effectively monitors DES outcome fee arrangements that will be explained in the course of the hearing.

Coinciding with the investigations conducted by this Royal Commission, which formally commenced in April 2019 - nearly three years ago - other bodies have also been
30 investigating matters within our Terms of Reference. That applies in the present case, as the DES program has been reviewed on more than one occasion. For example, in 2020, the Boston Consulting Group completed a review of the DES program on behalf of the DSS. Following the review the DSS committed to undertaking a public consultation on a new DES model to replace the current program when it expires in June 2023.

35 The Senate Community Affairs References Committee published a report as recently as last Friday, entitled *Purpose, Intent and Adequacy of the Disability Support Pension*. This report was concerned, as the name implies, with the Disability Support Pension rather than specifically with the DES system, but the report did look at the relationship between
40 eligibility criteria for the pension and the operation of the DES program.

The Committee's report illustrates a very important point, that we have emphasised throughout the course of this Royal Commission: policy questions relating to violence, abuse, neglect and exploitation of people with disability cannot be neatly packaged into
45 separate compartments. The policy issues are closely related to each other. So it is with the

DES program. People with disability seeking work often have to interact not only with the program itself, but a series of other programs.

5 These include the social security system, particularly the Disability Support Pension, supported wage schemes, school leaver employment supports, the NDIS and the various workers compensation schemes that are enforced in the Australian states and territories as well as at Commonwealth level. Nothing in this realm is simple.

10 I will now take appearances.

MS EASTMAN: Good morning, Chair. I appear for the Royal Commission as Counsel Assisting, with Ms Dowsett and with Ms McMahon.

15 CHAIR: Thank you very much, Ms Eastman. I will ask now for appearances from other parties given leave to appear. Could we commence, please, with the Commonwealth of Australia.

MR REDWOOD: If the Commission is pleased, Redwood SC, and I appear for the Commonwealth with Ms Robinson.

20 CHAIR: Thank you, Mr Redwood. Can we move to the State of New South Wales?

MS FURNESS: If it pleases the Commission, my name is Gail Furness, and I appear with Trent Glover, instructed by the Crown Solicitor's Office for the State of New South Wales.

25 CHAIR: Thank you, Ms Furness. The State of Queensland.

MS McMILLAN: Yes. Good morning, Commissioners. My name is McMillan, initials K.A. I appear with Ms Clohessy, instructed by Crown Law.

30 CHAIR: Thank you, Ms McMillan. The State of Victoria.

MR CHESTERMAN: Good morning, Commissioners. My name is Scott Chesterman. I appear on behalf of State of Victoria.

35 CHAIR: Thank you, Mr Chesterman. I think there is an appearance for Rehab Management and AimBig Employment.

MR MOORHOUSE: Yes, Commissioners. Paul Moorhouse. I appear for AimBig Employment Pty Limited and Rehab Management (Aust) Pty Limited, instructed by Ms Nikki Town of Ovaris Lawyers.

CHAIR: Thank you. Are there further appearances?

45 MS EASTMAN: Commissioners, there will be an appearance for Mzia, who will be giving evidence this afternoon, and I understand Ms Hunter will announce her appearance then.

CHAIR: Thank you. We will wait until that announcement this afternoon. Yes, Ms Eastman.

5 MS EASTMAN: Thank you, Commissioners. We also acknowledge and pay our respects to the traditional custodians of the lands on which we are meeting today. We pay our respects to First Nations Elders past, present and emerging as well as to all First Nations people following this Public hearing.

10 This is the third Public hearing to examine systemic barriers experienced by people with disability obtaining and retaining open employment. It follows Public hearing 9, *Pathways and barriers to open employment for people with disability*, which was held in December 2020, and, more recently, Public hearing 19, *Measures taken by employers and regulators to respond to the systemic barriers to open employment for people with disability* that was held in November 2021.

15 Commissioners, you will recall the data presented at Public hearing 9 and Public hearing 19. One in five Australians, around 4.4 million people, live with disability. The available data indicates that labour force participation rates for people with disability of working age, being between 15 and 64 years of age, is 53.4 per cent. By comparison the labour force participation rate for people without disability is 84.1 per cent.

20 This significantly lower employment rate for people with disability has remained stagnant for the past 20 years. In addition to the rates, the rates of unemployment are much higher for people with disability. The unemployment rate for working age people with disability is 25 10 per cent. That's twice the number of people without disability. People with disability are more likely to be unemployed for a longer period of time compared to people without disability.

30 Public hearing 9 in 2020 was led by people with disability who shared their experiences with you, Commissioners, in finding and retaining employment. Many of the witnesses at Public hearing 9 told you they participated in the Australian Government's Disability Employment Services program. I'm going to refer to that as the DES program throughout this hearing. The DES program is the Australian Government's flagship program to assist people with disability to find and retain sustainable employment in the open labour market. The DES 35 program has the objective to boost employment participation and productivity capacity of the workforce to address skills shortages and to better meet the needs of employers.

40 At Public hearing 9 you heard how people had secured employment with the assistance of DES providers and about some positive experiences of the DES system. Other people, however, told you that the DES providers did not understand their circumstances and they found the DES system difficult to understand. You may recall Yuri Sianski from Tasmania. He told you that he attended a DES provider every two weeks but didn't obtain any jobs. His father Edward Sianski said this:

45 *"The services appeared to attempt to find a person to do a particular job rather than to identify work that is tailored to suit the person with a mental disability."*

You heard from Mr Dominic Hồng Đức Golding. He was the Policy and Project Officer at the National Ethnic Disability Alliance. He spoke about his personal experiences and his work advocating for Culturally and Linguistically Diverse job seekers with disability. He was also, at one time, a DES participant, and he told you that notwithstanding holding tertiary qualifications, when he participated in DES programs, he was often placed in roles that were not related to his qualifications or reflective of the areas in which he wanted to work.

And you may recall he told you he was once placed in a position washing dishes and making desserts in a Mexican restaurant. When he did secure a job in his area of interest, it was one that he said he found independent of his DES provider. Mr Golding said this:

"Job Network and DES providers generally don't explore a person's interests or desires and how they might be supported to find the type of work they are interested in. They just want the person placed in a job."

More recently at Public hearing 19, you heard from some public and private sector employers who had also used DES providers to identify prospective employees with disability. The focus of these Public hearings concerning employment has been to identify and address the systemic barriers that may either be the cause or effect of low employment participation rates for people with disability.

Commissioners, you will recall at Public hearings 9 and 19, we examined 26 systemic barriers grouped into four broad areas: attitudinal barriers, physical or environmental barriers, organisational barriers and structural barriers. The DES program should be one of the measures used to address these systemic barriers. However, the evidence pointed to the DES program contributing to some structural barriers. These barriers include a lack of coherence and connections between government programs, including complexity and variants around eligibility requirements; overly complex and confusing rules about participation requirements; and mutual obligations associated with income support.

Following Public hearing 9, Counsel Assisting recommended that the Royal Commission consider examining the DES program and inform itself about the barriers to employment that exist within the DES program. Hence the focus of this particular Public hearing on the DES program. Before outlining how this Public hearing will be conducted over the next three days, I might make some brief observations about the DES program. In doing so we recognise the Australian Government is reviewing many of its employment services programs to ensure, as they say, they are fit for purpose, and ready to respond to economic and labour market opportunities.

We know that from July 2022, the new employment services model will commence and it will replace the current Jobactive arrangements. The Australian Government says under the new employment services model, job seekers will receive personalised service options to assist them to find a job via the digital employment services platform or through tailored servicing by employment service providers. In early December last year, the Australian

Government released Australia's *Disability Strategy 2021 to 2031*. Employment and financial security are identified as priority areas. The Strategy notes this:

5 *"Employment and financial security are central to improving outcomes for people with disability. This includes providing jobs, and career opportunities and having adequate income for people to meet their needs."*

The Strategy specifically identifies the following outcome:

10 *"People with disability have economic security, enabling them to plan for the future and to exercise choice and control over their lives."*

15 This outcome is supported by three priority areas. Priority 1 is to increase the employment of people with disability. Priority 2, to improve the transition of young people with disability from education to employment. And Priority 3, to strengthen financial independence for people with disability. Now, one of the associated plans to the new strategy is another strategy called *Employ My Ability*. This initiative promises practical implementation strategies and requires the development of targeted action plans and reporting.

20 Against this background, the Department of Social Services, which I will refer to as DSS for the purpose of this hearing, is also presently undertaking a public consultation about how the DES program could improve employment outcomes for people with disability. The consultation paper entitled *Inclusive. Accessible. Diverse - Shaping your new disability employment program* is publicly available. In the consultation paper DSS says this:

25 *"For some people with disability, the support provided through mainstream employment services, such as the new employment services model, may be enough to help them to find and keep a job. Services offered by these mainstream employment programs include digital job search and learning activities and access to phone or other online support."*

30 It notes this:

35 *"People with disability who experience significant barriers to employment may need intensive supports in all aspects of their employment pathway, while others may need more targeted or point-in-time supports such as access to modified workplaces or assistive technology."*

40 This is an important observation by the Australian Government and is directly related to considerations around the future of the DES program. A related issue to the DES program is the Disability Support Pension. As the Chair has mentioned as recently at last Friday the Senate Community Affairs References Committee tabled its report 'Purpose, intent and adequacy of the Disability Support Pension'. The Committee stated its concerns that, and I quote:

45 *"The employment programs and services for people with disability are ineffective, underresourced, and preoccupied with compliance rather than meaningful outcomes."*

And, the Committee says:

5 *"Providers are incentivised to place people into work regardless of how sustainable or appropriate that work may be for that specific individual and their particular disability."*

It noted, in essence, the system is compliance driven rather than person-centred, and the committee made a number of recommendations touching on the DES program for DES participants in receipt of the Disability Support Pension. Again, I'm going to use an
10 abbreviation the DSP. Now, there are also related issues for DES participants who are also participants of the National Disability Insurance Scheme, the NDIS.

We are very mindful that all of these initiatives and ongoing consultations are taking place. It is not this Royal Commission's role to replicate that work, but our Terms of Reference do
15 require the Royal Commission to have regard to reports and recommendations of this kind. Commissioners, you will follow the development of these initiatives in your ongoing work and have regard to these matters in the preparation of the final report.

I am turning to the DES program. Before we examine the experiences of DES participants and DES providers, it may be of assistance to the Commissioners to provide a brief overview
20 of the DES program. It is a complex system and I cannot cover the entire nature and the extent of the many rules and guidelines that underpin and govern the operation of the DES program in this opening address. I think it's generally recognised that the complexity is accepted both by government DES providers and DES participants.

25 But I might start with something which I hope gives a snapshot of how the DES program works. Each month, DSS publishes a monthly DES report, and the most recent report is December 2021. So I think that's going to come up on the screen now. This is also a document that is publicly available and you will see that it has a series of tables describing a
30 range of numbers and statistics.

You will see that the caseload as at 31 December 2021 - and we understand the caseload to be the number of participants - is 314,204 people. Now, within this cohort, some people
35 have been referred to a DES provider, some people are currently working with a DES provider and other people have been suspended for a range of reasons from the program. And if you are following this diagram, you will see a column on the top of the page with some yellow shading described as "status" that sets out the percentages of people in these various categories.

40 You will also see the numbers are broadly even between male and female participants in the DES program. And you will also see in the table that there is an age distribution from people under the age of 21 through to people aged 65 and over. The majority of the DES participants by percentage are people in the aged group 25 to 34. This chart also tells you
45 something about the job seeker cohort, in terms of perhaps recognising a multi-layered approach to seeking employment.

The statistics record the number of Indigenous job seekers, people from Culturally and Linguistically Diverse backgrounds, people who are homeless, refugees, and a category described as "ex offender." In terms of the cohort of people with different types of disabilities participating in the DES program, you will see, maybe across the page to the shaded box "primary disability" in green, that the majority of the DES participants are people with physical disability, being 43.5 per cent.

That's followed by people with psychiatric disability at 40.1 per cent. And then you will see that there is a range of other disabilities described in very general terms: specific learning, intellectual, neurological, autism, hearing, acquired brain injury, vision, speech, Deafblind and a category described as unknown or not stated. But you will see, Commissioners, that the majority of participants, comprising over 80 per cent, are people with physical or psychiatric disability. Now --

CHAIR: Ms Eastman, may I just ask this question. There is a division between those categorised within the Disability Management Service program and those within the Employment Support Service program. Can you just indicate the difference between those two?

MS EASTMAN: Two different schemes. This scheme operates to assist people who may have a temporary disability. They may be returning to work following a workplace injury and they may not have a long-term disability. And that is one part of the management scheme. The other part, which is the Employment Support Service, focuses on people who may have long-term disability and perhaps need the additional training and support not only to obtain employment, then ongoing support after they find a job.

CHAIR: Thank you.

MS EASTMAN: We will address some of the particular features of the way in which the DES scheme operates through the witnesses during the course of the three days. While that gives you a snapshot, one issue that arises is how do you qualify to become a DES participant. Commissioners, you may recall Ms Catherine McAlpine's evidence from Public hearing 9. In summary, a person must meet seven eligibility criterion. In summary, a person must have a disability, injury or health condition.

They must be aged between 14 and 65, subject, perhaps, to some in a higher age bracket, depending on the retirement date that applies to them. The person must not be studying full-time. The person must be an Australian resident or visa holder and, importantly, must have a valid Employment Services Assessment or Job Capacity Assessment and the person must be able to work more than eight hours per week.

In terms of the number of DES providers, as at December last year there were 106 DES providers who operated across 3,773 sites in metropolitan and regional Australia. DES providers are a mix of large, medium, small profit and not-for-profit organisations. They have experience in supporting people with disability as well as providing employers with assistance to accommodate employees with a disability in the workplace.

Commissioners, in the DES consultation paper released last year, which I have referred to earlier, DES disclosed that the Australian Government spent more than \$1.4 billion per year on the DES program. On Friday, you will hear from Ms Debbie Mitchell, the Deputy Secretary, Disability and Carers, in DSS about the DES program and the cost to government.

5 There were a number of reforms to the DES program in 2018, and following those reforms DSS commissioned the Boston Consulting Group to conduct a mid-term review of the DES program.

10 It's a very detailed report, but we note that that report identified that the reforms made in 2018 had some positive results but the overall program was not meeting its objectives efficiently and effectively. The review found many people with disability felt they were being placed in jobs that did not match their skills and interests, or jobs with limited opportunities for career development or to maximise their earning potential. Employers and participants found systems hard to navigate, including the process of selecting a provider.

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The findings of the Boston Consulting Group, Commissioners, echo the experience of people with disability that you heard during Public hearing 9 and they also echo the views of advocates and experts who participated in Public hearing 9. All of that evidence is available on the Royal Commission's website, but I will just note a few aspects. Ms Catherine McAlpine, the CEO of Inclusion Australia, representing people with intellectual disability said:

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25 *"The current system of DES providers means there is very little incentive to keep people in jobs longer and that support is not available."*

Ms McAlpine described the payment system under DES whereby providers receive an outcome payment from the Australian Government. These payments include when a participant gets a job, when a participant stays in a job for 26 weeks, and then a smaller payment if the person stays in the job for 52 weeks.

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Ms Suzanne Colbert, the former CEO of the Australian Network on Disability, AND, said she had received anecdotal feedback saying that degree qualified job seekers and skilled mid-career job seekers did not particularly benefit from the methods used by DES providers. She said issues arise when voluntary job seekers and job seekers accessing the DES are required to comply with mutual obligations and are not treated equally as valued clients of the provider.

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40 You also heard from some academics. Dr Lisa Stafford a social scientist and researcher, told you about practices of churning, creaming, and parking associated with the marketised outcome-based service models like the DES program. She said the practice of creaming prioritises unemployed individuals who are most job ready and most likely to get a job. In contrast, the practice of parking involves providers not working with people with more complex issues who are furthest away from being ready to be placed in employment or have more severe impairments.

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5 Dr Stafford talked about the phenomenon of young people with disability being churned. Churned through the system, which was described as being stuck in a cycle of unemployment, volunteerism and casualisation. Dr Stafford noted the importance of choice and self-determination for young people with disability.

10 You heard from Professor Anne Kavanagh and Dr Alex Devine from Melbourne University about their recent research and the need to improve the DES program by understanding the perspectives of job seekers with disability and the perspectives of service providers so they can better understand the cohort they are tasked at supporting. Some of the key findings of their research were that DES participants wanted providers to help them to obtain confidence in their own abilities, to assist them to find jobs that met their needs, to develop their skills, assist in job application processes, to support them once they were in a job. Professor Kavanagh and Dr Devine gave evidence of the issues which can arise when a person is placed in a job which is not accommodating of their disabilities or actually make their disabilities and health conditions worse.

20 You also heard from Professor John Buchanan and Associate Professor Smith-Merry from the University of Sydney, and they spoke about their research. They found there are good DES providers who are very engaged and supportive. However, there is a tendency to deviate from good practice, largely as a result of under-resourcing, a lack of specialisation, and the changing underlying structural system around vocational education training.

25 A key theme emerging from the evidence at Public hearing 9 was the complexity and the interconnectedness of the different government programs which make it difficult for people with disability to navigate through the program to achieve employment outcomes. It can be difficult for people to understand which supports or programs they can access, or to see how they can build a pathway towards their goals. This complexity and lack of coherence can lead people to lose their motivation or give up on employment.

30 Ms McAlpine said the lack of appropriate supports for people with disability to navigate frameworks, programs, and policies acts as a barrier to employment for people with intellectual disability in particular. These are the themes that we will continue to examine over the next three days. We will start this morning with the experiences of young people Mija Gwyn and Simon Green, from Youth Disability Advocacy Services. It's based in Melbourne and they have provided a joint statement.

40 They have asked to be referred to by their first names. Mija is the Manager of the service and Simon is the Program's Coordinator. YDAS, which is the short hand expression for Youth Disability Advocacy Services, says that it works with young people between the ages of 12 to 25. It provides advocacy support for young people to exercise their rights to access services and participate as valued and respected members of their community.

45 They engage in policy work relating to systemic issues that obstruct the full and equal participation of disabled young people in their communities. YDAS model inclusion and self-determination by the fact that they are guided by young people with disability who

actively lead and contribute to co-design, working and advisory groups. Their knowledge and experience of the systemic issues which affect young people participating in the DES program is gathered from their one-on-one advocacy, consultations, hosting training development programs such as the leadership program. Mija has participated in the DES program, and she will generously share her personal experiences of the program.

The experiences shared with YDAS by young people have, unfortunately, for the most part been negative. However, they have also detailed some positive examples and interactions of young people with the DES program to assist the Royal Commission to understand how the program can work well for young people. Some of the key systemic issues Mija and Simon will address include: the fundamental need for DES providers to be person-centred.

To enhance the prospect of participants engaging in meaningful work in the longer term, support workers must take into account the individual needs, goals and skill set of each person they are responsible for supporting. They will address the impact of the lack of understanding of disability on the part of DES providers. They will address how both these issues contribute to the systemic problem of participants being placed in inappropriate jobs which do not align to their needs, aspirations, education, qualifications or experience.

They will tell you that when young people are placed in jobs, they often receive inadequate post-placement support which has a range of consequences, including a failure to create opportunities to progress and vulnerability to exploitation. Included in YDAS' recommendations for reform is the opportunity for DES providers to work with specialist services such as theirs to improve their ability to provide person-centred support and strengthen their capacity to achieve access and inclusion for young people with disability.

On Thursday, you will hear from Mr Rick Kane, he is the CEO of Disability Employment Australia, DEA. DEA represents over 70 per cent of the DES providers. Mr Kane has seen a range of reforms and changes to the DES program over many years and he will tell you about some of the challenges for the DES providers working with a very complex program, and he will make some suggestions for change. He has been involved in the current DSS consultation.

Commissioners, these thematic and systemic issues can feel very far removed from the everyday life and aspirations of Australians with disability who want to work and want a career. For this hearing, we will examine the particular experiences of a DES participant, Mzia. That's a pseudonym. Since the age of 14, Mzia has worked in many jobs, including in cafés and restaurants. While she wanted a permanent job and a career, she's mostly been in casual work. And she hasn't had a permanent job for around 25 years.

Mzia lives with Attention Deficit Hyperactivity Disorder. Mzia registered with a DES provider who told her they would get her a job. But the job never eventuated. Mzia decided to change DES providers and she registered with AimBig Employment. After changing to AimBig, Mzia found the opportunity to apply for a job as a barista trainer. The barista trainer role was with the BusyBeans program that happened to be run by her DES provider AimBig.

A BusyBeans program is a barista trainer and employment program. While undertaking the program, DES participants are trained and work either in a café environment or an office working as an in-house barista making coffee for the people who work in the office. Initial participants began working in the BusyBeans program in March 2019. By the end of March 2020, 167 paid participants and 38 unpaid work experience participants had work or were still working in the program.

The program was suspended in March 2020 when the first wave of COVID lockdowns were imposed. For the period up to 1 April 2020, AimBig received outcome payments from the Australian Government in the amount of \$874,832. This was in respect of milestones achieved by the BusyBeans participants. Mzia will share her experiences with AimBig and the BusyBeans program with the Royal Commission. She has expressed concerns about her privacy and noting those concerns, Commissioners, you have made an order for a pseudonym to be used for Mzia and when she gives her evidence her voice will be altered.

To further protect Mzia's privacy and that of the DES participants and colleagues with whom Mzia worked, we will not use geographic-specific labels to refer to the places Mzia worked and we will not refer to the name of any DES participant or any of Mzia's non-managerial colleagues, and we will do our best to ensure that those following the evidence will be able to understand what was going on. But Mzia will tell you about her experiences as an employee of an organisation called Rehab Management.

As an employee of Rehab Management, Mzia was working in the BusyBeans program as a barista trainer. But she will tell you about her concerns about the lack of structure in the BusyBeans program, the inadequate training environment for DES participants to learn barista skills, and her concerns for the safety of and support provided to the participants.

Even though she was employed as a barista trainer, Mzia's duties involved much more than delivering training. The duties she performed also included involvement in developing training materials, preparing training rosters, assisting with the set-up of training locations, ordering stock, participating in interviews for other barista trainers, assessing the suitability of AimBig clients for participation in the program, and assisting to support participants by asking - answering their questions, helping them to find employment outside the program and advocating for the participants to receive additional support when needed.

Mzia will also tell you about her experience as a DES participant and a client of AimBig. She thought AimBig would provide support to her in her employment and would assist her to obtain training and development in her job so she could move towards her goal of obtaining a full-time job. Unfortunately this is not what actually happened.

Mzia will tell you that despite requests to both AimBig and Rehab Management, Mzia was not provided with training and development. She was not provided with a position description and a clear statement of her role and responsibilities, despite explaining that that was something that she needed to support her ADHD and mental health. The

uncertainty and lack of support took the toll it did on Mzia. And on 2 March 2020 she felt she had no option but to resign from her job with BusyBeans.

5 Commissioners, Mzia will tell you that her life and her health are still affected by what occurred while she was at BusyBeans. Commissioners, you will also have the opportunity to hear from representatives from AimBig tomorrow. Matthew Ting from AimBig and Rehab Management will speak on behalf of the two companies. His evidence will address the process by which the participants entered and exited the BusyBeans program, the training facilities, the materials used in the program, the employment arrangements for participants, and the outcomes achieved by participants.

10 Participants in the program were initially engaged as employees of Rehab Management, but you will hear that from June 2019 the participants in the BusyBeans program were employed by a different entity called TMC Solutions trading as TLH Group Holdings. Ms Leanne Divertie, the Operations Manager of TLH Recruitment, will explain how TLH employed participants in the BusyBeans program. TLH was responsible for managing timesheets, processing weekly wages, and addressing queries from staff.

15 TLH also managed any injuries and incidents through its work, health and safety system. TLH received in excess of \$111,000 in wage subsidies from AimBig in relation to the BusyBeans program. Information provided to the Royal Commission shows that within the region Mzia worked, participants employed by TLH had their employment terminated on or around the date on which they ceased the BusyBeans program. Commissioners, we want to understand and explore these particular employment arrangements.

20 The final witness on the Mzia case study will be Marcella Romero. Ms Romero is the CEO and Managing Director of the Arriba Group. That's the holding company of AimBig and Rehab Management. Ms Romero was aware of the BusyBeans program and how it was managed and staffed, but she was not involved in the day-to-day operations of the program and she has deferred to Mr Ting and his statement for the relevant details.

25 Some of the issues we propose to examine in the Mzia case study are as follows: first, whether AimBig provided adequate and appropriate post-placement support to Mzia as a DES participant. Secondly, whether there was a conflict between AimBig's dual role as Mzia's DES provider and also her employer in the delivery of the BusyBeans program run by AimBig. Thirdly, if that is the case, whether AimBig had any process to manage that conflict, particularly in the context of her dual relationship with her job coach.

30 Fourthly, we want to understand AimBig's obligations under the DES Grant Agreement and the DES Guidelines to review and amend Mzia's job plan. We want to examine whether AimBig's complaint-making and dispute resolution processes were made clear to Mzia and whether AimBig took appropriate action to respond to concerns raised by Mzia.

35 We will also examine a range of matters regarding the operations of the BusyBeans program from 7 May 2019 to 1 April 2020 in the particular Region. This will include whether participants were adequately trained to support future employment opportunities, which

will include an examination of whether the participants had adequate training facilities; a structured training program; gained appropriate skills, certificates or other qualifications; and were appropriately qualified - with appropriately qualified and experienced trainers.

5 We will examine whether the participants obtained relevant and long-term employment following their participation in the BusyBeans program. We will examine whether appropriate and adequate post-placement support was available to those participants, and we will examine the nature and extent of the outcome payments for AimBig. This will include an examination of how participants were selected for enrolment in the BusyBeans
10 program, when and in what circumstances the participants left that program.

Commissioners, these are matters that may require you to make factual findings. Finally, on Friday you will hear from Ms Debbie Mitchell, from DSS about a range of aspects of the DES program. Commissioners, for this Public hearing we will not ask you to make findings about
15 the broader systemic policy issues concerning the DES program. As you are aware, the Royal Commission's consideration of employment in the open labour market, together with its consideration of segregated employment is ongoing work.

The Royal Commission's work for Public hearing 9 and Public hearing 19 continues and,
20 Commissioners, you have scheduled oral submissions with respect to Public hearing 19 to occur on 10 March 2022. You have also scheduled a hearing on segregated employment focusing on Australian Disability Enterprises for April 2022.

Commissioners, as I noted earlier, there are a number of reforms being implemented during
25 2022. There are new policy initiatives, consultation processes currently underway in relation to the DES program and beyond. Commissioners, you should have an opportunity to follow these developments and, most importantly, hear from people with disability about the impact of any changes before expressing any concluded views at this stage of the Royal Commission's work. These are matters that will obviously inform the Royal Commission's
30 Final Report.

I want to conclude by just reminding people following this hearing that sometimes listening to the evidence can be distressing. I will put up the slide in relation to the content warning, but also some helpful telephone numbers to receive assistance. Finally, I remind those
35 following this proceeding there are provisions in Royal Commissions Act which have the clear object of protecting witnesses who give evidence before the Royal Commission. In particular, I want to draw attention to section 6M of the Act which provides as follows:

40 *"Any person who uses, causes or inflicts any violence, punishment, damage, loss or disadvantage to any person on account of the person having appeared as a witness before the Royal Commission or given evidence before the Royal Commission or producing documents to the Royal Commission commits an indictable offence. The maximum penalty for committing such an offence is imprisonment."*

45 Thank you, Commissioners.

CHAIR: Thank you, Ms Eastman. Is it a convenient time to take the adjournment?

MS EASTMAN: We will and then we will resume with our witnesses from YDAS.

5 CHAIR: Shall we resume at 11.20, Eastern Summer Time.

MS EASTMAN: Thank you.

CHAIR: We will adjourn now until 11.20.

10

ADJOURNED 11:02 am

RESUMED 11:23 am

15 CHAIR: Yes, Ms McMahon.

MS McMAHON: Thank you, Chair. The first witnesses are Mija Gwyn and Simon Green from Youth Disability Advocacy Service, or YDAS, which is based in Victoria, and they are giving evidence in Melbourne this morning. By way of introduction, Commissioners, Mija Gwyn has had over 16 years of experience in the disability sector as an NDIS coordinator and holding leadership roles in the sector as well. She's previously been on the board of Deaf Victoria and is currently a member of the Royal Women's Hospital Community Advisory Committee. Mija has led community and arts projects in Australia and abroad. She also had has experience as a DES participant much earlier in her career.

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Simon Green is the 2009 recipient of the Innovation Award by the Disability Leadership Institute, an award which recognises people who work outside the box for developing new systems to achieve outcomes for people with disability. He has undertaken tertiary studies in film, television, and the arts. He has extensive experience running production companies, building a strong practice of inclusion by employing and supporting young people with disability in those companies.

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Mija and Simon, you have prepared a joint statement dated 10 February 2022. Could you please confirm the contents of that statement are true and correct? Mija?

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MS GWYN: Yes.

MS McMAHON: And Simon.

40 MR GREEN: Yes, they are correct.

MS McMAHON: Thank you. Mija, could you --

CHAIR: Sorry, just before we continue, may I thank you both for coming to the Royal Commission to give evidence. We appreciate your appearance here. I just wanted to ensure that you knew where everybody is actually located. We have Commissioner Mason

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who is appearing from our Brisbane hearing room, and I assume you can see Commissioner Mason on the screen. Commissioner Galbally is participating in the hearing in Melbourne and, similarly, she should be on the screen.

5 And I am in the Sydney hearing room together with Ms McMahon, so I hope that explains where everybody is. And we hope that our IT works in the way that it is meant to and everything goes smoothly. Yes, Ms McMahon.

10 MS McMAHON: Thank you, Chair. Mija, could you please explain your role at YDAS and tell the Royal Commission about the work that YDAS does.

15 MS GWYN: Certainly. Thank you, Counsel Assisting. So I will do a short introduction of myself. My name is Mija Gwyn, and my pronouns are she and her. My role is currently as the Manager of the Youth Disability Advocacy Service. So I take care of the team, various services that we provide, both individual advocacy, systemic advocacy and programmatic work. We provide training to disabled young people and to the disability sector - the youth sector - to increase their understanding of disability and make sure they are across all matters of access and inclusion.

20 MS McMAHON: Thank you. And, Simon, could you please tell us about your role at YDAS?

25 MR GREEN: Yes, Simon speaking. My role is the Program's Coordinator. So I look after Together Training, which is training designed to help youth workers and, more broadly, anyone that workers with disabled young people how to make their services more accessible and inclusive. And I also run a program called the Young Leaders Program which develops the skills and knowledge of young disabled people between the ages of 14 to 25, helps them develop their leadership skills, helps them develop their individual advocacy skills so that they can find leadership roles throughout society in all the different areas that they would like to work in. It's not really limited by anything but their ambitions.

30 MS McMAHON: Thank you, Simon. Commissioners, you will see that at tab 18 and 19, there are outlines of those particular training programs.

35 Now, YDAS have consulted with young people for the purpose of preparing the submission to the Royal Commission in relation to employment. Mija, can you please explain other ways in which you have gathered information to understand young people's experience with the DES system?

40 MS GWYN: Are you able to repeat that question, please, one more time? Zoom just did freeze a little bit when you were asking that, please, Counsel Assisting.

45 MS McMAHON: Certainly. Mija, YDAS has consulted with a number of young people for the purpose of preparing a submission to the Royal Commission about employment. Could you please tell the Commissioners other ways in which YDAS has gathered information to understand young people's experience with the DES system?

MS GWYN: Thank you. Certainly. We have various methods that we engage in. Firstly, we engage in consultations. As previously mentioned, we have conversations with disabled young people and we hear their experiences, and that has informed our submission to the Disability Royal Commission. We also provide consultations on behalf of other
5 organisations, and we have facilitated various consultations with disabled young people, gathering their experiences that we were able to provide to external organisations. We have an individual advocacy service as well, so through that we hear many experiences of young people and, as Simon mentioned, we also have a Young Leaders Program. And, in that role, many conversations arise directly with us and young people and we hear various
10 instances of their experiences.

MS McMAHON: And, Mija, from the information you have gathered from those young people, can you please tell the Commissioners some of the unique experiences that young people have who interact with the DES system?
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MS GWYN: Due to the fact these are disabled young people, the experiences that they have of intersectionality are paramount. There are various different factors that can contribute to their experiences. Examples of that could be, at that age, sometimes they have not received information about their rights in the workplace, their responsibilities, or the
20 implications of their rights. Sometimes they don't receive adequate information as to how systems operate, how to navigate those systems and how to work within them, such as DES, employment, all these various systems interacting together. We see a large issue is that there is not enough access to information.

MS McMAHON: And, Mija, in your statement you also refer to young people's experiences in entry-level employment as being unique because of their age. Can you speak to that a little further in terms of what impacts flow?
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MS GWYN: I can. So when disabled young people receive entry-level positions, this is often due to the fact that they have had limited experience previously, limited supports and limited access to information. What that means is that they are at the higher risk of having a negative experience. Abuse of their rights, breaches of these rights could occur. If they are not receiving adequate information about complaints mechanisms, how to raise issues with employers, we see, unfortunately, with a lack of experience in the workspace,
30 sometimes they don't know what the parameters of their workplace is, what is considered appropriate behaviour for various different workplaces. If they see something that is unsafe they are not educated as to what the kind of rights they have and what is considered appropriate.
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MS McMAHON: And you also speak about - that's unique to young people - about a concept you call gatekeeping by sometimes teachers or other support people. Can you please explain that as well?
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MS GWYN: Certainly. We do see this happening quite often through our work at YDAS. It is occurring often at schools or sometimes parents that have a gatekeeping mentality. They are quite resistant to passing on information to the young people, whether through
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guardians or other adults in their life. They think that the young person won't understand the information that's given to them. They think that it is too complex, and they are quite reticent to provide that information to the disabled young person.

5 It means they there are missed opportunities for the person to get information in formats that will suit them such as plain or simple English. So this gatekeeping does continue to happen through that lack of information.

MS McMAHON: Thank you. Now, in your statement, you have identified a number of
10 systemic issues which disadvantage disabled young people, including issues relating to the transition from school to work. What are some of the key issues that young people face at this stage?

MS GWYN: Well, the list is long. And a similar comment that I raised previously about a lack
15 of access to information. Information can be provided in various different formats that is accessible to the young person, that appropriately engages with disabled young people and their requirements such as plain English, clearly explaining when their rights are, their responsibilities. Also at this time of transition, we see that there is inadequate career
20 counselling and support.

When young disabled people do receive career counselling and information about what is
possible for them through their school, often the career counselor has an assumption about
the disabled young person and their capacity. And they then create limitations on the
young person. The young person might identify their aspirations as being some sort of work
25 that the career counselor thinks is not possible. So, immediately, that sets up barriers for
the young person.

There is not enough specialised support to help the disabled young people gain the
confidence, skills and capability to be able to represent themselves and advocate for
30 themselves when they need to, particularly when they are gaining their first employment.

MS McMAHON: Thank you. And, Simon, did you want to contribute to this issue?

MR GREEN: Yes. Simon speaking. Yes, gatekeeping we've seen continue as well. In that
35 transition period, there has been - we have seen from our work with partners as well that there's a big missing opportunity for young disabled people to find apprenticeships and traineeships. The gatekeeping seems to be in the fact that parents don't recommend their disabled young children or young people into those services and then employers, in
40 response, aren't really - they are seeing it as too hard to engage with disabled people through that process.

But the combination of study and work is a really nice supportive mechanism for anyone
and would be useful for disabled young people. So I find that that opportunity is being
missed. And there's something – DES - that's seeking to connect young people into work
45 and sometimes are educating them. That could be worked on a lot more. We're finding that's missing. And then we are finding that those low expectations that Mija talked about

are also sometimes, just, is not being - not really listening to the expectations of a disabled young person.

5 And so, for example, expecting just full-time work immediately is something we have, through DES's and through young people finding work when they haven't really spoken to the disabled young person or listened properly to the needs of someone who may require, you know, four days a week or three days a week, but can still do the job. It's just DES's in particular tend to be finding full-time work. We have also seen with the transition, again, there's not many role models in higher education or in the workplaces
10 themselves - disabled role models, disabled work - disabled leaders or bosses.

We know from the University of Melbourne's Community Attitude Study that only, I think, six per cent of Victorians have - knew of a boss with a disability, which isn't even had a boss, it's just knew of a boss. So there aren't disabled people visibly in roles or openly in roles of
15 leadership, which makes it hard for disabled people to - young people find a place in that work. And probably one of the biggest issues is disabled young people aren't feeling equipped to disclose their disabilities, to talk about their disabilities openly from that transition into education and work.

20 It can be very useful to be able to have that conversation, disclose your disability early, but there is huge amounts of anxiety about whether you do that, how you do it strategically if you do. There are often conversations amongst young people about how to do that in a way that reduces the anxiety and is actually beneficial, rather than the boss or the workplace then just using that as a tool for discrimination or to just not employ them in the
25 first place.

MS McMAHON: Yes. And if I could just pick up on what you were saying earlier about young people not being made aware of their options, another issue that you speak to is that there is often a delay in relation to being told about those options. When should young
30 people be receiving information prior to leaving school and how best might that be done?

MS GWYN: Mija speaking. I'm happy to answer that question. The answer is really as early as possible. In the early years of school, it's important that these conversations are happening within the classroom. Young people thinking about their dreams, their
35 aspirations, what is possible. It's important to start these conversations early. Any type of conversation should really ensure that the disabled young person is engaged in that, providing them with options as to what their rights are, so that they have that inherently from the earliest possible time.

40 MS McMAHON: Thank you. Now, in your statement, a theme that carries all the way through your evidence is the need for DES providers to have a person-centred approach. Could you please tell the Commissioners what YDAS's meaning is of person-centred?

MS GWYN: When we talk about a person-centred approach, what we mean by that is an
45 approach that is responsive to the individual's requirements, their needs, that takes full consideration of the individual, their aspirations, what their goals are. These support plans

should be set up around the individual and what it is that they require, ensuring that we empower the individual. It follows along with the United Nations Convention on the Rights of Persons with a Disability.

5 The person-centred approach needs to be a wrap-round support that really is focusing on the individual, not about trying to fit the individual into the expectation of others or systems. The systems are the things that needs to change to ensure that they appropriately suit the individual.

10 MS McMAHON: Thank you. And you have also identified that where DES support does not have an individualised approach, it runs the risk of people being placed in inappropriate jobs. Mija, would you share your experience of where your strengths and experience were not aligned with the jobs that were suggested to you by your DES provider?

15 MS GWYN: Certainly. I'm happy to share my personal experience. This did happen to me when I was a young person at this particular time, just to clarify. So this is not occurring at this moment. This is some time ago and I'm happy to speak of that experience. At that time in my life, I was a student who was studying a Bachelor of Arts. My goal was to receive some employment that suited my current study at the time.

20 I had had a number of different roles previously, and I had spoken with my DES provider and spoke to them about what my goals were. My DES provider knew that I was soon to complete my studies. So my employee consultant at the DES provider did try and convince me to accept an entry level job that was a data entry job. This was at a large organisation, and it was about one and a half hours travel via public transport from where I lived at that time.

25 I did not own a vehicle at that time. I was still studying and I had various other commitments in my life. They did really try and sell the idea to me and speak about all of the perks that would happen at this job. However, I knew that it was not suitable to my goals and not suitable to the skill set that I had. It was highly impractical, and it would have a vastly negative impact on my life, meaning that I would not be able to continue work-life study balance with the other commitments such as healthy living, wellbeing, social interaction.

35 And it made me feel quite ill at ease the way they looked at me, despite me having these goals, these career aspirations for my future, these qualifications at hand and a strong commitment to my study that had been proven, that I valued this kind of work and that what they were offering me was not relevant. They were still giving me this other role that was not at - was not congruent with my current aspirations.

MS McMAHON: And, Mija, why do you think that was the case? What reasons can you suggest, with your experience, that led to such an inappropriate job being offered to you?

45 MS GWYN: Each time I did meet with the employee consultant, I could see that they were under a great deal of stress, that they were trying to position myself and other clients that

they have with any opportunity that came up. If they could do that then that worked well for them to be able to churn through their clients and keep their books moving. And this wasn't just the one situation. They would offer me various other roles that were not along my career pathways, but I think they were trying to kind of get me off their books as fast as possible and churn through their clients.

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MS McMAHON: And you have just referred to the word churning. Do you see, through the experiences of the young people at YDAS that are placed in inappropriate jobs, that this churning is occurring for them?

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MS GWYN: Yes.

MS McMAHON: Simon, you have a different experience, a positive experience, to share with the Commissioners about where there has been an individualised approach, and I'm referring here to Case Study B in the statement. Could you please - and that's the young person who was inspired at the music festival. Could you please share that experience with the Commissioners?

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MR GREEN: Yes. Simon speaking. So Person B was someone we spoke to who - yes, did have a positive experience of a DES. They - and it was because it was thinking about - that DES in particular was thinking about all the different identities a person - young person might have and that is important to them. It was intersectional, is a word that we use a lot in this space. And so this young person was at a music festival, and the DES had a booth there and they were promoting their services. You know, offering people jobs was kind of the hook. And so she went across.

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She was curious about that. She checked out that booth, and they were promoting not just that they were a disability-focused but also that they were working consistently with people in the LGBTIQ community, which also touched on this person's identity. And so, through her process, she felt that they listened to her. She felt that they really were interested in the roles she was after, and she ended up in an advocacy role which is a kind of community services role, a social services role, that statistically is not a highly placed role for DES's.

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If you look at those reports that were mentioned earlier, people are not being placed generally in those. But it seems, in this instance, this young person was listened to and opportunities were found, and when she got a good role that she liked and had - was successful as an interviewee, once she got in, they kept talking to her about her disability and her access needs and how she felt comfortable in the workspace, and then they worked with her new bosses and gave her a letter that helped sort of answer some questions.

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They helped her over the phone just with advice about how to have a conversation with your boss, how to scope out the workplace to make sure that she would feel comfortable and make any adjustments that tend to be needed. So all those little bits and pieces that are required to just fit into, because workplaces aren't very good at these sorts of removals of barriers, for disabled young people it is harder because, again, you have to disclose, you

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have to have more conversations. You are nervous about the employer's response to those conversations.

5 So she felt she had someone that listened, supported her and then kept checking in with her, and she was able to stay in that job for a couple of years.

MS McMAHON: And that case really brings up a couple of important issues. One is you've just referred to the range of industries that young people are placed in. Can you please speak to your experience with the young people at YDAS, the sort of range of industries and whether or not there are limitations and why you think that might be?

MR GREEN: Yes. In the Young Leaders Program especially, we have a lot of, you know, very motivated people who are already identifying themselves as leaders in their community anyway. And a lot of the roles - they come wanting jobs - finding jobs is one of the things they want to do when they finish the program. And a lot of those roles are in all sorts of interesting professional jobs. So healthcare, education. They want to become teachers or lecturers. Lawyers. Medical - all sorts of medical professions. Some of them are already in medical schools.

20 Very impressive to me who is none of those things. And so they are looking for roles - a lot of land care and sustainability jobs. Really interesting - I would say generally more white collar professional jobs that they are interested in. But their experiences with DES is they tend to be pushed into cleaning jobs, physical labour jobs which tend to be in warehouses, and retail. And then looking at the statistics, I also noticed that generally the DES placements are most highly put into the 'other' category, which covers like personal services, repair and maintenance and private households.

30 And so while those jobs are perfectly valuable and perfectly useful, they are just not at all tailored to the young people that are coming through our service or that are talking in consults about the type of work that they would like to have. And it's limiting. It's really having this limiting idea of what disabled people can do. That - disabled people, we are just regular people who have all sorts of wide ambitions and interests.

35 But disabled young people, particularly when they enter the DES system, just like Mija said, they get pushed into jobs that I think the DES's find easier to place. They maybe have some relationships with organisations, so they can get these kind of bundle packages where they can put, you know, five, 10 participants or candidates up in one go and so they are just not - the other experiences that I had was that they weren't listening to disabled young people and that DES's don't seem to be in a broad range of industries to help place.

40 Like, if a DES's goal is to place disabled people into employment, they should be everywhere. Because everyone wants to work everywhere. It's a broad spread in Australian society. But it's not - it's a lopsided approach to just a very narrow focus of what a disabled young person can do, which limits them from - like, why go with a DES if that's the situation.

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MS McMAHON: Yes. And, Simon, another important issue that arose from Case Study B was the positive consequences of understanding disability, but YDAS have recognised that perhaps DES workers don't always know enough about disability. What is the consequence of this for the young people that they support that you speak to?

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MR GREEN: The consequence is - may I talk about Person A as an example?

MS McMAHON: Certainly.

10 MR GREEN: Yes. Person A was someone else we included in our witness statement, and he was a young man with an intellectual disability who experienced that problem. His story ultimately was a happy ending, but the first half of it was me finding out that he was just being moved from DES to DES to DES. Because he talked to me about his ambitions after doing the program, and I just started to notice that each DES he was talking about the name would change.

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And so we looked into that and he was experiencing churn. He was being placed in inappropriate job possibilities that were never going to work out because, again, he was someone who expressed a desire to be in not full-time work, just wouldn't suited him, but he kept getting full-time job interviews which he wasn't going to work for. So it was just this churn - not just - people experience churn not just by being placed into a job that doesn't work and going back into the DES system but being shuffled from DES after DES after DES when they just, you know, can't work these people out.

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25 They don't know what to do with them, I suppose, would be the vernacular. And the impact that we have heard is just frustration, disappointment, anger. A sense of, "What's the point? Why am I working with this system, especially if it's got no idea what's interesting to me. It's a disability-focused service but they don't listen to what my needs are. They don't seem to understand."

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Often we hear that they don't understand the specifics of each disability and the access needs and how they would integrate into the workplace, and so that kind of frustration ends up just boiling up into disempowerment, disillusionment. Exhaustion, which is a risk. It's a risky thing to exhaust a disabled person. We have only got so many spoons, so much energy for our days, often.

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So, yes, they just find themselves falling further back in the job process, not making the directions they want to make within their system and often they will just jump out and not use the DES. Or they will end up on government support services instead because they can't find the work they need for independence.

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MS McMAHON: I see. And, Mija, what do you see as some of the key changes or recommendations to assist DES providers to understand disability better?

45 MS GWYN: I suppose it's a big question, but I could answer it in this way: The system itself does need to change so that DES staff are not constantly thinking about quotas, so they are

not churning people along, so that they have more time to completely understand the young person in a holistic manner, what their needs are. Understanding their disability requirements, their identities.

5 As Simon mentioned previously with Case Study B, there needs to be an understanding of the person as a person, holistically, their disability, their identity and everything that intersects with that so that they have equal access to these experiences. And these expectations that are put on them are relevant so that they can match the young person's needs.

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And DES staff do need to receive a basic level of training. They need disability awareness and there are some fantastic staff members out there, and some of them are disabled but not all of them. But we do see that, at a basic level, many people are not understanding disability at its core. And I suppose one of the largest things that would have a positive impact I think is seeing more lived experience represented within the DES organisations themselves.

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Meaning that there are disabled people on deck working there as consultants, working there as support staff, working at management levels - at all levels of the organisation, we want to see this, so that the DES's themselves have that lived experience influencing the organisation. And also being able to develop the organisation's understanding and knowledge base as to how to provide reasonable adjustments, to provide adequate supports for organisations from actual experience, not from some sort of theoretical framework. We want to see more lived experience embedded and enmeshed within the organisations. And through that showing the value of disabled people and their lived experience and their expertise.

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So I think that that would foster a great change, being able to work with clients, being able to - I suppose modify their model. Because what we see at the moment is somewhat of a welfare model. So that the disabled young person comes in and they should be grateful for any opportunity that's provided to them. It's not person-centred. The approach is not strength-based.

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MS McMAHON: Yes. And YDAS indeed is already doing training work with youth workers in this very space, with the Togetherness Training. Simon, can you suggest some aspects of the design and content of that training package that you have developed that might assist DES providers in this space?

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MR GREEN: Yes. So Simon speaking. Together Training was designed - just to build on Mija's point, it was co-designed by disabled young people as well. They have built it from scratch - actually it was all young people that built the first iteration, and most of them were disabled. And so they learnt from what youth workers needed and they designed training that talks about language, and the diversity of language that we use within the community.

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It talks about mindsets that you need when thinking about disability and kind of like proactive approaches to disability, understanding various access needs that are out there

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and how you can think about them advance and respond to them. How to have conversations with disabled young people, to draw out that information but make them feel comfortable and trusted and safe that that conversation is not going to negatively impact them. And then practical tips about how to implement access keys which help people understand how a workplace might work, and disability action plans.

Some of the more policy-driven but also some of the practical things that not just staff but also managers, executive level managers as well need to understand to start adjusting and removing the barriers in workplaces or in youth services.

MS McMAHON: Thank you, Simon. And just before we take a break, I just wanted to ask one final question. And that is that YDAS have identified that there is inadequate post-placement support by DES providers that may leave some young people vulnerable to exploitation. Can you explain in what way that may leave young people vulnerable to exploitation?

MS GWYN: Mija speaking. I can think of a few issues in that space. Well, in relation to risk to exploitation, in relation to the young person not receiving adequate information on their rights, meaning that they are vulnerable to wage theft, that there is a risk that they are not in appropriate workplaces such as safety risks or behavioural risks. Sometimes that's at a managerial level. And at that point when supports are cut off, sometimes there is not sufficient time to identify issues.

So the young person has not had an opportunity to settle into the workplace at that point. So in relation to support requirements, I can speak to a number of things there. Some issues are that the young person might find that there is a bit of a glass ceiling, that they are not able to receive support for career progression and promotion, continuous improvement of their skills, that they get kind of maxed out at a particular point and that is limiting their careers.

MS McMAHON: Thank you, Mija. Chair, I note the time. Would it be a convenient time?

CHAIR: Yes. I just might ask my colleagues at this stage whether they have any questions and then we can break. There will be another opportunity later for questions. Commissioner Galbally, do you have any questions at this stage?

COMMISSIONER GALBALLY: No, I will wait till later. Thank you.

CHAIR: Commissioner Mason?

COMMISSIONER MASON: Yes, I will wait till later. Thank you.

CHAIR: Very good. Just at this stage, just a couple of questions from me. In your statement, you indicate at paragraph 39 that you provided direct support to 117 young people, 72 clients received advocacy support and 45 in the Young Leaders Program. How do

people come to you? How do young people with disability get to you in the first place? I don't mind who answers.

5 MS GWYN: Mija speaking. I'm happy to answer that. There are various pathways that young people do get in contact with us. So YDAS does have a very strong engagement with disabled young people through sharing information through different platforms in social media. We have a range of resources that we have developed that speak to particular topics that are relevant to disabled young people and their needs, for example, COVID-19, education, the NDIS - transitioning to that and preparing for that.

10 Also through 'Lens' we have seen lots of popular sharing of our resources. Young people are able to see that information and then they get in contact with us at YDAS. We also have close relationships with various other organisations in the sector, and that is both the disability sector as well as the youth sector. We routinely work with them to share marketing and promote our services.

15 CHAIR: Is your program specifically concerned with DES and DES providers or is the information you are conveying, your insights into how the system works, a by-product, as it were, of other services that you provide and other communications you have with people who come to you?

20 MR GREEN: Simon speaking. It - we do have direct work with DES's as a by-product, I would say. We focus more on - for young leaders, it is talking often about employment and jobs as a part of what leadership is. But it's also just goals. Our individual advocacy service, which is when someone is in a pretty - pretty tough spot, they will contact an individual advocate, work and a DES is sometimes a part of those cases specifically.

25 It might also be a by-product of a person in a difficult situation with the NDIS, or housing, or education are common. And then when we do consultations, sometimes those are focused on DES's. Sometimes they are focused on employment. Sometimes they are very broad and so a DES will appear in those conversations when people have had experiences with them. It's something we're familiar with and interested in.

30 My professional interest is in employment, so I do follow the DES system, and then when it comes up or gets brought up in our consults or our programs, we tend to learn as much as we can to help people stuck in a bad DES or a situation that's not helpful for them to find work.

35 CHAIR: Thank you very much. We will take a break now, perhaps for 10 minutes, and we will resume at 12.15 eastern daylight or summertime. Whatever the correct description is.

40 **ADJOURNED 12:03 pm**

45 **RESUMED 12:14 pm**

CHAIR: Yes, Ms McMahon.

MS McMAHON: Thank you, Chair. Just before the break, Simon and Mija, we were talking about some of the training needs of DES providers, and you nominated in your statement
5 that access and inclusion, working with people with disability, and person-centred practices are some such needs. Simon, you've given an example - and I refer to Case Study F at paragraph 120 of your statement - of where working together, that is, in your role at YDAS, with a DES provider had a very positive impact. Can you please share that with the Commissioners?

10 MR GREEN: Yes. So Simon speaking. In this case, it was a young person who was stuck in churn, and I had been trying to work with - like, we had been working together to try to help them find a job through the DES provider. And then one day I got a call from his newest support person in the DES and he had just started this new service and she was really
15 motivated. And she contacted me, the consultant, the job-finding consultant, and she just asked me a little bit more about the young person.

He had nominated me because we had done the program together. I had built the trust with him as his youth worker. And so she was speaking to me to understand more about
20 him, understand his needs, understand his aspirations, and then ran some possible jobs by him. And as we spoke, I kind of expressed my frustration with him having been churned through the services and none of those previous DES's really listening, and she kind of expressed the same frustration, and I thought, "this is a good one".

25 That's kind of - I want to be able to recommend DES's to our clients but I can't. I have to find instead the one or two good people in that system that I trust will do the right things by their clients. And, in this case, this person, she was really good. She listened to the young person, she identified for herself - she had picked out the issues, the problems that had been happening before, and she was already thinking of ways to counter those problems.

30 Just, for example, no one had ever asked him - our Young Leaders Program gives young people a job reference, a certificate. It's a bit old school, but - it's on paper and everything but no one had ever asked this young person for our reference and so no one was using it. And he had a really good reference from us. So I made sure to provide that. And she was
35 asking for other tips and advice to help - this is all with his permission.

So I was able to share stuff that I had learnt from him as his youth worker. And so she was able to learn more about that person. This is what the person-centred thing is: Taking the
40 time to learn what this individual client I'm working with needs and wants and then finding jobs that suit. Again he was being put into full-time stuff. He was just keen to work in maybe a retail setting or with a team. So she ultimately was able to take and what I was able to provide and do her job - what I imagine a DES provider's job is supposed to be, rather than what it tends to be.

45 And he was placed - last I heard he had a job interview and trial run for two different jobs, very interesting, in what he wanted to do. So that was a good example of a person-centred

approach. And she had reached out to people who could help her understand the person, not just she - not just she and he. She had gone broader.

5 MS McMAHON: And you spoke then about picking providers, I suppose, to refer your clients to. Does that speak to an inconsistency of quality that you observe and perhaps, Mija, if you could address that question. Do you see an inconsistent quality of DES support workers?

10 MS GWYN: Mija speaking. Yes. To bring up one of the case studies mentioned in our witness statement, I believe it's Case Study C. And that example tells a story of a young person trying to seek employment, working with the DES, and speaking of their career objectives, their previous university qualifications. The DES provider found some random employment that was not to do with this young person but - no, rather than finding - sorry, interpreter error there - rather than finding something that was not relevant, they seek various different opportunities and offered the young person to help them apply for the
15 interview.

And the young person was not just disabled but also had English as a second language. And when they asked to get this kind of support, the DES provider was saying, "Oh, well, we are not able to do that." They're not wanting to provide the kind of support for them. And they
20 just clearly did not understand the particular - the specificity of this young person and their world and their intersectionality. This young person did really want to get some employment, but their DES provider was not willing to figure out how they were able to support them, writing letters of support, understanding that English was their second language, getting other support places in place and then, really, they just limited this
25 person's opportunities.

MS McMAHON: Simon.

30 MR GREEN: Simon speaking. If I may just briefly add to that. When we're trying to recommend people, I've had situations where the same organisation - I've had different reports of the same organisation but a different office having really, really good results, really, really bad results to the point that I don't recommend an organisation, I recommend the person. And I try and hope that they can then find someone within that whole organisation that's just as good.

35 But there's a lack of consistency within each organisation, that the support worker you get or the person you get will be as good as the good ones that I'm trying to find, that we are all trying to find for our clients.

40 MS McMAHON: Thank you. And something that you have made very clear in terms of a person-centred approach is the need for one-on-one time for meaningful engagement. And you have also indicated that support workers themselves need support from their managers in order to do that. Can you just very briefly indicate some ways that you think that those support workers could have more time and space?

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MS GWYN: I suppose that the main issue at the moment is the idea of quotas and checking boxes and working at a fast pace. And these sorts of high benchmarks are really limiting people with the amount of time that they are able to spend with an individual. They're not properly able to understand their needs or set up a plan to ensure that they are able to suit the young person's requirements. Another is more resourcing. That could be in the form of training, information and more support from their managers, as Simon made mention of previously.

MR GREEN: And Simon speaking. Neither of us wants to demonise DES workers either, because I have had conversations with them as well to know they struggle with those quotas. The quotas are pressure put down on them to meet outcomes that aren't person-centred that just get to that - what is it, the first two milestones, the early weekly milestones, the 13- and 26-week milestones rather than a longer term placement, a good experience for their clients. And we also have heard of IT systems that are old or, like, just not really very well developed to help support someone move through the steps. So they are finding they don't have time as a result of a, you know, a lack of a CRM or something like that. And kind of, yes, there is also a culture from management and executives who also need to learn to have a person-centred approach, that means if you do have a good worker in that system, they are getting ground down by something that's not helping them achieve those goals.

MS McMAHON: Thank you, Simon. And I have one further question for you both before I will hand over to the Commissioners for their questions. But you've spoken of a number of systemic barriers this morning and what I just want to ask you - and reflecting on the experiences of the young people who have spoken to you, what are some of the really key impacts upon the young people and their experiences in finding and keeping a job? And if I could ask you, first, please, Mija.

MS GWYN: You really need to acknowledge that these disabled young people are starting out with their career, that their life is changing and that they are moving towards their aspirations. These experiences of being disadvantaged through not receiving appropriate supports puts them behind their peers. Their expectations can be moved towards something else that is not relevant to their life experience and it does have a compounding effect, rather.

If they are unsuccessful in receiving employment, then they are not successful in receiving supports they need, they get further and further behind their peers. And this disadvantage does compound over time. So we see the competition of - occurring with their peers. Say another person applies for the same job. The disabled young person has, by virtue of not receiving their supports, less experience, less confidence, less capacity to be able to compete in these jobs.

So it is not just at that same level. They are not competing on a level playing field. They are disadvantaged. So this compounds over time through the years, and it does have a long-term impact on the disabled young person and their future, their quality of life, their goals and their ambitions. What that means is that their knowledge, their skill sets, their

level of qualifications, despite their commitment that they have and the skills that they are able to develop, we see these gaps, and often their hard efforts go to waste because they are not able to get these opportunities.

5 And it impacts not just the individual but the broader community, because this expertise, this knowledge, is lost by not having the disabled person in the community in this sort of way. And it is a shame. So it has an effect on the economy, that these people have these fantastic skills and unfortunately they are not being used adequately and appropriately in the broader community.

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MS McMAHON: Thank you, Mija. And just finally, Simon, I'm just noting time as well, but if you could just briefly speak to any final key impacts that you wanted to contribute.

15 MR GREEN: Yes. We see and we hear - we hear exhaustion - I'm going to reiterate these emotional points that come through. This exhaustion, a disillusionment, a disempowerment for a system that's not helping. They get very angry as well which we hear a lot of in our consults. We see over-education, people finding that if they just keep - maybe if they just stay in the education system long enough it will help them get a job. Which is sometimes a form of exploitation because if no one is helping them move from education to work, then

20 people are just taking advantage.

And more further - we are talking about jobs. You get a job so you can earn money so you can get a sense of independence. If you don't find a job, you end up at risk of poverty, you end up at risk of homelessness, you end up needing to use more of the government

25 services. And, yes, the industries themselves, like Mija said, workplaces are missing out on good, qualified candidates because they have got lowered expectations of what these people could achieve. And they are so keen to work. They just want to work and they are not being given the opportunity.

30 MS McMAHON: Thank you, both. Chair, that concludes the evidence.

CHAIR: Yes. Thank you. Commissioner Galbally, do you have any questions?

35 COMMISSIONER GALBALLY: I wanted to ask about your way of describing low expectations, that that seems to be an absolute hallmark from both of you, your descriptions of the DES system, and whether you could elaborate on that. Mija, could you start and then Simon? Thanks.

40 MS GWYN: Mija speaking. Thank you, Commissioner. There are a few ways in which this can occur. Low expectations can include assumptions of the young person and their ability due to their disability and can be limiting. And sometimes we see that this is just simply not the case. Disabled young people are very well versed in finding novel ways of ensuring that they are able to achieve what they set out to do. However, these expectations are still low.

45 Sometimes the disabled young person is not valued, and we see this occur in a few of our case studies where their skills, their qualifications, and their previous experience and the

area that they have identified as their aspirations are just discounted. The DES provider thinks these things are just not possible. And they say time and time again that these people should be appreciative of any kind of entry-level job that they are provided to. So these are some examples of where low expectations can come into play.

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MR GREEN: Simon speaking. I think, just to build on that point, everyone has aspirations, things they want to achieve. Those things aren't often considered. When a young disabled person talks to an older person who is going to help them find somewhere, they are being shifted away from those aspirations and just there is - the low expectations mean that, generally, our society wants disabled people to just get a job. Get into a community service. Be a part of things and that's it. Well done.

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There's a bit of a patronising response of, you know, "Good for you. You got a job. Now you don't have to worry about it." So they are not seeing leadership positions open up to them. No one is even thinking about them as leaders. That's why we built the Young Leaders Program, kind of acknowledging that no one was really even seeing people as leaders so we had to open their eyes to it. And the more generous response can sometimes be that people are trying to - they think that they are trying to protect a disabled young person and so they wrap them up in cotton wool is a common phrase we've heard.

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But there is the idea - there is the dignity of making a mistake. Like all young people, like I did and like Mija did we made all sorts of mistakes when we were younger. You have got to kind of make those mistakes too, but people are protecting them - protecting them but not really, just restricting them - from going off and, I don't know, choosing a job that they are maybe not ready for straightaway or jumping into a job that they seem not ready for but they would thrive in because they had the opportunity to get pushed into the deep end.

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So low expectations result in just not giving people opportunities to do the same things that non-disabled people get to try all the time and it is not even questioned.

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COMMISSIONER GALBALLY: Thank you. It sounds like you are describing a very profound impact of ableism on DES. I guess my only other question would be do you think DES could be trained out of this? You know, or do you think if the incentives were right, that could change the DES culture to - because this is very serious, what you've described. Maybe Simon?

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MR GREEN: We know - we've heard the ideas of getting rid of, like, 13- and 26-week outcomes and just focusing on a 52-week outcome, the idea that someone has been placed in work for a whole year before the DES gets paid. It could. That is a mechanism. Like, if the maths turns out that churn is better for a DES then, unfortunately, it seems that those - the maths will dictate what they do. But if you strip back the idea of a 52-week placement and think what it actually means, it means a young disabled person in a job for a whole year.

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And we all - anyone who has worked kind of knows by the time you've been in a job for a year, you've got a much better sense of how you would engage in that workplace, a much

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higher chance you would have adapted and tweaked what you need to do and the workplace has done the same. So that might motivate DES's to think more broadly than just a placement but then like a long-term retained placement. But the mindset is what needs to change. They need to - they need to be experts in the broader range of disability, not be intimidated by what disability can be in terms of access needs, because we do experience a kind of freeze, a kind of fear of disability rather than just working person by person, understanding that person's access needs, finding what they need and moving forward with that person.

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10 If you are a professional in that space, the more you do that, the more you gain more and more understanding of access and disability. If you are a disabled person working at a DES, you have an even quicker start but, Mija, what do you think?

15 MS GWYN: Certainly I will echo your comments there, Simon. Organisational culture does need to change. And mindsets do need to change. Unfortunately, what we are seeing currently - and I suppose I used the term previously, the "welfare model". DES's are viewing disabled young people as participants that should be lucky to receive any kind of employment, that the - the disabled person is being patronised and that they should be grateful for the kind of support. And that we need to see this mindset drastically shift.

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We need to have a system where disabled people are centred, that they're highly valued and respected. And they need to be able to have autonomy, to be empowered to achieve their goals. And, to reiterate, we see that not every person within the DES system is the same. There are certainly some people who do exceptional work, that try tirelessly to ensure that these young people and these disabled people are receiving appropriate employment. However, sometimes they are combating a broader system.

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COMMISSIONER GALBALLY: Thank you.

30 CHAIR: Commissioner Mason, do you have any questions?

COMMISSIONER MASON: Thank you, Chair. I have got one question. In the statement at 129, it stays that there should be more people with lived experience working for DES's, DES providers and supporting disabled young people into employment and that the increase should be meaningful not tokenistic. And then at 131, the statement says that:

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"Staff of DES providers require a range of development and training including the following: Access and inclusion, working with people with disability, person-centred practices."

40 We have heard a bit about the idea of quotas in relation to clients of DES's. I'm just interested in your thoughts on quotas for people with disabilities working for DES providers, that idea of increasing the numbers of people with disability and working in those services for better outcomes for young people and adults with disability seeking employment. And happy for either of you, Mija or Simon, to answer that question. Thank you.

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MS GWYN: Mija speaking. I'm happy to kick off, and, Simon, if you would like to add to my comment. I do believe that quotas are a great first step. It's important, however, that we do remember that we need to really set up some measurements so that we can ensure that these quotas are meaningful. We don't want to be put in a situation where the DES's are just employing any number of disabled staff members within their organisation at entry-level jobs and that they're staying there long-term. Perhaps that is not meaningful.

What kind of impact will that have on the DES and their structure, their culture? What we want to see is that these quotas - well, a few things I suppose. Firstly, is that we have disabled people at all levels, management levels, middle management, all the way through. Employee consultants, and we want to see them at all of these levels, including executive all the way through. Secondly, we want to ensure that disabled staff members working as DES's, that they are set up for success. We want to ensure that other staff members at the DES are receiving appropriate training to make sure that they are able to work with their disabled colleagues.

MR GREEN: Yes, Simon speaking. I think we wish the good intention was enough, but as we can see even in the issues with the DES, the numbers tend to be what drive too large a group of people in these sorts of systems. So a quota is a good start, because if they have to do it, if it is mandated disabled people have to be employed in DES's, it will start it. And quotas haven't always worked in other spaces, and there's always debate about it, but I think I've just come down on the side of just get it started, institute a quota, disabled people will be entered.

But then, yes, the meaningful side is that those disabled people who enter DES's feel that they are having their knowledge drawn on, their understanding of - just the lived experience in itself is a skill that you can hire for - that we hire for. Because then you draw on that lived experience, but at the same time you don't just leave that person as the only source of knowledge. Everyone around them, all of their - if they have non-disabled colleagues also get upskilled to be able to have those conversations and again, so they are not just constantly relying on the group of disabled employees.

We need to be an equal part of a process and have that experience and expertise, as well as any other skills that a disabled person will bring, brought into that space.

COMMISSIONER MASON: What you're describing seems to me like a recruitment and career development program within DES's as they are trying to endeavour to do for clients. So it's a synergy, isn't it? It's an experience where everyone is having those opportunities. Thank you very much for your evidence today. I really appreciated it. Thank you.

CHAIR: Can you perhaps identify the distinguishing characteristics of the best DES provider you are familiar with? I don't mean that they provide a person-centred approach. I would like to know the characteristics that lead them to provide a person-centred approach of the kind that you are describing. What are the characteristics of the best ones that you are familiar with?

MS GWYN: Mija speaking. Perhaps I will let you start, Simon, if you wanted to speak to Case Study B?

5 MR GREEN: Yes. I think it's an earnestness that a person comes into the job seeking to - like, their main motivation to start working at a DES is to help young people find work or people find work. Those I have spoken to have a very sort of a passion that Mija and I have and the people we work with here. You want to help people as a core motivating factor. Then they have been able to find ways to enable that within their space. So I think they are good at carving out time to spend time with each client, look more broadly than maybe just 10 the standards, think about what else is in that young person's life that helps inform them.

CHAIR: I do understand that, because you have explained what's needed. I'm just wondering what the characteristics are of a DES provider that can actually do it. Is it because the DES provider is non-profit as opposed to profit? Is it because there are people 15 with disability on staff?

MR GREEN: I see.

CHAIR: Is it because they have a specific training program? What is it that allows a DES 20 provider to do what you say - and I understand very clearly what it is you say should be done. What's the characteristics of a DES provider that enables them to do it?

MR GREEN: They have systems and policies that have given them networks, access to 25 networks beyond just the standards. They are holding themselves to account on all the industries that they have relationships with. That it is broad, that they have mandated to themselves it should be a broad range of industries so that they are gaining better industry knowledge. They definitely are doing disability awareness training and not just one disability, but lots of disabilities.

30 Understanding at a core what disability kind of awareness is, but then going into autism, going into Deaf culture, going into lots of more niche areas of disability to understand that spread. And then they have systems in place, IT systems that make it easier to do the reporting works so they are not just ground down by work that isn't working with the young person. And then their bosses are supporting them to spend that time. But, Mija? 35

CHAIR: Yes, thank you. Did you want to add anything to that?

MS GWYN: Thank you. Chair, I would like to add something, if I may. I certainly agree with 40 your comments there, Simon. If I can add to that, I think it's important that those - that those characteristics should have the capacity to engage with the disabled young people. That have experience of intersectionality really at its core. We see that as crucial, that people have an understanding of being able to see these identities and ensure that their services are provided accordingly, regardless of what sort of identity, background these disabled young people are coming from. 45

CHAIR: Thank you very much. And thank you for - particularly for coming to the Commission today to give evidence and for the detailed statement that you jointly provided which is very helpful to us, including the case studies that you have incorporated. We very much appreciate your assistance to the Royal Commission. Thank you very much. We will now adjourn, shall we say, until 1.35. Then we will resume at 1.35.

ADJOURNED 12:42 PM

RESUMED 1.35 PM

CHAIR: Yes, Ms Eastman.

MS EASTMAN: Thank you, Commissioners. So we are now turning to the case study part of this Public hearing, and we are calling it the Mzia case study. So Mzia is here with us in the hearing room in Sydney, but the members of the public following this hearing will not see Mzia and you will also hear Mzia's voice in an altered way. So, Mzia, can I start with you? You have made a statement for the Royal Commission dated 4 February 2022.

MZIA: Yes.

MS EASTMAN: Is that right? And is the statement true?

MZIA: Yes.

MS EASTMAN: As I said, we are going to use your pseudonym, so I will call you Mzia and your voice will be altered. So, Mzia, I want to start by asking you some questions about your background. Can I ask you those questions?

MZIA: Yes.

MS EASTMAN: You grew up in a small town where you lived with your family, and when you were at school, you sometimes had difficulty focusing. For example, you had difficulty understanding numbers and words, and with spelling and learning. But you were always good at creative subjects like drama, and you have always had a good memory, and you enjoyed hospitality subjects and cadet camp. When you were 14 years old and nine months, you had a job in a retail setting doing casual work. You were still at school then.

And in around year 10, you applied for a management trainee job in a restaurant, and out of more than 200 applicants, you were the successful candidate for the job, but you also got your year 10 certificate. And you left school early to do the traineeship. You were diagnosed with Attention Deficit Hyperactivity Disorder in your 30s, and you tell the Royal Commission it was a long and expensive process to get diagnosed as an adult with ADHD, including seeing three different psychiatrists.

Before then, you had received different diagnoses that were not right, and this had had impacts on you. Can I ask you about being diagnosed with ADHD in your 30s, and what were the impacts on you?

5 MZIA: Being misdiagnosed for many years, like, for 25 years ago, for a variety of different mental health issues, not receiving the right treatment, medication, or support affects all areas in your life and also to the people around you. And the process of getting diagnosed as an adult with ADHD is a complicated and hard process with the public health system. It's not recognised, adult - sorry, adult ADHD. And the cost of going to see a private
10 psychologist is a very expensive process, let alone trying to get an appointment with an adult - with a psychiatrist that specialises in adult ADHD.

And to receive the correct diagnosis and supports, and once you get the correct diagnosis and the support, those other misdiagnoses are highlighted that they were wrong. You
15 need to keep - treat the core diagnosis, which for me is ADHD. It's an amazing talent, ADHD.

MS EASTMAN: And when you started some medication for ADHD, everything was clearer, and you now take medication to help you concentrate. And you want the Royal Commission to know how important it is for the health system to ensure that people receive the right
20 diagnosis, the right support and the right medication. And as you say, you think ADHD is a talent and a gift, and you've been able to channel your disability in the right way and you think if you can do that you can achieve amazing things.

Now, you also want the Royal Commission to know that you are a mum and your kids mean
25 everything to you. Okay. We just will take our time. Now, I want to ask you some questions about your work experience and to share with the Royal Commissioners what you have done in terms of jobs and work experience. So since leaving high school, you've worked in lots of different jobs, in cafés, and in restaurants, and despite wanting a permanent job, you have mostly had casual work.
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Only two of your jobs have been permanent. And you haven't had a permanent job for about 25 years. You've found that when there is too much pressure and things weren't organised at work, that was difficult, and you've told the Royal Commissioners one example was working in a restaurant when the food stock had not been ordered and you didn't have
35 support, and you felt it was a shambles. So, for you, work is about finding the right job and the right environment, and you have used some strategies at work. For example, you have got the notepad to jot down thoughts and things that you need to remember, things you want to tell your colleagues, things you want to focus on, and that helps you working with colleagues to understand what you need to do your work.
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Now, I'm going to ask you about a particular skill that you have as a barista, a coffee maker. And you like the science and knowing about the grind of the coffee beans, how humidity affects the coffee beans and connecting with customers. Can I ask you, how did you become a barista and how did you learn these skills?
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MZIA: I learnt my skills hands-on, on the job. I - over the years, I did have some, like, one day training at a coffee company, but I have no certificates or no courses in barista. A lot of the participants I was training have more certificates and courses and qualifications than I do.

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MS EASTMAN: So you learnt on the job.

MZIA: I learnt on the job.

10 MS EASTMAN: But as you became more experienced, not only being a barista but the work you did in hospitality, you were given more responsibility in your jobs?

MZIA: Yes.

15 MS EASTMAN: And sometimes your work was not just making coffee, but also included hiring, training, supervising, managing staff, but also assisting with the marketing.

MZIA: Yes. Yes, yes.

20 MS EASTMAN: Go ahead.

MZIA: With hospitality - you can learn a textbook, you can learn at TAFE, you can learn writing, but hospitality is a type of job role where the best training is hands-on and actually in the job. It's - you pick up the real skills and the real training on the job.

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MS EASTMAN: And part of it was also you got to know customers.

MZIA: Yes.

30 MS EASTMAN: So am I right in knowing that, say, if a customer popped in you were able to go, "Okay, I really know that you like the long black with the splash of milk or the Piccolo" and you really wanted to have that connection with the customers. Was that important to you?

35 MZIA: In previous job roles, positions I worked, that connection with customers is your highlight of your day, is connecting with those regular customers. They would come in and you can make them smile, and if you are struggling and having a bad day, they could make you smile. Yes. And it's that connection.

40 MS EASTMAN: So I want to move on to the matters that are going to be part of this case study, which is how you came to join AimBig. So, in the past, you had been registered in what we might call a mainstream job provider, but you didn't find those services particularly helpful. And at one of the appointments, your then job coach said "Why don't you go and get something called an Employment Services Assessment to see if you might be eligible to
45 join a Disability Employment Services provider." So a DES provider. So you got that assessment.

MZIA: Yes.

5 MS EASTMAN: And that meant that you could qualify to join a DES provider, and you went to see one DES provider. You kept going back and they told you that you would get a job and it never eventuated, so you decided that were you going to change DES providers. And you went online and found out about AimBig Employment. Now, can I ask you this: how did you find out about AimBig?

10 MZIA: Yes. I went online and found AimBig Employment. They had a flashy website. Their marketing is very top-notch. They listed their services. I made an application to change to a DES - to DES providers to AimBig, but nothing happened. So I went directly to the AimBig office in person and told them I would like to join. In early 2019, I attended one of the first meetings at AimBig. I met with JC-1, my- -

15 MS EASTMAN: Just pausing there. JC-1 is the code we are using for job coach 1. So when we say JC-1, we are talking about job coach 1. Just so everybody can follow us. Okay. Back to you.

20 MZIA: And another person from AimBig. That same day I signed my first job plan with AimBig. I got -

MS EASTMAN: Okay. And you got a copy of the job plan. Can I ask you, what did you understand the job plan was at that time?

25 MZIA: I didn't have much understanding of the job plan. It's pretty much just what a job provider puts in front of you and you sign it. I didn't realise that I could have choice and control of what is in that job plan.

30 MS EASTMAN: Now, you've mentioned meeting with JC-1, the job coach. What did you understand the job coach's role was?

MZIA: I thought a job coach would be able to - able to understand my ADHD and other areas in my life and help me with my goal of having a permanent full-time job and a career.

35 MS EASTMAN: Okay. Now, the Royal Commission has heard something call benchmark hours. Your benchmark hours as a DES participant was 15 hours a week. All right. So the first step was to join AimBig. That becomes your DES provider. The next step is finding a job. So I want to ask you now about how you came to work for BusyBeans and,
40 Commissioners, my pronunciation this morning may not be clear and I apologise for that. My reference was to BusyBeans, not to Busy Bees. So I apologise if there was any misunderstanding this morning.

45 All right. So let's talk about BusyBeans. You found a job opportunity as a barista trainer at BusyBeans online. So you looked at the internet and you found this job opportunity. You showed that to your job coach, JC-1. And JC-1 said the job was with AimBig's sister company

called Rehab Management. And at that point she then took over - JC-1 took over arranging a job application. The next step was that you had your first job interview, and that was done by video with the National Operations Manager at AimBig. And the National Operations Manager was very enthusiastic about the BusyBeans program.

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The next step was you then had another interview. This was in around April 2019, and you had a telephone interview with someone called Matthew Ting, the National Innovation Manager at AimBig. In that interview you explained to Mr Ting that you weren't just looking for a basic job, that you were looking for a career, that you wanted to get off Centrelink and you wanted to have a full-time job. You told Mr Ting that you had reached that stage of your life where you wanted a permanent job and to build a career. What did you expect from this job at BusyBeans?

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MZIA: I expected to have the opportunity to develop my skills and have training to have a career.

20

MS EASTMAN: Did Mr Ting tell you about the BusyBeans project, did he tell you that it started in the Sydney office and was expanding? And he told you that the program was one that trained people with disability to become baristas? Do you remember him telling you that?

MZIA: Yes.

25

MS EASTMAN: And you told Mr Ting that you were interested in the job, and later on you received a phone call from someone in human resources who offered you the barista training position. Okay. Now, sorry, I've just got a little note. So when you're speaking, can you just lean in a little bit closer to the microphone so everybody can hear you. All right. So let's go back. You've got an email with an offer to take on the role as the barista trainer, and you signed that letter of offer and you sent that back to AimBig.

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Then a few days later, you got another email, this time from Rehab Management, and that included an employment contract, and the contract said your employer would be Rehab Management Pty Limited. And you signed that contract and sent that back. Could I ask you this question: in terms of the email offer from AimBig and the contract from Rehab Management, did your job coach help you understand the contracts or what you were signing?

40

MZIA: No. I read the papers, the contract. It looked all very professional and I assumed as a big company that promotes and is there to support people with disability would be someone that you could trust. And I signed it.

MS EASTMAN: And sent them both back?

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MZIA: Yes.

MS EASTMAN: And am I right in understanding that, for you, the job offer came from AimBig, but the contract was from Rehab Management, and you were confused about who your employer was and I think you say this, don't you:

5 *"To be honest, I'm still confused."*

Is that right?

MZIA: I'm confused and I'm still confused.

10

CHAIR: I'm sorry to interrupt. Perhaps this is something, Ms Eastman, you can help me with. As I understand it, there are two companies that have had the name Rehab Management. One is Rehab Management Holdings Proprietary Limited which is now Arriba Group Proprietary Limited, and the other is Rehab Management Australia Proprietary Limited, which was incorporated in 1998. Now, does it matter which one of these we are talking about?

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MS EASTMAN: It is the company, for the contractual purposes, which is Rehab Management Pty Limited. The change of name comes later. These are matters, Chair, that we want to raise in terms of the relevant corporate history with the officers from the Arriba Group when they come tomorrow.

20

CHAIR: All right. Okay. I just didn't see any company called Rehab Management Proprietary Limited but no doubt that will be explained.

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MS EASTMAN: We will. And these are some of the questions, perhaps you can anticipate, we may be asking tomorrow.

CHAIR: Thank you. Mzia, sorry to interrupt. I just wanted to try to work out what's going on. That's all.

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MS EASTMAN: All right. Well, I think Mzia was confused and, Chair, you might share that view.

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CHAIR: The Chair is often confused.

MS EASTMAN: All right. One of the consequences of signing the contract and agreeing to take the job is that you were then asked to sign a new job plan. So JC-1 asked you to sign a new job plan confirming that JC-1 had found the barista training job. But, for you, you thought you had found the job yourself. But you did sign the next job plan. Do you remember doing that?

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MZIA: Yes.

MS EASTMAN: Okay. So then, finally it got to the day when you were starting the job, and your first day of work as the barista trainer was 7 May 2019. And you rocked up on the first

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5 day to Rehab - to a Rehab Management office. When you got there a person who was the National Operations Manager, together with a job coach at AimBig, two DES participants and their support people, they were also there on the first day. I want to ask you some questions about that very first day at BusyBeans and your memory about that day. Can I ask you some questions about that?

MZIA: Yes.

10 MS EASTMAN: You remember that on this very first day, you did not receive a proper induction, and there was no training on that first day. You remember being taken on a walk to the back of the office. You were shown a small kitchenette and the reception area. In the reception area, there was a table, and on the table was what you have described as a domestic Breville coffee making machine and a container of long life milk. You looked at the machine and said, "This is not a commercial machine." And you remember the National
15 Operations Manager told you that he was planning to set up a café in the reception of the Rehab Management office. You said to the National Operations Manager:

"We need to get some proper milk, some basic equipment, like a jug, a bucket."

20 Because there was no sink in the reception area. He said to you:

"I will give you a gift voucher and you can go and buy milk."

25 When he came back and gave you the gift vouchers, he said:

"They are for a Coles petrol station not the supermarket."

30 So he said, "Why don't you go and pay for what's needed, keep the receipts and he would pay you back". When you walked out of the office after that first day, it hit you that the set-up was completely different to what you expected. Looking back on that first day, what are your memories and what did you think was going to happen with this job?

MZIA: I was gobsmacked. I thought - -

35 MS EASTMAN: Can I ask you to lean in a little bit closer to the microphone.

40 MZIA: Yes. I was very surprised. I thought from what was advertised online and what I heard about, I thought it would be a lot more set up, a lot more supplies, like basic requirements. And I wanted to give it a go. Like, I thought, okay, this is a great opportunity, like, it's a good job. They've told me it's going to be amazing. And I did everything I could to make it work. But I was surprised how it was first set up.

45 MS EASTMAN: On that first day, you had to - when you left work, what, you sat on a park bench and went, "I haven't got the money to buy all these things." So you had to apply for an advance on your family tax benefit so you could get the funds to buy the equipment to actually do your job; is that right?

MZIA: Yes, like, when I walked out the door I was just - so much information had gone in that was so different to what I thought, and I drove out - you know, a little while down the road and pulled up and went, "Okay, how am I going to buy these supplies if I can't buy
5 everything from a Coles service station?" So I applied for the - the advance payment with Centrelink and I collected a few things at home and got a few extra things that I brought with advance payment and, you know, went through the whole process that they - they say where you keep the receipts and it takes forever to gets the money back, like, reimbursed.

10 MS EASTMAN: Okay. Part of your initial perception was that you didn't think the program seemed to be well set up, and this is sort of after the first day. At the start, there were no established policies, procedures, safety measures or proper facilities to train the participants to make coffee and teach them how to become baristas. You felt this should
15 have been organised in advance, and you thought it was important that people with disability should have the opportunity to be well trained and to work with skilled people.

You were also concerned that you were not told very much about how the BusyBeans program would run. You asked about how the BusyBeans program had been run in Sydney, and in Sydney the participants went to a real established café for training and then the
20 participants were placed in-house as baristas in offices to make coffee. When you first started, the two contact people for you were your own job coach and the National Operations Manager who you had met on the first day.

25 For you, the job coach supporting you in those first few weeks at BusyBeans was really important and you had a telephone - a few telephone appointments with your job coach in that first couple of weeks, and you also had to report what hours you were working to the job coach. One of the issues for you at the beginning was not being clear about exactly what your role was as a barista trainer. Now, Mr Ting has provided a statement to the Royal
30 Commission, and I'm just going to ask you whether you agree with the description of duties that is in his statement and whether these were the duties that you were doing when you first started at BusyBeans. Mr Ting says:

"The duties of Mzia's barista trainer role can be summarised as follows."

35 And then there is dot points. So I will read each dot point to you:

*"Develop and manage training schedules. Deliver training to participants. Evaluate participant progress on a regular basis and convey it or record it. Ordering stock, supplies for training locations. Supporting the BusyBeans pop-up events. And providing the AimBig
40 Innovation team with feedback and ideas on how to better operate and grow the BusyBeans program."*

Does that description match the duties for the work you did when you first started?

45 MZIA: When I first started at BusyBeans, I was given a basic verbal outline to train participants to be baristas and report the hours to the National Operations Manager.

MS EASTMAN: Your role expanded over time, didn't it, and so over time, in addition to training the DES participants in the BusyBeans program, you also took on other duties, such as assessing the suitability of AimBig clients for the BusyBeans program, rostering, training,
5 answering questions about pay and also helping participants find jobs outside the program. And you were working five days a week.

I might ask you just a few short questions about some of those extra duties and new duties that you took on. The first one is assessing the suitability of AimBig clients for the program.
10 When you first started, this wasn't part of your responsibility, but after a while you started doing casual interviews with potential BusyBeans participants, and those are participants who were chosen by their job coaches. So you would talk to the potential participants to determine whether they were interested in learning to be a barista.

15 And, over time, the job coaches, the National Operations Manager, the business development managers would do another round of assessing potential participants. But it was the general manager at AimBig who would make the final call. Just check, if you need a break at all, let me know.

20 MZIA: Yes, I'm okay. Just stretching.

MS EASTMAN: You were told by some of the job coaches that a lot of participants wanted to join BusyBeans, but you felt some of the job coaches and the Business Development Managers wanted to push a lot of participants into the program. So you were often the
25 person saying, "Not sure that's the right person for the job" but you were getting that - that little push from the job coaches and the Business Development Manager. You thought maybe the job coaches were trying to place lots of participants into the program because you thought they were meeting their KPIs.

30 MZIA: Yes.

MS EASTMAN: All right. One of the next ones, rostering. At the start, you were not responsible for rostering. But over time, you started arranging the roster for training the participants to be baristas. You had to get to know all of the new participants, and this
35 made the roster complicated. And you were told to arrange the roster so the participants could work their benchmark hours. There were no real instructions as to how many barista trainers were needed for the number of the participants, and it wasn't until October or November 2019 that you got more information about what the ratio should be between barista trainer and the number of participants.

40 Coming to training of the participants, you were responsible for training the participants to be baristas. That's really your primary job. All of the participants had a disability. When you first started, there was just a coffee machine on a bench, and you had to create the program pretty much from scratch. You weren't given any training manuals or instructions
45 as to how you should train the participants, and you ultimately started to develop your own training manuals.

5 But can I ask you this question: were you given any training on how to work with people with disability, particularly the participants? And what support did you have to train the people coming on the program with disability? So were you given any training about how to do this?

MZIA: No. No. No training.

10 MS EASTMAN: One of your concerns was the office space where the training occurred, which was the coffee machine on the bench. You didn't think that there were actually enough people working in the Rehab Management office for the participants to make coffee for. So if the participants were making coffee but there was no one to serve the coffee to, you thought, "I should do some other training for them." So you decided to show the participants videos about how to wash their hands, about hospitality and food safety.

15 And you would also do things like take the participants to the shops to show how to buy the right milk and to give them that experience. AimBig did a lot of media to advertise the BusyBeans program, and you thought that what was being advertised was different to what would actually happen. For you there were not enough people working in these offices to
20 make coffee for. Tell me if you need a break at any time.

CHAIR: Mzia, if you need a break, we can do that.

25 MZIA: That's okay.

MS EASTMAN: This worried you because one of the participants, for example, would be stuck in the office five hours a day, three days a week, just standing in the front at the Breville machine. You were part of these news stories about BusyBeans but you felt very uncomfortable saying, "The program is amazing" when you felt it wasn't. But you didn't
30 want to lose your job and you hoped and believed that the program would become better and the issues would be addressed.

One of the other issues you had to pick up was payments. You weren't responsible for paying the participants, but the participants sometimes asked you about their pay. And you were confused about how the participants were being paid. You asked what Award were they being paid under and what to do if a participant was absent or sick. You felt that you were given unclear and inconsistent answers on how to deal with this situation. Did
35 you - when you first started this job, did you think any of this was going to be part of the work you would have to do?

40 MZIA: No.

MS EASTMAN: All right. One thing you also took on was finding jobs for participants. And you've said in your statement that you would try to help to find a participant work
45 experience or a job outside the program, and you would then tell the job coach or the Business Development Managers, who in turn would do the paperwork. Was it ever actually

part of your job to help find other jobs outside the BusyBeans program for any of these participants? Was that part of your job at all?

5 MZIA: No. I was a barista trainer. But I felt I had to do something because no one else was helping the participants.

MS EASTMAN: All of this was causing a lot of stress, wasn't it?

10 MZIA: A lot.

MS EASTMAN: I want to turn now to some aspects of the BusyBeans program. So the Commissioners might hear more about this tomorrow when Mr Ting comes to give some evidence. But we would like to hear about your perspectives of the program. So you've given us a lot of information in your statement. So I might just go through a few points. 15 First of all, coming back to training materials. You decided that you had better start putting together some training manuals for the BusyBeans participants. You felt they needed some structure in the program.

20 So you used your past experience, information you found on the internet, and you decided you were going to try to put a manual together. So by June 2019 - so you had started in May - by June 2019, you sent a draft training manual to the National Operations Manager. Are we right in understanding, as far as you're concerned, not much happened then because in about November 2019, you were asked by someone from AimBig about what should be in a manual, that somebody in AimBig was starting to pick that up, Miguel. Do you remember 25 that?

MZIA: Mmm.

30 MS EASTMAN: In early 2020, you provided some feedback on what should be in a training manual but you didn't hear anything more about that. You didn't hear what happened to your draft and you didn't hear what happened to any finalised training manual before you left. Is that right?

35 MZIA: Yes.

MS EASTMAN: The next thing about the program is where you were actually working, locations. So when you started - I think you dealt with this earlier - you thought you will be working in one particular location in a Rehab Management office. But, over time, where you did your work changed. And it sounds to me like you did a lot of driving in this time. 40

MZIA: Yes. A lot of driving.

MS EASTMAN: So as the - as your role expanded and you took on these particular responsibilities, you got involved in AimBig opening up a café. You were involved in starting 45 the pop-up stalls and also taking the program into AimBig's offices, not just Rehab Management. So this required you working in lots of different places, and some of these

places when you went to them, you were concerned about the safety of the set-ups. And I think in addition to driving, is it right that you spent a lot of time taping up cords with electrical - making sure the electrical cords were taped down, they were safe, they weren't running across tables and they weren't getting wet. Just things like that.

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MZIA: A lot of safety issue like that that I identified and they would say, "We will look at it." They were just simple, basic things that someone could see that needed to be fixed.

MS EASTMAN: And one thing which you were concerned about is having a training course for baristas in an office set-up where the machines were on office desks worried you: One, the space wasn't big enough. Two, you didn't have something that looked like a coffee cart; you had a - what looked like a domestic coffee machine. And you tried to improvise in the space that you had to make it look as much like a sort of coffee counter as possible. Is it right, you went into the shed and you found things in the shed?

15

MZIA: I can be very creative and you have got to be resourceful with what you have, and they weren't providing - at the start there should have been the whole program set up and the whole equipment there to start off with. So when you've got baristas training on a domestic coffee machine on a computer stand and it slips, and then you've got more participants coming in and - yeah, you needed more training space and, yeah. So there was a cupboard that came out of the shed.

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MS EASTMAN: You improvised with what was available to you.

25 MZIA: Yes, because they - -

MS EASTMAN: Did it look ultimately like a café? Or was it like an office with some things in it? What did it look like?

30 MZIA: They were office equipment that were utilised to try and be a training space. But obviously anyone can see it wasn't appropriate or safe. But no one was giving - or giving me or the program or the participants the equipment or the resources or the support to train them properly.

35 MS EASTMAN: So when the participants came in, they just came in to the office space and, what, you tried to make it look like the type of environment, like a café where they would actually serve coffee to people?

40 MZIA: Yes, like - like, where we first started on the first day and for a while there, we trained on the reception desk. So it was a small area. And as more participants came in, we needed more room. So we moved into the reception area away from the reception desk and trained on an old bench out of the - out of the shed at the office. And, yeah, just did what we could with what we had.

45 MS EASTMAN: Okay. Could I ask you about the café. So there was a plan to actually set up a BusyBeans café. You thought your job would be to train the participants to work in that

café. But towards the end of June 2019, you became a lot more involved with the new café, and there were things like getting the hot water connected, checking the power points, the dish washers. Just actually setting up the café. And you felt- -

5 Mr MOORHOUSE: Chair, I'm going to interrupt briefly, I'm sorry. Might I be heard?

CHAIR: Yes, you may be heard.

10 MR MOORHOUSE: Yes. I have been communicating with Ms Eastman's assistants about leading. Some of the issues are in dispute. I would ask Ms Eastman to not lead on issues such as the topic we are about to go into that are in dispute.

15 CHAIR: I don't think there is a difficulty about that. But I would ask Ms Eastman to give Mzia just the opportunity to respond to some of the propositions that are put, because they are not on the transcript. That would be helpful for that to occur.

MS EASTMAN: Chair, what I'm doing is taking Mzia directly to her statement.

20 CHAIR: I understand.

MS EASTMAN: And I'm covering those parts of her statement. She has said that the contents of her statement are true. So I'm not putting these to her as propositions but based on her statement. I can always ask Mzia to just read her statement, which will be to the same effect. I'm taking an approach that enables Mzia to be able to best give her
25 evidence.

CHAIR: Well, it's a matter in the end, I think, for you, but I can see sometimes that Mzia would like to say something. So it's a matter for you.

30 MS EASTMAN: Chair, I can say we are taking an approach with our witnesses where we have spoken to our witnesses in terms of what makes them comfortable and the way in which they would like to give their evidence. If Mzia has something that she wishes to say in response to the approach that we have agreed, then I'm sure she will.

35 CHAIR: Mzia, do you understand if you would like to say something, please feel free to do so.

40 MZIA: This is my story and it's the story of other people, other participants of BusyBeans. And this is my memory of it, and, yes, this is how - this is how I feel and what I remember of it.

MS EASTMAN: You will tell me if anything that I'm looking at in your statement is wrong or you want to correct.

45 MZIA: Yes.

MS EASTMAN: So you will tell me that.

MZIA: Yes.

5 MS EASTMAN: Shall I continue?

CHAIR: Yes, carry on.

10 MS EASTMAN: I was asking you about the set-up of the café. So while they were fixing up the café, your memory was that AimBig kept pushing up the date for public opening, and during the time were you not opening to the public, around six participants were still training in the café. You felt the café should have been set up before you started training participants in a café that was not open to the public. Is that right?

15 MZIA: Yes.

20 MS EASTMAN: One of the other roles was café pop-ups and the pop-ups meant that you were a mobile café. You went around to schools or local businesses. And that meant setting up a small coffee stall, and sometimes you would organise commercial coffee machines to be loaned from other companies to use with the pop-ups. So that was part of the work that you did. Is that right?

MZIA: Yes.

25 MS EASTMAN: Now - and we have covered doing some work in the AimBig offices. Now, Commissioners we were going to schedule a break, and I think we were planning on a break of 10 minutes just to give Mzia a break. And then we will come back and we will complete Mzia's evidence, if the Commission pleases.

30 CHAIR: Okay. Is that okay with you, Mzia? We will take a break now. It's just after 25 past 2 so I think we will resume at 20 to 3 Sydney time.

ADJOURNED 2:26 PM

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RESUMED 2:47 PM

40 CHAIR: Yes. Thank you Mzia. I will ask Ms Eastman to continue.

MS EASTMAN: Mzia, the lawyers representing AimBig and Rehab Management have asked me to ask you this question: can you confirm that you could claim mileage in relation to any driving you did for the job?

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MZIA: Yes.

MS EASTMAN: Before we had the break, you were describing some of the offices. So I was taking you to that part of your statement where you were describing the office layout. And there are some photographs in the hearing bundles for the Commissioners. And these are
5 photographs provided by AimBig. And you have had a look at those photographs - and we might put those photographs up on the screen, and I will ask you if you can describe what you can see.

But remember we are not identifying any particular location or region by name. So,
10 Commissioners, you will see that the first photograph is up on the screen. Mzia, what can you tell us about what we can see in that photograph?

MZIA: Yes, that's the set-up that we have, and there's carpet partitions to - for participants that didn't want to be forward facing with the public.
15

MS EASTMAN: Okay. So the carpet partitions are those two grey partitions between the desk and the red signage. Is that right?

MZIA: Yes, if you look at the back of the photo is the back reception wall. The black desk is
20 a reception desk, and on the other side of that reception desk was where the first set-up for the coffee machine was for the barista training. And then we moved - moved it to these photos.

MS EASTMAN: All right. So can we turn to the next photograph coming up. So you've got
25 that.

MZIA: Yes.

MS EASTMAN: Can you tell us what's in this photograph?
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MZIA: That is the old cupboard that - or - yes, cupboard bench that I found in the shed at the office. And that was the set-up. So, yes, that domestic coffee machine is on a computer stand and very slippery.

MS EASTMAN: Is there another two photographs that are in the material for the - sorry,
35 three photographs that are in the material for the Commissioners. Can we turn to the next photograph. Can you tell us what this is?

MZIA: Yes. That's just a different angle of the set-up. So, as you can see, it's another old
40 office desk and a whiteboard and another domestic Breville machine. On the front is just a coffee hessian bag for a bit of a decoration to make it feel like - like a coffee place.

MS EASTMAN: If we want to understand, where were the participants who were coming for the training, where would they go in this photo? Can you explain that?
45

MZIA: So because there is quite a few participants, some would start on the table at the back and learn how to dial in the grind in the morning, doing all the adjustments, and other participants would start, like, setting up the coffee machine in the morning and doing the same thing. But actually serving the coffee to the staff in the office.

5

MS EASTMAN: All right. Let's go to the next photograph. Now, that looks to me like a - fairly similar to the one we saw before. What can you tell us about this photograph?

MZIA: It's just a photo taken a bit further back. As you can probably see, there's - where the old cupboard, the bench out the front, you can see a white cord. That's like an extension cord.

10

MS EASTMAN: Okay. There is one more photograph, if we turn to that. And what can we see in this photograph?

15

MZIA: That's when we changed it around a little bit, and on the ground we have clear plastic chair mats and on the top is anti-fatigue mats. As you can see, they weren't very hospital - hospitality equipment; they were all old office furniture. You can see some hazards there which I identified at the start all along, simple things like the extension cord plugged into the powerpoint on the ground. That's an example of a trip hazard. And you do your best to try and fix those hazards.

20

And also the Breville coffee machines have a drip tray and you pull the drip tray out and - because there is no sinks and that around, you would have a plastic bucket where you tip the hot water into, and then you would have to carry that hot water through the office out to the back to the kitchen.

25

MS EASTMAN: Thank you for doing that. And, Commissioners, we will ask Mr Ting and Ms Romero about these photographs and what they can identify in the photographs and perhaps explain the set-up tomorrow. Right. Mzia, can I return to your statement, and I want to move to a different issue. This is part 5 of your statement, and we are now coming to the services AimBig provided to you - for you as a DES participant. Okay. So we are up to that part.

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35 MZIA: Yes.

MS EASTMAN: So when you chose AimBig to be your DES provider, JC-1, who we've talked about earlier, became your job coach, and you thought a job coach will be able to understand your ADHD, and other areas of your life, to help you with the goal of having a permanent job and a career. At the beginning, you didn't have any problems with JC-1 but this started to change when you started working at BusyBeans and JC-1 worked in the AimBig office.

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JC-1 encouraged you to come to her or the National Operations Manager if you had any problems, and you told JC-1 and the National Operations Manager about your concerns about the lack of structure in the BusyBeans program, the inadequate training

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environments, and your concerns for safety and the quality of the program for participants. JC-1 and the National Operations Manager would tell you that the problems would be fixed or that they were working on it, but you felt that things were not addressed or they gave you bandaid solutions.

5

As part of your job as the barista trainer, JC-1 would send you potential participants to interview for the BusyBeans program. You talk about your role in assessing the participants in the earlier part of your statement which we have addressed before the break.

10 Sometimes you decided that the participants JC-1 put forward for the program were not suitable, or there was not enough space in the program, but you felt that JC-1 was bullying and intimidating you.

Can I ask you this question: did you feel there was any problem with JC-1 being your job coach but also the job coach for the participants who you were training?

15

MZIA: Yes.

20 MS EASTMAN: In January 2020, a different - you had a different job coach, and that job coach asked you to sign a new job plan. So this is January 2020. And you refused to sign the job plan at that time. Did the new job coach explain why you had to sign a new job plan?

MZIA: I had to sign - sign to say I was receiving post-placement support. But I didn't sign it because I wasn't receiving it.

25 MS EASTMAN: You spoke to the Regional Manager and explained that you weren't willing to sign a new job plan because of what you say in the statement as post-placement support, PPS, issues. You did not feel that you were receiving suitable or adequate post-placement support, and you said you would sign a plan if the support was available to you that was suitable to your role and employment pathway. A few weeks later in February 2020, you
30 were contacted by a job coach relaying a message from JC-1 to the effect that you had to sign the job plan.

35 There was contact with JC-1 and, after giving her a basic outline of your situation, suggested that she contact the Regional Manager and you told JC-1 to contact the Regional Manager because you had already discussed your situation with that manager and you thought the Regional Manager would be in the best position to tell JC-1 what needed to happen about your job plan. And there was some email exchange around that. You said to the Regional Manager that you wouldn't be attending any more job coaching appointments with JC-1 because you felt there was a conflict of interest.

40

Was that conflict of interest about being JC-1's - JC-1 was supporting you but she was also supporting other DES participants who were coming into the BusyBeans program. Is that what you meant by conflict of interest?

45 MZIA: Yes, it's very hard to - to have a job coach where the job coach wants to place people into the program and they are pressuring you and, yeah, it's - there was a lot of

conflict there as a job coach shouldn't be working with - like, in the same role as - like a coworker. Yeah.

5 MS EASTMAN: This issue of post-placement support you've addressed in your statement, and in the first few months of your employment working at BusyBeans, you highlighted your concerns with JC-1 about being your job coach and you had said that you would prefer to deal with another person who we have described as PPSO-1, but that's the post-placement support officer. Can you tell the Royal Commission what did you want in terms of post-placement support?

10 MZIA: I wanted to speak to someone, like, confidential and have them to help resolve problems that I had and to be my advocate at work. I wanted them to fix the issues that I was having at work. But they didn't - that didn't really happen because there was no separation between the support and my employer. It was - the whole place was like - yeah, there was no defined roles or anything.

15 MS EASTMAN: By September 2019, I think you telephoned PPSO-1, so the post-placement support person, because you had some concerns about the structure of the BusyBeans program, including rostering, payments, post-placement support for participants and the safety of the BusyBeans participants. Do you remember doing that call?

MZIA: Yes.

25 MS EASTMAN: From around November 2019, you didn't receive any more post-placement calls. And by January or February in 2020, you told the Regional Manager you did not want to receive any more calls, but you weren't saying that you didn't want any post-placement support. You'd been clear about the support that you needed and you wanted something to be done to address your concerns about the program, but you just didn't want to keep talking about it any more. Is that right?

30 MZIA: Yes.

35 MS EASTMAN: In terms of, then, the request that you made for support and assistance in being able to do your job as the barista trainer, you have addressed this in your statement, and I want to take you to those parts. It is part of Part 6. When you started in May 2019, you were paid \$25 an hour. In July 2019 your pay was increased to \$29 an hour. And you were told this is because you had started to be responsible for managing other barista trainers and other participants. Right. So does this mean that by July 2019 you were no longer the only barista trainer? There were other trainers and more participants to be trained? Is that right?

40 MZIA: Yes, it eventually expanded further and further.

45 MS EASTMAN: And around this time - so when you had the pay increase - you were working more than 30 hours a week. You were recording your hours on your timesheet, and this is because you were spending a lot of time researching the DES system to understand it. You

were making training materials, including the manual. You were organising stock and equipment for the training locations. In August 2019, your Centrelink payments were cut off because of your earnings. What impact did that have on you?

5 MZIA: Security. Where - when you are in a casual job, it's - there is no job security. A drop of a hat, you can lose your job. And that Centrelink payment, when that gets cut off after, like, 12, 13 weeks, whatever it is, that security is gone. What if something happens and you're sick? And you can't go to work? What happens if you make a complaint and, you know, and it's not addressed and you don't receive any more work?

10

MS EASTMAN: Did that cause you any stress or distress?

MZIA: Yeah.

15 MS EASTMAN: One of the other issues around support and assistance is when you were employed with BusyBeans, you told them that you were interested in doing training and development, and the only training course you attended was to renew your Food Safety Supervisor certification. What other - did you do any other training at all when you were there?

20

MZIA: No. I - before I started at BusyBeans with AimBig, I highlighted I wanted to do a computer course. That never happened. And, yeah, I - all the way through, I asked for training and development that would be - like, beneficial, that will be able to help me do my job and, yeah, and nothing was offered. It was just all - all talk but no action.

25

MS EASTMAN: One of the other requests for support and assistance was to have a clearly defined position description. And you deal with this in your statement from paragraph 83 onwards. You had said that you had wanted to discuss having a definition of job roles and knowing what was required. You explained on many occasions that a clear position description was something that you needed to support your ADHD and your mental health.

30

And you remember being told at a meeting - this is around September 2019 - that - sorry, at that time that a meeting would be arranged to discuss the matters. You reached a point by October where you felt so overwhelmed your mental health declined, and you spoke to your general practitioner and told the GP you were struggling. The GP said you were unfit to work between October 29 and January 2020. And you were off work for quite a long period of time, but you still were in contact, from time to time, with people in the BusyBeans program. Is that right?

35

40 MZIA: Yes. I talked to my GP about the issues and I kept pushing through. But it got to a point where the more you raised issues and the more that you asked for help or support - not just for me but for the participants - the more you were pushed aside and forgot about. And the issues weren't addressed. And I ended up going off work with stress and, yeah, I returned in January.

45

MS EASTMAN: When you were on sick leave, I think you sent some emails to discuss when you would return to work and you asked for a position description to be finalised. And you also wanted to have a pay increase. Is that right?

5 MZIA: Yes.

MS EASTMAN: Do you remember receiving a draft job description by email in or around 25 November 2019?

10 MZIA: Yes.

MS EASTMAN: And do you remember being told that the position description will be finalised for when you would return in the new year. Do you remember that?

15 MZIA: Yes.

MS EASTMAN: You returned to work on 6 January 2020 and you tell the Royal Commission in your statement it seemed no one knew you were returning to work that day. Nothing was ready for you to work. There were no participants to train and there were no job coaches contacting you. On the day you returned to work your pay was increased to \$30 per hour but the position description was not finalised.

20 On that day you got an email saying that:

25 *"The company is currently defining the BusyBeans roles at all levels to ensure all parties have clear roles and expectations moving forward so we can make this program very rewarding and successful."*

30 You were still keen to get a position description and in your statement you talk about a number of conversations that you had throughout February. And I won't go into them in detail, but they are in your statement.

35 MZIA: It was a very important thing so I knew exactly what job I had to do, how to do it and to minimise conflict with other co-workers and just a clearer understanding. Where you just have barista trainer written on a piece of paper, it doesn't help.

MS EASTMAN: Yes. You got to a point, didn't you, that if you had not heard anything by 2 March 2020, either from AimBig or Rehab Management, about the position description, that you felt you had to send an email to two fairly senior people asking them if there was an update on the position description. And you didn't get a response from them at the time you needed. Is that right?

MZIA: Yes.

45 MS EASTMAN: So later on, on 2 March, you resigned from your employment and you tell the Royal Commission this:

"I could not continue working while the issues remained unresolved. Because the uncertainty was impacting my health. I did not want to put my name to a program that was hurting participants the way BusyBeans was."

5

And you have given the Royal Commission a copy of your resignation email. That was a pretty tough thing to do, wasn't it, to resign?

MZIA: Yeah. It was - all these things should have been - all policies, procedures, job descriptions, everything should have been put in place before they had a first participant in BusyBeans. This should have been all organised at the start, and I kept asking for the support and help, not only for me but for the participants, for issues to be fixed, and I just kept listening to what they were saying. "It will be all right. We will fix it. We are looking at it."

15

And you just kept believing them and you keep pushing through, and you're off work because of work-related mental health issues that - what they have impacted on you and you still return because you don't want to give up. You want to give it a go. You believe that they got this - this job that they keep telling you about and they are going to give you all that support.

20

But you get to a point where you just - you have realised it's the same lies, the same made up story, the same, "Yeah, we are looking at it. We are going to fix it." But you know what, it doesn't fix it. Look what it's done to me.

25

MS EASTMAN: Can I ask you this: you resigned from your employment. When you resigned from your employment, did you - were you resigning from AimBig as your DES provider at the same time?

30

MZIA: How do you resign from a DES - as a DES participant? I don't know. I thought I was leaving AimBig, but then I needed help finding another job.

MS EASTMAN: You didn't understand when you resigned from your employment that you were also, in effect, leaving AimBig as your DES provider. You did contact someone on 4 March seeking advice as to who you could name as a referee, but also what options there would be for training courses. You didn't want to burn your bridges, and you were worried that you were now unemployed. You received a response to that request. You got some recommendations about who your referee might be.

35

But you were told in that response from a senior person in AimBig that she did not know who your job coach was and that maybe a particular job coach who you had dealt with might be able to assist. You've told the Royal Commission that you didn't receive any response in relation to your request for options for training courses, and you then exited AimBig as your DES provider.

45

You tell the Royal Commission, after your experience, you don't want to be involved with a DES provider again. You have said to the Royal Commission that your life and mental health is still affected by what occurred while you worked at BusyBeans. You have been certified as unfit for work, and you feel triggered engaging with DES providers. You've lost your trust in employers. If you feel you would like to, do you want to tell the Royal Commissioners how you are now and what's been the impact on you?

MZIA: I raised my issues of things not only with the company but with outside places to report complaints. I've never heard anything from them. Nothing got resolved. I'm still getting pushed through a system where I'm not getting listened to. I know what support I need. I need someone to resolve the issues that are wrong with the system. I need practical support. Not a job plan. I do not have a job plan and look for 20 jobs a month. That is not going to help me. I need practical support.

Like, I need help with my computer. Going to a job coach doesn't help that. It's not only impacted me; it's impacted my kids. I - my - what I have experienced through job providers and through working at BusyBeans, I do not want anyone with disability to experience the failed program that has a lack of supports, that do not understand a person with disability, what is going to support them. I - I do not want anyone to go through an abusive, badly structured system of Centrelink and whatever names you call it, and job providers and these companies that say they are going to support people with disability.

Because what you see on the outside, I tell you what, it's not what's happening on the inside. If you could see my mind, my broken heart, my broken life - there is no way I will ever have a job provider and no way will I trust an employer like Rehab Management and AimBig again.

MS EASTMAN: What do you see for you in the future?

MZIA: Positive change. There is problems in the system. Yes, there is - sometimes there is errors, but these errors need to be identified at the start. If someone makes a complaint or report, it's followed up. It's not pushed aside. These issues are resolved at the start so it doesn't snowball, snowball into a bigger issue. I would like to create positive change and, you know, if I make one small change, then telling my story is why I'm here.

And I hope other people with disabilities out there, if they have experienced situations, whether it's in group homes, jobs, environments, job providers, anywhere, speak up. Someone will listen. You might contact a number, you might speak to someone, they might brush you off. Try again. Reach out. There is people out there who will listen to your story. You do not have to go through this.

The - it can be a better system. And it's about all these government agencies, job providers, companies all coming together and going, "Okay, this works. This doesn't work. This is right. That's not right. Let's throw all our ideas together and do some trial and errors. Yes, that bit worked, that didn't." Make some change instead of talking about. You've heard it for years, how bad the system is and you keep getting pushed through these systems. Start

taking action and making the change. Listen to the voices of people with disability and what they need.

5 MS EASTMAN: You have talked about being person-centred and the Royal Commissioners heard this morning from some advocates for young people with disability about the importance of being person-centred. What does person-centred mean for you?

10 MZIA: So this is how I see the system at the moment: I don't have a name. I'm defined by a number, and there is multiple departments that have boxes. Each department wants me to fit in a certain box. These departments don't talk to each other, and they don't work together. Each decision that you are - they make, you have to suit their system, their box-ticking system. What needs to be changed is how - is the focus is switched.

15 It's centred on a real person, a real person with a name. A real person that has so much meaning and life in them and has - they might have a disability, but a disability is a strength. And when you look at that real person with that real name and you look at the whole picture, you don't just look at, oh, they have got to work eight hours benchmark because that defines this box-ticking system.

20 You look at the real person and go, "Okay. What's happening in all your life and the whole picture?" And then that person in a whole inclusive society where they can reach out to supports and they have choice and control of what supports will be best for them, to support them in their life. Because when someone doesn't know you and they just look at words and numbers on a piece of paper, and they are making life decision choices for you, and they are ticking boxes, they don't understand the impact that has on the participant, on
25 the person.

30 You need to focus it back to the person, real, centred person, and let them have choice and control of what they feel will be best for them and open up opportunities of more practical support. None of these box-ticking systems of ticking boxes because that's what's in a job provider, eight-hour benchmark and 15-hour benchmark. Real practical supports. And let people with disability shine their strength and let them - people with disability show how amazing they can be.

35 MS EASTMAN: Mzia, thank you for sharing your experiences with the Royal Commission. I know you've got a lot of recommendations and suggestions for change and I think you are going to write them down and we will be able to provide them to the Commissioners following this hearing.

40 MZIA: Three-day hearing. I don't think we have a five-day hearing. It will take at least another two or three days for the recommendations.

45 MS EASTMAN: But we are very grateful for you coming to the Commission, and we understand that talking about DES and DES providers is difficult. So thank you for your evidence this afternoon. Some of the Commissioners might want to ask you some questions

but I also, Chair, forgot to remind you that Cathy Hunter, who is Mzia's lawyer, I understand, is online, and I apologise that I omitted to give her the opportunity to make her appearance.

5 CHAIR: No, no, that's all right. I forgot it as well. All right. Mzia, do you mind if I give my colleagues the opportunity to ask you a question. Is that okay?

MZIA: Yes. Yes.

10 CHAIR: Firstly, I will just take the appearance of your lawyer. It's just a formality. Yes, Ms Hunter, would you be good enough to announce your appearance?

MS HUNTER: Yes. Commissioner, can you hear my voice?

15 CHAIR: Yes, we can.

MS HUNTER: Thank you. I seek leave to appear for Mzia in proceedings before the Commission today.

20 CHAIR: Yes. Leave has already been granted. It's just a matter of your appearance. Thank you very much.

MS HUNTER: Thank you, Commissioner.

25 CHAIR: What I will do, Mzia, is I will now ask Commissioner Galbally, who I think you can - I don't know whether you can actually see on the screen. Have you got a screen there?

MZIA: Yes.

30 CHAIR: You can? Okay. I will ask Commissioner Galbally if she has any questions to put to you.

COMMISSIONER GALBALLY: Thank you very much for your evidence and no questions. Thank you.

35 CHAIR: Thank you. Commissioner Mason.

COMMISSIONER MASON: No questions, Chair.

40 CHAIR: All right. Thank you very much. Ms Hunter, is there anything that you wish to say at this point?

MS HUNTER: Not from my part, no.

45 CHAIR: All right. Thank you very much. Mzia, I would like to echo what Ms Eastman has said. I know and my colleagues know that it's not an easy thing to come and give your evidence and tell your story at the Royal Commission. But you have done that. We deeply

appreciate you coming to the Commission and telling us your story and giving us the benefit of the experiences that have been recorded in your statement. So thank you very much indeed. Thank you.

5 MZIA: Thank you for the opportunity.

MS EASTMAN: Chair, I might just make one observation.

CHAIR: Yes.

10

MS EASTMAN: In the Royal Commission the rules of evidence don't apply but rules of procedural fairness do. Sometimes lawyers use a shorthand expression *Browne v Dunn* and we have assured the parties participating in - -

15 CHAIR: Reported in volume 6R, as I recall.

MS EASTMAN: Without going into the details of *Browne v Dunn*, we have assured the parties in relation to this particular case study that there will be no taking of *Browne v Dunn* points, and our learned friends understand that if there was to be any questions they wished to ask of Mzia that they would need to make an application for leave to do so through you. And I understand, unless the situation has changed in the course of the afternoon, that none of the parties have any questions by way of, again, using a more traditional legal expression, "cross-examination". If that's right, could Mzia please be excused?

25

CHAIR: Yes, of course. On that basis, thank you again, Mzia, and you are now excused as a witness which means you are free to go. Okay. All right. Thank you.

MS EASTMAN: Commissioner, that means we have completed the evidence for today. Tomorrow, we will resume at 10 am, and Ms Dowsett is taking most of the witnesses tomorrow, and we will hear from representatives of AimBig, Rehab Management, and TLH, if the Commission pleases.

30

CHAIR: Thank you very much. All right. We will adjourn now until 10 o'clock Sydney time tomorrow, that is, Thursday, 24 February. Thank you very much. We will adjourn until then.

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HEARING ADJOURNED AT 3:26 PM UNTIL THURSDAY, 24 FEBRUARY 2022 AT 10 AM