



# The Australian Journal of Community and Disability Practitioners

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Issue #2 - Spring 2021



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

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*This edition of the Journal  
is dedicated as a tribute to  
the life of Lina Cabaero*



## VALE LINA CABAERO

It is with great sadness that I tell you of the passing of our very dear friend and colleague, Lina Cabaero.

Lina was the much loved and respected Coordinator at Asian Women at Work for twenty years; a community-based organisation established to support and advocate for Asian women workers who often experience significant injustice and exploitation.

As a mark of the great respect in which she is held, tributes to Lina have come from every part of the community sector and the union movement, as well as from political leaders around the country.

Lina played a huge part in the ASU for more than two decades. As the inaugural chair of the Union's Migrant and Settlement Services Sub division, Lina was an ASU Equal Pay warrior, helping us to win, then save Equal Pay for hundreds of thousands of community workers across the country. As a member of the ASU Committee of Management, despite her health issues, she continued to participate in meetings of the Branch Executive, SACS Committee of Management, Sub Divisions, lobbying delegations, activist events, SACS and Branch Councils.

Lina also provided inspirational leadership to the sector through her role at Asian Women at Work. She was a fearless campaigner, with unlimited energy, never tiring as she worked to highlight issues confronting migrant women workers in Australia. She led campaigns to change workplace laws to provide protections for workers in precarious employment and those working from home during the current pandemic. Lina's colourful leadership in the One Billion Rising movement inspired us all.

In recognition of her enormous contribution to the community sector and to the union movement, Lina was awarded the prestigious Fran Tierney Award in 2020.

Lina's life and work has moved and inspired us all. We have all learned from her skills, patience, commitment and generosity.

I extend to Lina's family our love and support. While we will all miss her, there is no doubt that the world is a far better place for her being here.

**Natalie Lang**  
Branch Secretary



## IN HER OWN WORDS, BY LINA CABAERO

The University of the Philippines was the bastion of student activism in the Marcos era. When I got accepted there, my father said two things. He said, I will allow you to study there but you must never be an activist, and you must not have a boyfriend until you finish your studies! I think I broke both of these rules at the same time.

I was studying to become a veterinarian, in my 4th year of a 6 year degree. This was at the tail end of martial law, so the students were very, very active, and classes were always being canceled because there were demonstrations happening. One day, when there were no classes yet again, I said to my friends, why don't we join them and see what happens? Well, that mobilisation got attacked by the police. I got so mad. We were protesting peacefully, and I couldn't believe the police were attacking us instead of protecting us. From that day on, I started to question what was happening in my country.

Then I decided to stop studying to become a full time activist. When I told my parents - oh my god - my Dad came from the province and forcefully took me back home! For two weeks, I did not speak to them, but every single night I wrote them a long letter explaining to them what the problems were in Philippine society - imperialism, feudalism, bureaucrat capitalism. Finally, my father said, OK, enough of this, you can go, but don't expect me to support you financially. I said, That's OK, the people will support me!

So off I went back to university. I changed my major to Political Science, but I was so enmeshed in the student movement, my studies weren't really my priority. At that time, in the early eighties, there were a lot of human rights violations, a lot of killings of people who criticised the dictatorship. We went all over the place - to picket lines, to rallies, or to stay with the farmers or the urban poor to see what life was really like, all the time living in a variety of different houses and supported by the community. I was also part of a street theatre group which did what were called 'lightning plays' at markets or bus stops - a very short, quick, but precise play that gave a message and then we ran, because the police might be coming after you.

Next I became a member of the League of Filipino Students, which was the largest and the most militant student group in the country, and from there, I was elected to be in the Secretariat of the Asian Students Association (ASA) based in Hong Kong, where I lived for 7 years. I met my husband there through work. He was from a Sri Lankan family who lived in Australia, and after we got married, we decided to move here in 1998. Of course, I wanted to do something meaningful here too.

In 2001, I started working at Asian Women at Work, and I've been there for 14 years now. We work with migrant women in low-paid employment - those who work in nail and beauty shops, or factories, or who make clothes from home. Most of them are exploited in some way, usually underpaid, and don't know their rights. Also, when they arrive, they can't study English because they need to work straight away to support their families, so they often become isolated. And some of them work very long hours, or have to work two jobs, and this can impact on their relationships, so they get very stressed.

We run group activities such as tai chi, singing, dancing, calligraphy, painting, and drumming. Instead of telling them to come to a seminar about their rights, we invite them to come and do something which will relieve their stress and help them to make friends, and then they start to trust us, and to open up about the issues that they have, and that's how we help and empower them. Then they can advocate not only for themselves but for others.

Although I only get paid for 20 hours a week, I work every day in actuality, because we never switch off our phones, and there's always so much to organise, and so many events to attend, but that's the reality of our community work. Luckily, I'm good at multitasking!

And I love it. It's so rewarding.

### Lina

The Philippines  
Arrived 1998



*The original article was posted on  
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The editor of this article is Nicola Gray of  
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# We Still Must Talk About and Act on Poverty

*Author: Narelle Clay*

I would like to begin by acknowledging the work done by the ASU and by all unions with their members towards a fairer and more just society for all.

I work for Southern Youth and Family Services in Southern NSW - Wollongong south to Bega and also in the areas of Goulburn, Queanbeyan and Cooma. We also deliver one State wide program which is the distribution of a small one-off allowance to young people leaving care. We provide social housing and homelessness services, family support services including counselling, mediation, restoration and reconciliation with families, education, training and employment support, crisis intervention, services including emergency and short-term placements, youth health services and out of home services for young people in the care of the State. We primarily support young people, their siblings and children, families and also adults and families experiencing homelessness.

There is a lot of talk about homelessness and a lot of talk about housing affordability yet there is very little talk about poverty and make no mistake poverty is one of the major causes of homelessness.

Not only is there a growing gap between rich and poor, but alarmingly, the number of people living in poverty is increasing.

In 2020, a report by ACOSS and the University of NSW, *Poverty in Australia*<sup>1</sup> told us that Australia has the 16th highest poverty rate out of the 34 wealthiest countries in the OECD – higher than the average for the OECD; higher than the UK, Germany and New Zealand. That report found that are 3.24 million people (13.6%) living below the poverty line of 50% of median income – including 774,000 children (17.7%) and 424,800 young people (13.9%). The report further found that:

- More than one in eight adults and more than one in six children are living in poverty.
- Many of those affected are living in deep poverty

While of course, we cannot discount the impact of the COVID pandemic, the truth is that even before we had heard of COVID, rates of unemployment, poverty, homelessness and hunger were increasing in NSW and more broadly across Australia.

Although we are now in COVID lockdown in many parts of Australia, according to the NSW State and

Federal Governments, the economy is bouncing back. Yet unemployment and underemployment remain persistently high, with only one job available for every 10 people who are out of paid work or who want to work more hours. Of great concern is that despite what those governments tell us about the economies 'bouncing back', Australia now has one of the highest rates of precarious employment in the OECD.<sup>2</sup> Insecure work leaves a large section of the workforce not sharing in our national economic recovery. These workers have inferior rights, entitlements, and job security as well as lower wages growth. It makes it tough for working families to plan for their future when they cannot rely on regular incomes, but have rising household costs, and are shouldering more and more household debt.

The economic downturn and more recently the economic recovery, has been dominated by insecure work. Australians are being forced to work two or more jobs. For many, this is not a matter of workplace flexibility but one of economic necessity. We now have the highest proportion of Australians working two or more jobs in the history of Australian Bureau of Statistics (ABS).<sup>3</sup> We have seen the fastest expansion in the number of Australians working two, three or more jobs in the history of the ABS Labour Account. The growth of secondary jobs highlights the impact of stagnant household incomes, the decline in traditional full-time permanent employment arrangements and the shift towards insecure work arrangements.<sup>4</sup>

The impact of an insecure income is devastating for everyone. However, it is particularly devastating for young people who may have no family or other supports to enable them to find housing, food, clothing, medical care and the other forms of security that we would hope a country like Australia could and would provide for everyone. Poverty, low incomes including low pensions and benefits, homelessness, unemployment and underemployment are barriers to economic growth. We all know if there was increased disposable income, more money would flow to the market and there would be a knock-on effect in the economy. As former Senator Doug Cameron told us repeatedly and very strongly, as only Doug can, "inequality and poverty are not just morally wrong but also a drag on our economic growth".

I have been working as a youth worker in various roles for more than thirty years and it is immensely disappointing that despite the best efforts of advocates and lobbyists, there has been very little real effort by

any Government in more than three decades to address poverty. The one exception was Bob Hawke's promise that "no child would live in poverty". There was some success with the strategies implemented around this promise.

However, it seems that for any of the major political parties, suggesting raising of pensions and benefits is still considered "political suicide" but offering tax cuts and other strategies to business is seen as good economic business. We saw this most recently when ACOSS led the campaign to 'Raise the Rate' of social security payments, including payments to young people and the unemployed. For some who participated in this debate, it was not the moral imperative, but the economic argument: The Business Council of Australia and some prominent Coalition politicians acknowledged that the rate of social security payments had not increased in real terms since the Keating Government in 1994, forcing people to live below the poverty line – and therefore unable to participate fully in the economy. More recently, and we would all welcome this I am sure – the ALP has said the Newstart is too low and at least they have committed to a comprehensive review of the adequacy of Newstart. However, I would be happier if the ALP would say Youth Allowance and Newstart – and all pensions and benefits are too low and they should commit to a strategy to reduce poverty which includes increasing these payments. That's what we need if we are to start making a difference.

For the young people I work with, who cannot return to their family home, and who do not have a secure, full-time, well paid job, poverty is something they contend with every day.

Poverty is cyclical, and current wealth determines future wealth which means young people who experience poverty have to work harder against the odds to obtain the same opportunities in life that other young people have. It means without dedicated effort to increase low wages and benefits, to create full time, secure and fairly paid work and address the high costs of housing, a large percentage of young people are condemned to a future of poverty. This is not what most people want for our children.

Our agency works with young people and a substantial number are experiencing poverty, and homelessness. Young people who experience poverty are more likely to become homeless, be abused/neglected, be placed in Out of Home Care (if they are lucky enough to get into Care), and/or be involved in the justice system. Many are Aboriginal, some are new arrivals to this country, some are young parents. Some also have a physical/intellectual and/or mental health disabilities.

We worked with approximately 5,200 young people in the last financial year. 88% cited financial difficulty as a significant problem. 68% stated they had an inability to obtain housing because of their low income.

Approximately 75% were older than 15 therefore in the labour market age but only 3.4% had a full-time job and none had a long-term secure job. 5.7% had casual or non-secure part time work.

The vast majority of young people we support, who do start getting work only get casual work and often have to work two or three casual jobs to make ends meet. They are then penalised when they are not available for offered shifts because they are at the other casual job. It's a wicked cycle. These casual jobs are often short term, and we know the attacks on penalty rates by the recent changes supported by the Federal Government affect the sort of casual work that young people are obtaining, particularly in the retail and hospitality sectors where many young people find their first job.

The Australian Survey of Education and Work (SEW) conducted by the Australian Bureau of Statistics (ABS) each year demonstrates that people with higher levels of educational attainment are more likely to be employed. Young people in poverty therefore need access to education and training in order to gain employment. Unfortunately, young people in poverty have decreased rates of access to vocational education and training, such as TAFE and poorer educational completion rates. This is due to personal/social barriers and because the non-vocational needs of young people are not being adequately facilitated by mainstream education and training programs. We also know that with the privatisation of the training system the devastating under resourcing of our TAFE system, and the increased "user pay" approach by Governments, the cost of training is out of reach to many.

Even if they were lucky enough to get a real estate agent to rent to them, the average rent, in a regional area like Shellharbour Local Government Area of the Illawarra would take almost all of the social security benefits for which most young people would be eligible. In metropolitan areas, or in the major cities, finding affordable rent is simply out of the question. In fact, in April 2021 it was reported that only three properties in all of Australia were affordable for a single person on JobSeeker.<sup>5</sup>

The recent federal and state budgets were a huge disappointment – absolutely wasted opportunities to not only address the growing rate of homelessness in NSW and Australia, but also to make a positive and constructive contribution to job creation.

Homelessness support services across the country have reported skyrocketing demand for help. The executive officer of advocacy group National Shelter, Adrian Pisarski, said that housing affordability is the worst that he has experienced in 40 years

The latest data on national rental rates from property analysts CoreLogic showed rents rose by 3.2 per cent over the first quarter of 2021, the largest quarterly increase since May 2007. According to the Tenants

Union of NSW Rent Tracker tool, in NSW excluding Sydney, rents have risen by an astonishing 11.1 per cent in the 12 months to June 2021. In some regions such as Richmond-Tweed and Coffs Harbour-Grafton they have risen by more than 18 per cent, causing immense pressure on the housing system as rental vacancies become virtually non-existent.<sup>6</sup>

Yet there is no plan and as the recent state and federal budgets have demonstrated, no commitment to addressing affordable housing. The federal and state governments both say it's the other's responsibility and meantime, the federal government pours millions of dollars into Home Builder grants for people and businesses who can afford expensive renovations – but not into building homes for young people who have nowhere to live. For a government that talks about 'family values' this is hard to explain.

This environment of rising income inequality, the increasing casualisation of the labour force and the erosion of penalty rates and conditions, are serious causes of increasing poverty.

Our existing welfare arrangements for transition to work programs do not properly support young people to move to independence. The current arrangements force young people live below the poverty line, perpetuating cycles of crisis, and do nothing to challenge the structural causes of poverty and unemployment. Mutual obligations are punitive in nature and suspensions of welfare payments disproportionately affect already-marginalised people including single parents, people with disabilities, and people from culturally and linguistically diverse backgrounds.<sup>7</sup>

Once young people are looking for work, there are no tailored employment programs which address vocational and non-vocational needs.

We know the current system not only leaves it very open for employers to take advantage of young people but also encourages it with free work trials being attached to various training courses.

We also know of the massive exploitation of young people by some employers, and I acknowledge the great work done by unions on this issue. A number of employers have been exposed and a number of young people have received back-pay. But there is so much more to be done – there needs to be an improved culture around employing young people and paying them properly. One of things that is needed is greater education for young people about their rights, about unions, about how to tackle these issues when they are faced with exploitation.

I have one good news story that I would like to share with you: A young woman in our service, aged 22 years, who had experienced significant mental health and addiction issues, was estranged from her family and in a bad way. With support, and her own courage she completed a

detox and rehabilitation program, and her goal was to get a job. We employed her in our social enterprise café 3 days a week. She has done great and has turned into a fabulous baker. She wanted more work and applied for another café job and was interviewed. She was offered the job but as cash in hand and at \$12 an hour. She told me she was very nervous, but she very politely said she would like to be "on the books" and pay tax. She also told the café owner she earned \$22 an hour with us and could they match that. The café owner was a bit taken a back but agreed although reduced the initial offer of hours. The young woman was so proud of herself and to be honest I was bloody proud of her too.

So, what are the answers to these complex problems?

First, we have to accept that we definitely can and do need to do more as a civil society to intervene to break the cycle of poverty.

While researchers disagree on the relative contribution of different responses – not least because they are all inter-related – the search for effective responses is still at an early stage, and international organisations like the Organisation of Economic Cooperation Development (OECD) and the International Monetary Fund (IMF) are advancing very broad recommendations such as the prioritisation of education and training.

However, both organisations clearly agree about the need to do more to address income inequality. This has increased substantially in many OECD countries over recent decades. Australia is not the worst country but sits too comfortably within this list.

A central challenge for 21st century capitalism in this context is to generate jobs in a global society that offer adequate rewards for workers and underpin a sustainable standard of living. Our response must promote inclusive economic growth, for the disadvantaged and especially for young people, and these opportunities must be available in our own local economies, particularly rural and regional areas. This discussion is local and not just part of the international narrative between advanced and emerging economies.

It is clear we need to take more action. A great current example of young people taking collective action is the Better Read than Dead bookshop in Newtown, where workers and the Retail and Fast Food Workers Union (RAFFWU) members have been locked out by their employer after they voted to go on strike to gain permanent jobs. It is the first time that retail workers (outside of meat workers) have taken strike action in Australia in fifty years.

The other is encouraging the growth of anti-poverty and welfare activist groups like the Anti-Poverty Networks and the Australian Unemployed Workers' Union (AUWU), and local mutual aid groups that have grown in response to the pandemic. Many of these groups have been instrumental in campaigns to lift the

rate of Jobseeker etc and provide important places for young people to encounter progressive political values that will lead to a fairer society.

As well as concerns about equity and fairness, income inequality presents a major threat to long-term growth and prosperity. I believe action is needed and that there are solutions and they do cost money but in the long term it will help stimulate the economy and help young people prosper.

Most importantly, we also need to find policy levers that sustain high employment without having to accept that much of it will be at low wages. We have to create long term, full-time and decently paid work for young people (and for those young who cannot get a job we must ensure their benefit is paid above the poverty line and they can afford housing until this is possible). Let's never forget that young people have a right to safe and decent housing, and a right to work and be paid fairly so they can live in an environment that is safe, healthy, and allows them to thrive.

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

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

# The NDIS – A Six Ringed Circus Without A Ringmaster?

Author: Natalie Lang



We are all committed to making the NDIS the best that it can be. This is our passion.

When we say that we want the NDIS to be the best, we mean that we want an NDIS capable of delivering safe, quality services to participants. As professional disability workers, we know that a stable sector, founded on a stable workforce is the only way to ensure that NDIS participants have access to the best services, delivered at best practice standards.

Without workers being prepared to commit to a long-term career in the sector, the stability of the sector and the security of NDIS cannot be assured for participants. To commit to a career, those workers need to know that they have secure jobs and entitlements, are classified and paid at the right rate and are respected for their professional qualifications, skills, expertise, and experience – just like any other professional worker in any other sector. Like any other sector, professional disability workers also want access to affordable, accredited, and specialist training, so that they can continue to upskill, to keep pace with the changing knowledge in our sector and the changing needs of their clients and participants. Surely this is not a big ask – workers in the disability sector want to be the best that they can be, so that they can deliver the best quality service – which is of course the promise of the NDIS.

This is why the ASU has been campaigning for a Portable Training Entitlement as an essential element

in professional career development for the disability sector. We need a portable entitlement that recognises both the need for training and the fact that in a highly casualised workforce, those workers should not have to choose between being paid for a shift and committing to professional development.

The campaign for a Portable Entitlement Scheme is founded upon research undertaken by the Australia Institute, Centre for Future Work. This research has been reinforced by the most recent findings from the Department of Social Services and the Human Services Skills Organisation, as well as other ongoing research – all of which show us the lack of career opportunities, the insecurity of employment and the lack of professional development opportunities and support are major factors that are leading people to either choose a different profession at the commencement of their career, or leave the profession if they are currently working as a disability worker. Unfortunately, while all these researchers can point readily to the cause of the problem, they have not been so forthcoming with relevant solutions.

To date, there is a lack of a serious commitment by government to a workforce plan that would genuinely deliver meaningful sector careers and well paid, well valued secure jobs. What we are seeing is what could be described as a ‘cosmetic’ response by government to this information – a lack of substance limited by not focussing on how all players in the NDIS coordinate their efforts and use the levers available to them to

deliver secure jobs and valued careers. They are talking about running advertising campaigns to attract people to the disability sector rather than prioritising investing in what we know are the real and practical long-term solutions in the best interests of both NDIS participants and workers. Despite its promise, and the extraordinary commitment of workers in the system, and the hopes and aspirations of participants and their families, the NDIS is simply not delivering. Siloed tinkering around the edges will not change this.

In part this is the inevitable outcome of large-scale risk shifting by some employers, who blame ‘choice and control’ for not providing secure rosters or shifts to workers. Despite recent wins in the Fair Work Commission on this issue, we are still seeing some larger employers arguing that they should not have to provide certainty to workers in their shifts or rosters and that they cannot possibly commit to minimum engagements of two hours. With this lack of commitment to their workforce by some employers, how can we possibly say that there is a real commitment to the NDIS as a long-term stable proposition? Why would anyone considering a career be attracted to the disability sector with such uncertainty?

How can participants and their families feel secure in this system – not knowing if the worker in whom they have placed their trust will be there for them in the long term – because they might not be able to afford to stay in this sector and pay their own bills? How does this approach support a diverse sector, where workers are able to access the training, they need to fulfil the needs of their clients and build a sector rich in skills, experience, and diversity?

We know it does not.

Of course, the ASU does not have a history of failure. We have never been prepared to look at something that is not working and say ‘Oh well... too bad...it’s just not working...’

We have approached all of the major players in the system – the funding bodies, the regulators and the policy directors – to try and bring together all of the siloed “projects” about skills and workforce so that we can have one comprehensive response to ensure decent work in the sector. With each discussion we are heartened to hear that each of these groups agree that there is a problem, but frustrated when we propose comprehensive solutions that are met with a general response of “that’s a good idea but it’s out of our scope”

How did we get to this point? Well, right now we are operating under what I’ve been calling a six-ring circus.

Let’s unpack that idea. What do I mean by the six-ring circus?

I think it is always a good idea to start at the beginning. In the beginning, there was the NDIS Act of Parliament.

This is the piece of legislation that established the NDIS. The object of the NDIS Act is to enable Australia to meet our obligations under the United Nations Convention on the Rights of people with Disability.

The Act establishes a series of statutory bodies or authorities, and as an Act of the Federal Parliament, there is also a Joint Standing Committee, charged with monitoring the operation of the legislation, the NDIS and other matters related to the NDIS.

The NDIS Act is about providing all reasonable and necessary supports to enable choice and control to participants. It is also charged with ensuring the provision of the supports necessary to meet the individual goals and aspirations of NDIS participants. In order to do that, the legislation then draws upon or establishes a number of bodies and provides responsibilities to each of those bodies. These include the Department of Social Services, the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission. The NDIS is also influenced by the policy initiatives of the National Skills Council, and the Fair Work Ombudsman.

The second ring of our six-ring circus is the Department of Social Services. Now the Department of Social Services is a public service department, established, to serve the public by resourcing the Minister for Social Services. The department services and answers to the Minister. The public servants who work in the Department are responsible for policy development, research, collection of data and in turn providing that data and information to the Minister to form and inform policies.

The third ring is the NDIA – the National Disability Insurance Agency. It is an independent agency and not answerable to the minister. It has its own board. It has its own executive officer and is responsible for implementing the NDIS – the interface for participants. The NDIA approves support packages, and sets the price for services, then funds organisations to deliver those services according to the prices they set. NDIS providers invoice the NDIA, which in turn pays those providers for their service delivery to NDIS participants.

The fourth ring in our circus is the NDIS Quality and Safeguards Commission, which is a statutory body. They have regulatory and investigative powers. There is a Quality and Safeguards Commissioner and a Registrar. The Quality and Safeguards Commission registers providers. They conduct worker screening and are responsible for the NDIS Code of Conduct. They have also recently developed and published the Disability Sector Workforce Capability Framework.

The Quality and Safeguards Commission also has a compliance function: They deal with complaints about the types of services being received by an NDIS participant or complaints around potential abuse, neglect, or inappropriate conduct by service providers.

The Commission investigates and has the power to impose penalties against providers or workers, where they find the complaints to be upheld.

So, we have the Quality and Safeguards Commission, registering providers, screening workers, implementing and enforcing a Code of Conduct, but do they have power over the money to enable the Workforce Capability Framework or Code of Conduct to be properly implemented? No. Do they have the ability to influence the policy of the minister? No. Do they have the ability to regulate what qualifications are in the sector? No.

This brings us to the next, our fifth ring in the circus: the National Skills Commission. This is also a statutory office, advising the Minister on skills and labour markets. There is also a National Skills Commissioner, responsible for improving quality and access to vocational education and training, and then aligning those vocational skills and training to the needs of the labour market. Given that all of the research tells us one in five jobs to be created over the next three years in Australia will be in the disability sector – this is a very important role.

Right now, the National Skills Commission is conducting a national research project that will build a skills profile of what they call the ‘care workforce’. Alarming their definition of ‘care workforce’ includes the disability sector, the aged services sector, and veterans’ affairs. We know that this is not one homogeneous workforce, doing the same work and all needing the same skills and qualifications! Indeed, it is the unique Human Right based approach to disability services that is the very

foundation of the UN Convention and the establishment of our NDIS. It is essential that the unique skills of the disability sector are recognised and expanded, not watered down, for the NDIS to be the best that it can be and meet its promise! NDIS skills and qualifications should be focussed on delivering the supports and services necessary for participants to meet their goals and aspirations.

The sixth ring in our circus is the Fair Work Ombudsman, which in fact was not established under the NDIS Act – this is an entirely separate statutory organisation, but it plays a vital role in our circus because the Fair Work Ombudsman is responsible for providing targeted education about employment rights and advice to employers and to employees as they investigate and enforce breaches of industrial entitlements. Unfortunately, we have heard of instances where the Fair Work Ombudsman, has provided what is incorrect advice, based upon their simple reading of an Award, but with no consideration given to other important factors. I suggest that if the Fair Work Ombudsman was to consider the issues and detail included in the NDIS Workforce Capability Framework, they would have a much better understanding of the disability sector and the skills of the workers in that sector.

By operating in a silo ignorant of the wider NDIS, bad advice has the potential to further drive and entrench the foundation problems of the NDIS – undervalued, misclassified workers in insecure work, not having secure jobs and career paths leading to a workforce churn and turnover that is second to no other area of our economy.

Each of these separate organisations have responsibility over projects that have a massive impact on work and services in the NDIS.

What we have is an NDIS founded on six discrete and separate organisations that operate as silos. They seem to struggle to coordinate their projects and responsibilities and in turn struggle to take responsibility for overlapping issues. And what we have seen is this results in the complete breakdown of the entire system. Not least of all, it means a failure to address the needs of the workers who are committed to delivering the NDIS, and the participants, who are meant to be the winners in this elaborate arrangement.

This is why I have asked the question: Is the NDIS a six ringed circus – without a ringmaster?

The role of the Union has never been more important. As professional disability workers, regardless of where you work, or what you do, your role as an advocate and as an activist has never been more important.

As we have done before, we must work and campaign together in Union to advocate as professional workers, together with our clients and participants to make the NDIS the very best that it can be.

This article is drawn from a speech presented by ASU NSW ACT (Services) Branch Secretary to the ASU Disability Delegates’ Council meeting held on 4 August 2021



Natalie is the Branch Secretary of the Australian Services Union (NSW & ACT Services Branch). She has worked with union members in the Water, Transport, Airlines, IT, Private Sector and Social, Community, and Disability services industries for over 15 years.

Natalie organised workers in the ASU’s historic equal pay campaign which achieved wage increases of between 23% and 45% for social, community and disability workers. She has led the union movement campaign for universal paid domestic violence leave.

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

NDIS ACT				
<ul style="list-style-type: none"> <li>Reasonable &amp; necessary</li> <li>Choice &amp; control</li> <li>Supports to meet individual goals</li> </ul>		<ul style="list-style-type: none"> <li>Establishes statutory bodies</li> <li>Act of Federal Parliament</li> <li>Joint standing committee monitors</li> </ul>		<b>OBJECTS: To meet obligations under UN convention</b>
DEPARTMENT OF SOCIAL SERVICES (DSS)	NATIONAL DISABILITY INSURANCE SCHEME (NDIA)	NDIS QUALITY & SAFEGUARDS COMMISSION	NATIONAL SKILLS COMMISSION	FAIR WORK OMBUDSMAN (FWO)
Public Service Department	‘Independent’ Agency	Statutory body	Statutory Office	Statutory Agency
<ul style="list-style-type: none"> <li>Resources &amp; Advisors</li> <li>The Minister</li> <li>Responsible for Policy</li> </ul>	<ul style="list-style-type: none"> <li>Implements the NDIS</li> <li>Interface for participants</li> </ul>	<ul style="list-style-type: none"> <li>Regulatory &amp; investigative authority</li> </ul>	<ul style="list-style-type: none"> <li>Advises on skills &amp; labor markets</li> <li>Improve quality &amp; access to VET</li> <li>Aligns Labor markers, skills &amp; training</li> </ul>	<ul style="list-style-type: none"> <li>Targeted education</li> <li>Employer &amp; Employee advice</li> <li>Investigates</li> <li>Enforces</li> </ul>
<ul style="list-style-type: none"> <li>NDIS Workforce Plan</li> </ul>	<ul style="list-style-type: none"> <li>Sets prices</li> <li>Approves supports</li> <li>Approves packages</li> <li>Funds packages</li> <li>Pay providers</li> </ul>	<ul style="list-style-type: none"> <li>Registers Providers</li> <li>Screens Workers</li> <li>Code of Conduct</li> <li>Capability Framework</li> </ul>	<ul style="list-style-type: none"> <li>Care Workforce Labor Market Study</li> <li>Qualifications Reviews</li> </ul>	<ul style="list-style-type: none"> <li>Pay guides</li> <li>Advice</li> <li>Industrial instructions enforced</li> </ul>

# Aboriginal People Need Our Lives to be Valued, and Our History and Culture to be Known and Accepted

*Author: Meena Singh*

'Why do Aboriginal people offend so much?'

'How come so many Indigenous people end up in prison? Or dead?'

As an Aboriginal lawyer, I am regularly asked questions like these, and I understand why they are asked.

Governments on both sides of politics tell us that law-and-order policies combat crime; that by charging and detaining more people, by giving ever increasing budgets to police, by building more and bigger prisons, our communities will be kept safe.

But the evidence tells a very different story.

Keeping us safe starts much, much earlier.

Our health system knows this. Prevention is far better than treatment.

During COVID-19, the public health response has centred on keeping us safe by preventing the spread of COVID-19, because if we prioritise treatment more people will be exposed, get sick and die.

So why doesn't the criminal legal system use the same approach?

When I practised criminal law, I could clearly see the point in a person's life when things started to go wrong; when life spiralled out of control as one negative event – like losing a job or falling sick – led to another, and they became trapped in the revolving doors of the justice system.

Financial instability led to repeatedly moving for employment or cheap housing which led to children missing out on school.

Trauma from family violence or child abuse led to disconnection from family which led to homelessness and low self-worth which led to self-medication and criminal activities.

Any of these experiences could upend a life that was otherwise on track to be long and healthy.

With so much evidence reinforcing the connection between socio-economic disadvantage, trauma, disability, family violence and abuse with behaviour that traps people in the criminal legal system, we need to ask why society does not look after its most vulnerable better.

Thirty years ago, the Royal Commission into Aboriginal Deaths in Custody found that Aboriginal people were more likely to die in custody than non-Aboriginal people because we were more likely to be in custody in the first place.

Sadly, in these 30 years little has changed. Aboriginal people are still being locked up and dying in prison at alarming rates. In the month to Easter five Aboriginal people died in custody.

Right now, we represent 3 percent of the Australian population, but make up nearly 30 percent of the prison population. If non-Aboriginal prisoners were dying at the rates that Aboriginal prisoners are, there would be outrage. But, as we've seen too often, black lives truly don't matter.

Most of the 'events' that could upend an individual life 30 years ago continue to destroy Aboriginal lives today.

Why? Because of colonisation, and the racism at its core.

Too often colonisation is framed as something that happened over 200 years ago, implemented by people long since gone and felt by ancestors no longer with us.

But consider this. The very attributes that kept Aboriginal people strong for tens of thousands of years were the very things that have been systematically targeted, undermined and fractured since British arrival in Australia.

And they continue to this day, underpinned by racism and exclusion.

As long as we continue to believe the devastation of colonisation is only in the past, we can never heal.

The dispossession of land took away our ancestors' connection to home. Aboriginal people were moved away from the resources they used to stay healthy. The same land was given to white people to use and prosper from; to pass down to their children and create intergenerational wealth.

Policies to stop Aboriginal people speaking their own language prevented cultural practices and intricate knowledge being passed between generations. Meanwhile, new cultures and practices were introduced from foreign lands, often at odds with our cultures.

Aboriginal children who were removed from their families, were often abused and forced into slave labour. Aside from the trauma, this undermined cultural and familial identity and was often accompanied by the deliberate and sustained entrenchment of disadvantage through the denial of wages and exclusion from work.

All whilst white Australia prospered.

When a community sustains this kind of ill treatment for over 200 years, the trauma is long lasting and deep; it is passed down through generations instead of land and wealth.

It leads to the myth that Aboriginal people are inherently criminal. Until it is properly acknowledged as the source of Aboriginal overrepresentation in arrest rates, imprisonment and deaths in custody, our circumstances will not improve.

When people ask me why Aboriginal people offend so much, I try to look through their lens; to find the question they are actually – or should be – asking.

What keeps us safe, and what will stop more deaths in custody?

The answer most definitely is not the quick fix of big prisons and tougher bail legislation.

Instead, we need to invest in social and legal infrastructure that doesn't remove Aboriginal people from society, but supports us to engage and grow: education, family, housing, mental health and wellbeing support.

Aboriginal people need our lives to be valued, and our history and culture to be known and accepted.

This is the investment that lays the foundations for generations to grow stronger.

This is what keeps us safe.



Meena Singh is a Yorta Yorta and Indian woman, born and living on the land of the Kulin Nations. Meena is the Legal Director of the Human Rights Law Centre and is currently undertaking her PhD at Melbourne Law School, looking at how the experiences of women of colour as lawyers can impact on legal practice and knowledge.

You can read this article and more by Meena Singh at: [IndigenousX.com.au](http://IndigenousX.com.au)

# We're Listening... So Let's Talk

Author: Mariam Mourad

There is no doubt that the past eighteen months has proven to be extremely challenging for everyone in the community. For people who are working in the community sector, we are constantly aware of the impact that COVID is having, particularly on the most vulnerable.

'Vulnerability' is not straight forward. As skilled community-based practitioners, we understand the complex layers of vulnerability that are in our communities. Many of us live in the communities in which we work. The local knowledge that we develop as skilled professionals, together with our personal experience allows us to have a very deep and rich understanding of the communities in which we are working. This local knowledge, our wide networks and deep understanding means that we can be well prepared to respond when there is a crisis such as the current pandemic, which is having particular impact in the south western suburbs of Sydney, where there is a very high proportion of the community from Culturally and Linguistically Diverse (CALD) backgrounds.

When the pandemic struck Victoria, leading to a series of hard lockdowns, the State Government attracted serious criticism at the beginning for its failure to recognise the importance of working with local community leaders in CALD communities to make sure that people across a range of CALD communities were safe. After some initial false steps, the Victorian Government did reach out to those community leaders and the outcome has been not only a safer community, but there have been some very strong bonds established between government agencies and their staff with those community leaders and local community-based organisations. Those bonds will be invaluable throughout the current pandemic and into the future as we confront other issues beyond the pandemic.

In NSW, the State Government has taken a different path in its response to COVID. Until the most recent health crisis, the Premier has avoided enforcing so-called 'hard lockdowns' and other restrictions. There has also not been the same approach of actively reaching out to community leaders and organisations. The ASU has worked with peak bodies, such as NCOSS and ACOSS, and has been at the forefront of reaching out to government on behalf of the sector to make sure that there is access to PPE, infection control training and continuity of service advice. In the women's health sector, this has meant working with Women's Health NSW to make sure that women's health centres, are

able to continue to operate safely, providing essential services to women in the community.

All Women's Health Centres are at the centre of their community, providing reproductive health care, counselling, support and advice to those living with violence, suffering mental health issues, and a range of other very specific services that arise in their particular community.

The Bankstown and Fairfield Women's Health Centres operate in the Bankstown-Canterbury area and the Fairfield area. These two communities are among the most culturally and linguistically diverse areas in the country. We understand the critical importance of having an effective and very practical partnership between CALD community leaders, community-based organisations, such as women's health centres and government, to ensure that there is good two-way communication about the current health crisis. Only with this sort of partnership can we make sure that Government puts the people in our communities at the heart of its communication strategy on vaccinations, lockdowns, how to access essential services during the current pandemic and other crises, as well as when we are recovering and rebuilding our communities.

While community-based organisations, along with the ASU and peaks remain absolutely committed to this strategy, so far, the jury is out on whether the NSW Government sees the importance of a genuine partnership with our sector. Time is not on their side. The infection rate in NSW is increasing daily. There remains a very high resistance to vaccinations in CALD communities and the mass police presence in south western Sydney to enforce compliance with the lockdown has left many people reeling.

## WE TO LISTEN TO OUR COMMUNITY

While COVID-19 created many obstacles (and still continues to do so), Bankstown and Fairfield Women's Health Centres continue to deliver key programs and provide culturally appropriate support to our community, despite a record increase in women seeking our support and services. Because of our very strong connection with our community, we are committed to supporting women and their families to maintain their health and wellbeing throughout the current health crisis and beyond - to develop those skills that mean that women are stronger in every part of their life. Our approach has

been to provide meaningful and targeted health services that are genuinely responsive to what our communities tell us they want and need and will therefore be truly effective in their impact in the community.

## WE'RE LISTENING - SO LET'S TALK

Although we are working closely with individuals and their families every day at our Bankstown and Fairfield Women's Health Centres, we also wanted to make sure that we are effective in our outreach to women who may not already know about us.

We have been working with a community videographer to develop the Let's Talk project. This is a community video centred around the social pandemic of domestic violence - an issue that is continuing to grow and impacts the Canterbury-Bankstown community and beyond.

Family and domestic violence is a particular issue for every community during lockdowns. Currently, it's estimated that between 50-70 per cent of first response jobs for police are related to domestic violence and at the moment, around 80 women each month present to BWHC for issues related to current or historic domestic violence. The numbers are already extremely high and we also know that many women rarely report violence at home - so this data isn't an accurate reflection of the problem.

The *Let's Talk* project opens up opportunities to a whole new range of people and allows us to work with them to address issues around domestic violence. We are hoping that this project can be used not only on a local level, but state and national level too.

The *Let's Talk* video launch planned for July has been postponed due to the pandemic and will take place towards the end of the year. To register your interest, visit <https://www.eventbrite.com.au/e/lets-talk-tickets-157555788605>

## NO ONE SHOULD EVER GO HUNGRY

It doesn't matter what your background, one of the very real and frightening issues that has arisen for many families in our community during lockdowns is the fear of not being able to provide enough food for your family. As people lose their jobs and don't have the money to pay bills, many women in CALD communities feel highly anxious. Food is at the centre of many CALD families' experience of 'family'. So the impact of not having access to the foods that are such an important part of your faith and culture can be extremely traumatic for some women.

Understanding this need in our communities, the Bankstown and Fairfield Women's Health Centres established a *FoodShare* program that aims to ensure that women and their families have access to healthy and nutritious food every week. In the past year, during the pandemic we have seen a significant increase in the

number of women using this service, providing between 65-80 families each week a grocery trolley of fresh fruit, vegetables and non-perishable culturally appropriate food or the equivalent to \$100 worth of groceries per family. Over the past year this has meant more than 3,400 women and their children have had access to the food that they have needed.

The *FoodShare* program we have at the centre means that families don't go hungry, and we can reduce food insecurity in the area. It also means that there is more money left over to cover other things such as household bills, school supplies, medication - the list is endless. The program is run out of the centre every Thursday from 9:30am by one of our dedicated case workers, who works alongside volunteers to get food to those in need and in a way that keeps the community safe, ensuring that we implement COVID-safe practices.

Access to food is a basic right and food insecurity impacts so many Australians - with women and single parent households the most impacted by food insecurity. Our partnerships with food rescue organisations like *SecondBite*, *Foodbank* and *Oz Harvest* means that we can give this much needed support to women in Canterbury-Bankstown, and hopefully reduce some household stress.

Earlier this year Mamamia's Jessie Stephens visited the centre on behalf of *SecondBite* and discussed the need for the program in her podcast on *Mamamia Outloud*, which can be downloaded here: <https://podcasts.apple.com/au/podcast/prince-william-has-cancelled-the-bbc/id928350893?i=1000522619194>



Mariam Mourad is the CEO at Bankstown and Fairfield Women's Health Centres. She is a proud member of the ASU. Mariam has a long history of working in women's services and community services in Western and South Western Sydney. Bankstown and Fairfield Women's Health Centres play a key role in the communities in which they work, specialising in providing outreach and other services that are genuinely responsive to the cultural and linguistically diverse communities in which they work.

# Protecting Community Services at The Frontline of Our COVID-19 Recovery

*Author: Violet Roumeliotis*

Australia's settlement sector is currently facing one of the biggest threats to its sustainability with ongoing border limitations on non-resident arrivals cutting off funding, leaving thousands of refugees in limbo and a specialist workforce facing an uncertain future.

The COVID-19 pandemic has highlighted gaps in Australia's welfare system and social supports – gaps that community and non-profit organisations had to step up to fill. As a result, organisations like the SSI Group have played an important role in Australia's response to COVID-19, providing information and support to help vulnerable individuals weather this unprecedented event.

Despite this, there has been a continued lack of recognition of the role the sector has played and the pressure the pandemic has placed on our ability to deliver services. This is particularly the case for migrant resource centres, settlement providers and other non-profits that support refugees and other migrants, which face huge uncertainty over their funding. For many of these organisations, funding is tied to migrant and refugee arrival numbers, which have fallen to almost zero since border restrictions began in March 2020.

We only have to look to the United States to see what lies ahead if we continue down this road. Under the Trump administration, the world's largest refugee resettling country cut its humanitarian intake from over 85,000 to just 15,000.

Upon entering office, President Joe Biden reinstated the intake target to 125,000 entrants per year. However, despite their best intentions, the Biden administration has been forced to reduce this number shortly after reinstating it. Following the prolonged period of reduced humanitarian arrivals – and related funding – there was simply no longer the settlement infrastructure to support an uplift in arrival numbers.

This is a stark reminder of the need to maintain the foundational and expert settlement services required to support humanitarian entrants when borders reopen.

Going forward, it is vital that we consider the impact border restrictions and associated funding will have on community organisations' social infrastructure, professional capital, and ability to provide services once Australia, and the world, has achieved 'COVID-Normal.'

## SETTLEMENT AND SAFETY

When COVID-19 reached our shores in early 2020, the SSI Group immediately shifted our service model to focus on providing the practical support needed to keep newcomers safe and secure.

This involved adapting the services we provided to newly arrived humanitarian entrants, responding to the crisis faced by temporary visa holders, and supporting the migrant and refugee community through the evolving COVID-19 situation.

Between January 2020 and borders closing to non-residents in March 2020, the SSI Group supported 1180 humanitarian entrants to begin their settlement journey in Australia.

From February, new arrivals and the SSI Group airport staff were equipped with tailored COVID-safe kits to safeguard both new arrivals and the wider community. In tandem, we worked with NSW Refugee Health to offer information sessions that ensured new arrivals understood COVID-safe practices and the importance of compliance.

When quarantine restrictions were introduced in March, we supported more than one hundred new arrivals to self-isolate in serviced apartments.

We supported clients to communicate with apartment staff, while also meeting additional needs such as providing mobile data packs and entertainment packs for children, young people, and adults alike. The families had daily in-language wellbeing checks, where SSI Group staff also provided updates on the pandemic situation.

This approach showed us that it is possible to resettle refugees in our communities without putting at risk the safety of other individuals and families. The reason this is so important is because around 8,000 people who have been granted a visa to come to Australia on humanitarian grounds are currently stranded overseas with no way to reach safety and security.

Overseas, people from refugee backgrounds have experienced additional challenges at every step of their journey due to the pandemic. More countries have closed their international borders, and the pandemic has also disrupted supply chains. The danger faced by individuals and families seeking to flee their home

country due to persecution has only increased due to countries closing their international borders.

Furthermore, border closures and COVID-19 restrictions in Australia and abroad heightened and prolonged the dangers faced by the approximately 8,000 individuals who have already been granted Australian visas. While waiting to gain asylum, these people face several challenges, including access to essential services such as healthcare, food, vaccines, access to a livelihood, and access to assistance stimulus packages and more.

## ADDITIONAL BARRIERS FOR PEOPLE SEEKING ASYLUM

The pandemic has also negatively affected individuals and families seeking asylum who are currently living in Australia. This already vulnerable population has slipped through the cracks of the government's response to COVID-19.

Thousands of people are living in Australia on temporary or bridging visas while their claims for asylum are being assessed – a process that can take several years. Many people have already found to be legitimate refugees, but as they arrived by boat after 2012, they have no pathway to permanent residency.

In 2020, these individuals and families were unable to access emergency government support, such as JobKeeper and JobSeeker, which were introduced to support Australia's population through prolonged lockdowns and disruptions to employment.

We conducted research in May 2020 on the devastating impact of pandemic and the lack of government support had on those seeking asylum.

In a survey of nearly 500 people on temporary visas, 82 per cent reported that they had lost their job or had their work hours reduced, 76 per cent had been unable to pay rent, 62 per cent had gone without meals and 52 per cent could not buy the medicines they required<sup>1</sup>.

In response to the deteriorating situation, the SSI Group opened one of our offices two days a week to distribute food packages to individuals and families from asylum seeking backgrounds. Packages contained culturally appropriate food staples and necessities that would last a household approximately one week.

The initiatives went on to support over 350 households, including single adults, young families, and women at risk, to put food on the table and meet their basic needs.

The charities sector has also continued to offer non-emergency aid to people seeking asylum to help build social connections and participation. This kind of support is vital to health and wellbeing, with research demonstrating that people seeking asylum with strong social connections report less suicidal intent and reduced psychological distress than those who do not have these

connections<sup>2</sup>. This has been especially important during the recent NSW recent lockdown response.

## HELPING THE HELPERS

The charity sector welcomed the support of JobKeeper for staff and the JobSeeker supplement for many of their clients during 2020 and early 2021. Nonetheless, the charity sector has been hit hard by the disruption of COVID-19, with reports of increased demand for services, rapid adaptation of service delivery, a stagnant funding environment and a decrease in volunteering and the capacity to fundraise<sup>3</sup>.

This has placed our sector and communities under immense pressure, while the human and social infrastructure of organisations, such as the SSI Group, has gone a long way in keeping individuals and communities safe. Despite this, there is a continuing lack of recognition of the role we have played in attempting to rectify the inequalities that the pandemic and associated lockdown measures have exacerbated.

The limited financial support our sector has received has not offset reductions in funding, which has put our sustainability at risk, along with inhibiting the important work we do supporting vulnerable communities to weather this storm.

Large organisations like the SSI Group have had more resources to absorb the impact of this turbulence. The organisations that are particularly at risk are smaller, community-led organisations, that do not have financial buffers.

Grassroots organisations require financial compensation from funders as they continue to deliver frontline services, as part of the COVID response. Without this, we risk the loss of too many of these not-for-profits, significantly changing the face of our sector for the worse. The charity sector is vital to the social, cultural, economic and civic fabric of Australia and charities are an important driver of economic activity, employing about one in 10 workers<sup>4</sup>. Without proper financial compensation, we risk eroding the systems, structures, and expertise that community services and settlement providers have built over the years to support our communities.

In the 2021-22 federal budget, the government announced that current limits on international arrivals to Australia will remain in place until 2022. Initial estimates of migration flows in 2020 suggest that the pandemic has had a major impact on migration flows in the first half of the year, with the number of new residency permits granted to migrants down by 46 per cent on average in the OECD<sup>5</sup>. As a nation that thrives on migration, our economic success after safely re-opening borders will need to, in part, rely on humanitarian entrants – especially as net migration is expected to be hit hard by the effect of COVID-19 travel restrictions.

The pandemic has also highlighted the extent to which migrants in the OECD contribute to local economies but are likely to be in insecure work, be concentrated in sectors affected by the pandemic and its economic consequences (e.g., hospitality and tourism) and/or work in sectors with high COVID-19 exposure (e.g., meat processing, health and social care)<sup>5</sup>.

Contrary to rhetoric about Australia's 'hard border,' our state and federal governments have safely enabled approximately 500,000 people, or more than the population of Canberra, to travel into the country since COVID-19 arrived in Australia last year.

The SSI Group also demonstrated the ability to welcome humanitarian entrants into the country in a COVID-safe way in between the COVID-19 public health emergency beginning in January 2020 and Australia's border closing to non-residents in March.

Our settlement practices ensured the safety of the humanitarian arrivals and the community, and minimised risks to both groups, while also ensuring refugees had the support to get on with the important work of settling in their new homes.

When borders reopen, it is in Australia's best interest to provide the same prioritisation to refugees that have already been approved pre-COVID, in the same way we intend to prioritise other groups, such as international students.

As we vaccinate more of Australia's population and begin to reopen to the world, we must have social and community infrastructure that has supported our country's most vulnerable citizens to survive this period.

Migration and the settlement of humanitarian visa holders will be critical to the functioning and growth of Australia in coming years. In preparation for this reality, all sectors of society must ensure that we maintain the infrastructure and expertise that has for years supported new Australians to settle, reach their full potential, and contribute to our communities.

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Violet Roumeliotis AM is the CEO of Settlement Services International, a community organisation and social business that supports newcomers and other vulnerable individuals to achieve their full potential. During her nine years as CEO, Violet has taken SSI from a Sydney-based organisation with 68 staff to an 900-plus workforce that supports more than 37,600 people nationally each year. Violet is a social entrepreneur who champions the strengths of our diverse communities. Through her C-suite and board roles, Violet uses innovation and collective impact to promote social justice and inclusion in all forms. Violet is a proud member of the ASU.

# Working From Home: Risks & Opportunities

*Author: Alison Pennington*

The COVID-19 pandemic led to a dramatic surge in Australians performing most or all of their paid work from home, rather than their traditional workplaces. Within the initial months of health restrictions, an estimated four million workers or thirty per cent of the workforce could work from home.<sup>1</sup> Women were more likely to work in jobs amenable to home work, due to their concentration in clerical, administrative and professional occupations and capacity to perform tasks through a home computer and internet connection. As the pandemic continued, and many jobs in traditional workplaces were restored, the absolute number of Australians working from home at least once a week grew to around 5.3 million, or forty one per cent of all employed people, compared with only twenty four per cent pre-pandemic in March 2020.<sup>2</sup>

There is great uncertainty about how long the surge in home work will last after the pandemic is over. Many international surveys indicate that most workers who are able to work from home would like to continue doing so, with hybrid working week options that combine the office and home being most popular with employees.<sup>3</sup> In Australia, the Australian Council of Trade Unions found 81 per cent of workers wanted to continue working from home in some capacity.<sup>4</sup> Preferences for worker-friendly flexible job arrangements have also grown compared with pre-COVID levels including doubling in support for compressed working weeks with same pay (60% of respondents) and job sharing (41%).<sup>5</sup> However, while it's clear many employees want to retain new flexibilities and keep working from home, many employers expect their staff to return to normal workplaces once the health risks of working outside of the home have abated.

The Fair Work Commission (FWC) released a draft flexibility schedule outlining model terms and conditions of working from home (WFH) employment in September 2020. The schedule was designed for negotiation between industrial parties and insertion into enterprise agreements and Awards. While it was a timely front-foot initiative by the FWC, the schedule content effectively expanded the scope of employer power to reduce labour costs and increase flexibility on their terms. The greatest risk presented by the schedule's provisions was "smoothing out" distinctions between ordinary and non-ordinary hours of work in Awards (hours currently subject to overtime or penalty rates). Hours deregulation would result in reduced

employee compensation for unsociable and long hours, and incentivise employers to adopt one work regime over another. By cheapening work performed at home, this carried risk of WFH becoming a second-rate work regime, excluded from labour protections extended to workers performing the same work in a formal office or workplace.

Employers, on the other hand, have been granted a full suite of tools to adjust labour supply and costs during the pandemic, from revised Awards, delayed increases to the minimum wage, and Fair Work Act exemptions under the JobKeeper scheme. Meanwhile, the current labour regime is silent on the high economic and social costs and risks mounting on workers whose private homes were transformed into workplaces virtually overnight by COVID-19.<sup>6</sup> Hence it is clear in the current industrial climate, that increased worker appetite for WFH arrangements does not mean the quality, safety and remuneration of those jobs will be automatically guaranteed under new or existing instruments.

It is likely that even if home work declines partially after the pandemic, there will be some permanent increase in the incidence of home-based work. This raises an important set of issues regarding how home work should be organised, supported, and regulated. These include upfront and ongoing costs of running a home office, long-hours working, income and job insecurity for employees with high caring demands, and the absence of national work, health and safety measures. A strong program of rights and protections for people working from home has thus become suddenly more important. Here are several of the unique risks and challenges relating to the quality, safety, and fairness dimensions of home work, along with corresponding policy suggestions:<sup>7</sup>

**Costs:** As new investments in remote-work technology and systems, and as work teams gain experience and proficiency with new business models, many employers will wish to retain home work arrangements in the post-COVID economy. Establishing and operating their workplace is a major cost for most employers – including building and administration costs, equipment, utilities, amenities and more. These costs can be effectively transferred to employees working from home without corresponding protections and allowances for employees to recoup costs of establishing and running home offices. Both fixed up-front costs for setting up an appropriate workspace, and ongoing incremental

costs incurred by employees as a result of home work should be fairly compensated. Allowances for all employees required to perform some or all of their duties from home should be considered – designed to fairly reflect ongoing work-related costs (including space, data charges, utilities, and printing). The most effective way to provide such allowances for every home worker would be for the Fair Work Commission to insert Home Work Allowance clauses into all relevant Modern Awards.

**Safety:** What work environment will home-based workers be able to use? Will workers have appropriate equipment, furniture, lighting, temperature control, and other normal amenities? It cannot be assumed that every worker has an appropriate and safe space in their home to perform their duties. This is a particular challenge for workers with family care responsibilities, and for people living in space-constrained living conditions (which have become more commonplace in light of skyrocketing housing costs). The assumption that workers have a spare room that can be readily converted into a home office, where they can work peacefully and productively, is far-fetched for most home workers.

Under Australian occupational health and safety laws, employers have a duty of care to ensure workers have a safe work environment, even when performing that work at home.<sup>8</sup> Moreover, Australia's relatively inclusive OHS laws extend that duty of care to workers who are not direct employees.<sup>9</sup> The harmonised WHS Acts in most states apply to anyone who carries out work in any capacity, engaged by a 'person conducting a business or undertaking' (PCBU) – or whose work is directed or influenced by a PCBU. So even for a contractor or sole-trader working for someone else from their own home, the business which initiates and pays for that work must take health and safety issues into consideration. Businesses should consult with home workers to ensure that working conditions are appropriate and safe, provide detailed information (through factsheets or checklists) on how to work safely from home, and be open and ready to respond quickly and effectively to concerns about safety issues in home workspaces.

Requiring people in unsafe families to work in those conditions may exacerbate the risks they face – a risk particularly acute for women. Employers have a duty of care here, too: to provide workers with information, advocacy and legal support to better manage the stresses and risks of domestic and sexual abuse and violence while working at home, and to make appropriate adjustments to workloads and incomes as needed. Provision of paid leave from work for victims of domestic violence is especially important in this context.

**Working Hours:** The steady encroachment of digital technologies into private lives has raised expectations that employees are always available and contactable. While this trend affects all workers, those working

from home feel these effects especially strongly. Since employees working from home never leave that 'workplace' (especially during shutdowns), some employers may implicitly assume that home workers are 'always on the job.' This collocation of work and life further blurs the already-fuzzy line between working hours, and peoples' personal time. In this context, basic rights to standard and predictable working hours, and compensation for overtime, must continue to be observed. This makes it all the more important to reaffirm existing expectations and rules regarding working hours.

**Unpaid Care Work:** Balancing paid work with unpaid family and care responsibilities is both a positive and a negative aspect of work from home. Being at home provides most home-based workers with additional flexibility to integrate pieces of care work into their days; this was especially important during lockdowns, when normal school and child care services were disrupted or cancelled. At the same time, trying to perform paid work duties in an environment where caring responsibilities are present can impose significant stress and disruption, with consequences for both productivity and mental health. Sustainable home work arrangements will require that workers have access to accessible, affordable child care, and other care work supports, rather than trying to "juggle" these duties informally.

**Surveillance and Privacy:** Employers have increasingly been using digital technologies for monitoring, evaluating, and even disciplining their staff in ways that raise many ethical and legal issues. When those technologies are applied within workers' own homes, an additional degree of urgency is raised. Will employers be allowed to monitor employees' whereabouts, activity, and communications – even from workers' own homes? Labour advocates should work to ensure employers are restrained from implementing new digital techniques of performance monitoring and surveillance. Workers should be informed of any data being gathered regarding their home work activity and output. And employers encouraged to use more personal and constructive methods of supervision, coaching and support for home workers.

**Representation:** People working from home are physically isolated from their colleagues and supervisors, and may face a more "individualised" work culture as a result of the shift to home work. This may affect their effective access to information, networking, and representation – leaving them more vulnerable to management control or even intimidation. Collective agreements could explicitly include union security language, protecting the union's right to bargain for members working at home, and establishing that the terms of the collective agreement stand.

**Right to Work at Home:** Survey evidence suggests many Australians who were required to work from home by health orders during the pandemic may wish

to continue doing so even after health restrictions are lifted. Unions should be prepared to pursue demands that give workers a right to continue working from home, even if employers wish them to return to traditional worksites.

## CONCLUSION

Digital technology was already opening up wider vistas for home work arrangements.

The COVID-19 pandemic will accelerate those trends, with long-lasting impact. There are many benefits and efficiencies potentially associated with home work – but many risks and dangers, too. Therefore, it is crucial that we do home work 'right.' For workers who can work from home, sensible support and precautions must be taken to ensure that the work they continue to do is safe and appropriate, and that they are provided with generous personal and logistical support to do their jobs. This will require labour advocates to work to ensure employers adopt an enlightened, supportive approach to home work arrangements: encouraging workers to do their best, but without a disciplinarian approach to the matter, and respecting the privacy and dignity of workers as they do their duties from their own homes. Ongoing organisation and advocacy to address the safety, fairness, and compensation issues associated with home work should be a top priority for labour advocates, even after the immediate health emergency ends.

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# Changing Domestic Violence Practice During the Pandemic

*Authors: Natasha Cortis, Kylie Valentine, and Ciara Smyth*

In early 2020, it became quickly apparent that the coronavirus pandemic would massively impact on women, including on gender-based violence. In response, domestic and family violence services sought to rapidly reconfigure their service models, to develop new ways to work remotely with clients, and to maintain support. Many new initiatives and practices remained in place following the 2020 lockdowns, and have continued into 2021, as the pandemic continues. While the longer-term impacts of this tumultuous period are not yet clear, our study of practitioners during mid-2020 provides some indication of the nature and extent of changes experienced, the challenges faced, and what is likely to be sustained.

As researchers with a longstanding commitment to the community sector, we were keenly aware the pandemic would likely strain already thinly resourced service systems and test the resilience and resourcefulness of practitioners and the communities they support. We set out to monitor the ways changes were playing out in the early stages of the pandemic, as it quickly became apparent that stay at home orders were massively disrupting women's connections to formal and informal supports outside their households, leaving some sequestered at home with abusers. Around the world and then in Australia, alarm bells rang out about the ways lockdown measures were increasing violence against women and girls, in what the UN termed a 'shadow pandemic'. The pandemic was providing fertile ground for all forms of violence to commence and escalate, including physical, emotional, and financial abuse, and surveillance and coercive control.

Domestic violence organisations and practitioners had to navigate this new, unimagined set of circumstances with little research guidance or knowledge of best practice in how to provide physically distanced supports in the context of a pandemic. Literature on 'disaster social work' foreshadowed likely increases in violence during and following emergencies, largely due to studies of the social impacts of Hurricane Katrina in the US, and Cyclone Yasi in Queensland. But the circumstances of COVID-19 were radically different from other disasters which destroyed physical environments and dispersed communities. The pandemic restricted human contact, prevented people from accessing supports, and made it difficult for practitioners to follow established models of face-to-face service delivery.

But because the pandemic didn't destroy actual service infrastructure or systems, and because video conferencing and models for digital service delivery have recently become cheaper and more accessible, the pandemic raised possibilities that services would successfully adapt to new conditions of remote, physically distanced provision.

## REMOTE SERVICE DELIVERY PRIOR TO COVID-19

Pre-COVID, there were mixed perspectives on how well remote, technology-mediated service delivery could support people affected by gender-based violence. Remote methods like telephone crisis helplines had been used for many years, although video calls and chat apps were not so widespread. Typically, remote models were used for one-off, time-limited interventions, like providing information, advice and referrals, as pathways into traditional face-to-face services, but not as substitutes for them. Practitioners had previously been wary about conducting relational work remotely, and while some used text messages to set up meetings or to coordinate times, remote methods were relatively rare. This was largely due to concerns about confidentiality and the loss of intimacy and nonverbal cues, which made it difficult to fully assess clients and their circumstances, and to detect and respond to potential abuse.

Despite practitioners' wariness about remote service delivery, some research prior to the pandemic showed telehealth models could increase user satisfaction and access, including for rural or isolated populations, people with disability or health conditions, and people lacking time, transport, or financial resources to access face-to-face services. Technology could also help services to extend support to larger volumes of users, enable easier scheduling, reduce no-shows, provide privacy, and improve engagement, especially of younger people.

COVID however provided a clear tipping point. Remote models were rapidly adopted, and mainly out of necessity not choice.

## PRACTITIONERS' PERSPECTIVES ON REMOTE PRACTICE

We used a qualitatively enriched online survey design to capture frontline practitioners' experiences of transitioning to technology-mediated service delivery.

We asked about the ways their work had changed, with open ended, free text questions enabling deeper insight into practitioners' experiences, including in relation to risk assessment and safety planning, supervision, and working arrangements. We distributed the survey via networks of practitioners and a total of 100 practitioners responded during July 2020. Two thirds were frontline practitioners and 28 percent were managers such as centre coordinators, team leaders or CEOs. Ninety-two were women, and most were in capital cities, and in NSW. In terms of their work, 33 were focused on family support and advocacy, 32 on court support, 18 on general counselling and 17 on accommodation such as refuges and tenancy support.

### Changing demand

Practitioners described the dramatic changes in patterns of demand and in the complexity of women's circumstances and needs during early 2020. For some, demand slowed in the early phase, then increased as women reached out for support after restrictions lifted. One reflected:

*Initially it was slower than usual when everyone went into lockdown - women just tried to cope. As the time went on it became harder and women when they had the chance were reaching out for support. [The] pace [is] increasing further now restrictions have lifted. (CEO, Sydney)*

Some practitioners found that COVID conditions increased women's support needs, which led to more intensive responses:

*Clients were very wary with their husbands in the home 24/7 and only wanted voice messages, and they called us when their husband was not around. We were supporting clients outside of the working days 24/7 so there was a support person to speak to. (frontline practitioner, Sydney)*

*Where I would normally have one 60-minute (face-to-face) session a week with a young person or mother, these blew out to multiple 60-minute phone calls per week. (frontline practitioner, regional QLD)*

### Changes in service models

Practitioners also found their work changed and intensified in the context of the pandemic. Some noted that changing their models to sustain services during the pandemic involved much extra work, which was tiring and challenging:

*Increase in staff time to prepare and reassure clients through daily check-ins to identify any key issues, check how they are going, updating on COVID-19 by not just texting but also virtual calls to explain what it means and wrap-around supports- going virtual-*

*developing emails for all families, ensuring they have data and devices, know how to use, for the children, counseling for the mums, where to get educational resources, providing food packages, winter packages etc. (Service manager, Sydney)*

*Our use of phone and video chat to meet with clients increased dramatically. In almost all cases it was successful, though extremely tiring for staff. (Program coordinator, Sydney)*

*Making the group sessions work, including therapeutic activities for children and families over video conferencing has been a great deal of extra work and challenging - not ideal. (Social worker, regional NSW)*

### Changes in contact with clients

Practitioners expressed mixed views on the impacts of their changing models of contact with clients. Some focused on the positives, in terms of access, for example:

*I think for us the most positive thing to come out of COVID is that we are now offering clients a bigger range of options for contact. Previously it was almost all done by appointment in our office. We are now offering phone and video calling as a matter of course, which give the women a greater freedom. This also enables them to seek support in a way that is safest and easiest for them to manage. (Program coordinator, women's health setting, regional NSW)*

Another, who was a male worker working with men, was more critical of the change:

*People who are isolating in the homes with the victims of their violence accessing telephone services feels like it increases risk. We're challenging cognitions that underpin the use of family and domestic violence and their partners are potentially just in the next room while they're escalating. It is not a ubiquitously safe space. It is a sham of service delivery, in modality, in supervision, and in outcomes for the families. (Family support worker, Perth)*

### Challenges for practice and risk assessment

Practitioners confronted challenges in their practice. Some, for example, said they found it was difficult to establish rapport:

*I am used to engaging with women at court face-to-face. The opportunity to establish some rapport and give the women space and time to discuss their circumstances has diminished now we cannot see women face-to-face. Establishing rapport over the telephone can be very difficult. (Manager, regional NSW)*

Others felt they could not get a full picture of what was going on in the households of clients, which made it difficult to assess risk in the same way:

*Text and calls have been effective. It's the non-verbal cues that are missing from home visits that prevents me from getting the full picture.* (Aboriginal specialist worker, regional NSW).

Underlining these difficulties, a multicultural worker said she found clients had become less likely to disclose the scope of violence when they were not with workers face to face, and noticed her relationships with clients had changed:

*Clients in my experience are less likely to disclose the scope of the violence if you are not seeing them face-to-face. I find when I am working with clients virtually it is more task orientated.* (Multicultural support worker, regional NSW)

### CONCLUSIONS

Clearly, the unfolding of the pandemic in 2020 has presented a unique set of challenges for domestic violence services and for frontline practitioners, and the long-term impacts for the sector are continuing to unfold. COVID-19 has been a very different type of disaster from those previously experienced and studied, in terms of need, in barriers to use and in models of provision. In exploring the complexities and nuances in practitioners' experiences, we found that for most, tech-mediated delivery is presenting a new way of working, adopted out of necessity not choice, and without much guidance from research or evaluation to indicate what works and for whom.

Through the period, practitioners' skill, commitment, adaptability, and resourcefulness has meant services have been able to be maintained, and many workers found that adopting remote models expanded access for people in need. But this has also raised challenges, in terms of the increased time and energy involved, and the increased complexity involved in doing domestic violence work. These complexities include challenges in building rapport and relationships remotely and trying to accurately assess risk without the ability to personally observe circumstances for service users.

After the additional periods of lockdown in 2021, it will be increasingly apparent which remote practices are likely to endure in the longer term, and how these changes are impacting on and reshaping domestic violence work and the community services workforce for the future. Further research and evaluation are also necessary for determining which remote practices work best for clients and communities, and which models and practices are appropriate for the diverse contexts of domestic violence work.

Research findings from the study are reported in more depth in the article "Adapting service delivery during COVID-19: experiences of domestic violence practitioners", forthcoming in *The British Journal of Social Work*; and in "COVID-19 lockdowns, intimate partner violence and coercive control" published in the *Australian Journal of Social Issues* in 2021. Copies can be obtained by emailing [n.cortis@unsw.edu.au](mailto:n.cortis@unsw.edu.au)



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Ciara is a proud union member.

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# Supporting Transgender and Gender Diverse People in the Workplace

Author: Jackie Williams

## A PERIOD OF TRANSITION

The last decade has seen a significant increase in the number of people openly identifying as transgender or gender non-conforming. Much like in the struggle for gay rights, as public acceptance and visibility of trans people has grown it has become safer for people to 'come out'.<sup>1</sup>

The problem is that our workplaces, HR departments, and contracts are currently not setup to adequately support transgender employees. Without proper policies, training programs, and conditions, workplaces risk causing immense harm to gender diverse employees, reputational damage, and opening themselves up to possible legal risk.

In many ways the private sector is far ahead of the curve on these kinds of policies, having specific leave entitlements and clear processes for gender affirmation. However, despite the high representation of LGBTQIA+ people in the community services sector, and the work that has already taken place around diversity and inclusion, our policies to support transgender people are seriously lacking.

Our sector has a lot of work to do.

Below I have developed thirteen recommendations and compiled a number of resources to help organisations in the non-profit and community sector make their workplaces more inclusive and supportive of transgender and gender diverse people. Using these recommendations as a starting point my hope is that organisations can get to work making their own suite of trans-inclusive policies.

## LANGUAGE USED

### Gender Affirmation:

The personal process or processes a trans or gender diverse person determines is right for them in order to live as their defined gender and so that society recognises this. Gender affirmation may involve social, medical and/or legal steps that affirm a person's gender.

### Transgender and Gender Diverse:

These are inclusive umbrella terms that describe people whose gender is different to what was presumed for them at birth. Trans people may position 'being trans' as a history or experience, rather than an identity, and consider their gender identity as simply being female,

male or a non-binary identity. The term 'trans' is used through this resource as shorthand.

Definitions taken from TransHub:  
<https://www.transhub.org.au/language>

## COMMON BARRIERS FOR TRANSGENDER AND GENDER DIVERSE PEOPLE IN THE WORKPLACE

Coming out and choosing to affirm your gender in the workplace can feel extremely risky. Below are a few examples of the kinds of barriers that trans people might face in affirming their gender or having their gender recognised in their workplace.

### Fear

Fear of bullying, social exclusion, being treated differently, and outright hostility.

### Security

Worried about losing your job, losing status, forgoing promotions, opportunities or extra responsibilities.

### Guilt and Shame

Shame about asking for help, slowing down, or needing to seem like you have it 'all together'.

### Lack of staff education

Having to educate colleagues or managers about 'trans issues'. Being forced to handle awkward or inappropriate questions. Having to be your own advocate.

### Time

Time to have appointments, surgeries, get used to hormonal changes, or take care of your own wellbeing.

### Money

Not being able to afford new clothes that are work appropriate. Not being able to afford affirmative care options you desire.

## MENTAL LOAD AND MENTAL HEALTH

Not all trans people have a linear coming out experience. They may choose to affirm their gender in certain spaces and relationships but not others. For certain people affirming their gender at work is far more manageable than affirming it with their family. The period where someone does choose to pursue affirming their gender and/or comes out to their family, partner, or

work colleagues and can be incredibly psychologically taxing. It is a time where trans people are likely to face an intensification of stress, discrimination, rejection, and the possible breakdown of important relationships.

"In an Australian survey of LGBTI people, around 60 per cent of transgender males and 50 per cent of transgender females reported having depression. A 2007 survey of Australian and New Zealand transgender people found that almost 90 per cent had experienced at least one form of stigma or discrimination, including verbal abuse, social exclusion, receiving lesser treatment due to their name or sex on documents, physical threats and violence." (Beyond Blue)

Employers have a responsibility to provide a safe, stable and positive environment for all workers, and this can be particularly important for trans people.

## CORE RECOMMENDATIONS

These recommendations have been developed through talking with other transgender people in the sector, looking at organisations' policies, and discussing proposals with consultants. These are not meant to be a replacement for doing your own consultation within your organisation to make sure that any policy aligns with the needs of your transgender or gender diverse staff.

1. Provide wellbeing or gender affirmation leave in all contracts. This time can be used for anything from mental health days, attending doctor appointments, undergoing or recovering from surgery, or adapting to hormonal changes. The gold standard is 6 weeks paid leave and up to 12 months unpaid.
2. Support the development of a queer or trans caucus within the workplace, or between trans and queer workers in your industry. This might mean hiring a consultancy to set up the group or supporting LGBT+ people in your workplace to plan and implement that project as part of their paid work. Workplaces should provide paid time in the work plans of transgender and queer employees to attend these meetings. This could also include setting up a queer mentoring program within the sector.
3. Provide access to an Employee Assistance Program (EAP) that has practitioners with expertise in providing support to transgender people. Many trans people report having to educate their counsellors and GPs about transgender health needs. Making sure that counsellors are trained and experienced can go a long way to making the service more useful for trans staff.
4. Create simple HR processes for triggering the necessary administrative changes needed when a person changes their name and gender. Processes should destroy any mentions of that person's

previous name or gender marker unless required to keep them by law. This should include any internal communication platforms such as email, slack, or file drives.

5. Do not require someone to have changed their name or gender legally before triggering internal HR processes. In many states a person needs to provide proof that they have undergone expensive gender-affirming surgery to change the gender on their birth certificate. These laws are insulting and reductive. Not all trans people can afford or want to undergo these kinds of surgery. Trans people may also try multiple names over time, your HR department should support them to do so.
6. Provide access to a bathroom that matches a person's gender, or a unisex bathroom.
7. Provide training on trans identities, pronouns, and gender inclusive language for all staff. ACON and the Gender Centre have resources for training and HR guidelines. Have a conversation with transgender staff members to discuss how they would like misgendering or deadnaming in the workplace to be handled and how they would like other staff and management to support them.
8. Include language in your staff handbook that explicitly states the protections and services available for people seeking to affirm their gender in your workplace. Having these policies in an accessible format can make trans people feel safer to affirm their gender if they know the exact support they are entitled to.
9. Provide training for your HR team on the needs of transgender employees and designate team members who transgender people can reach out to, confidentially to discuss plans for gender affirmation and raise grievances.
10. Provide a designated HR team member who managers and co-workers can ask or reach out to with questions about supporting transgender employees.
11. Create flexible conditions for required presentation in the office. This is particularly important for workplaces where there are gendered expectations around professional wear.
12. If your workplace requires a high-level of professional presentation (e.g. suits, blazers, dresses) management should provide a small affirmation fund for new work clothes. Gender affirmation can be extremely expensive. An affirmation fund can help employees present confidently in the workplace sooner. Depending on the expectations of your workplace you should consider anywhere between \$500-\$3,000 to purchase clothes, shoes, cosmetics and accessories. The process for accessing the fund should be simple and managed through the HR department.

13. In workplaces that have a uniform, management should provide employees with a new uniform that matches their gender, including any amended name badges or identifying accessories.

## FRAMEWORKS FOR POLICY DEVELOPMENT

Here are a number of policy templates that you can use as a starting place for your organisation to develop its own policy suite.

- **The Gender Centre**

- Example affirmation policy: <https://gendercentre.org.au/resources/human-resources>

- **TransHub** has a number of helpful resources and templates: <https://www.transhub.org.au/work>

- **Pride in Diversity** is the national not-for-profit employer support program for LGBTQ workplace inclusion specialising in HR, organisational change and workplace diversity. Pride in Diversity publishes the Australian Workplace Equality Index (AWEI), Australia's national benchmarking instrument for LGBTQ workplace inclusion from which Top Employers for LGBTQ people is determined.

- Find out more about their services here: <https://www.prideinclusionprograms.com.au/about-pid/>
- Read the guidelines for the AWEI here: <https://www.pid-awei.com.au/>

To achieve best practice, your organisation should seek to align themselves with AWEI and use the benchmark and frameworks they provide to guide your policy development.

For more information about transgender people and gender affirmation check out: <https://www.transhub.org.au/>

## APPROACHES TO POLICY DEVELOPMENT

Invite your transgender or gender diverse employees to be central to the conversation around new policies and take their leadership on what changes are a priority.

Some folks may not want to be a part of a process like this. It can feel very overwhelming and awkward to have to negotiate your rights and they might trust others in the organisation to represent their interests. If this happens, or you currently do not have any trans employees, you will need to get advice from elsewhere. Think about hiring consultants and reaching out to people who are connected to trans communities that might be interested in helping you get broader feedback or run the process. Pay them for their time.

Other places to go for help:

- Your Australian Services Union organiser
- Join Pride in Diversity to get access to their services and advice: <https://www.prideinclusionprograms.com.au/about-pid/>
- Ask the Gender Centre to run a training with HR staff before developing policies: <https://gendercentre.org.au/>

## EDUCATE, AGITATE, ORGANISE!

Organise your colleagues, develop the policies, propose the changes to HR or your CEO, and get them included in your next Enterprise Bargaining Agreement [EBA]. The reason why it's so important to get changes reflected in your EBA is because right now we are seeing political attacks on trans people skyrocket globally.

For example, UK lawmakers have made it illegal to supply people under 16 with hormone blockers, a harmless method for trans teens to delay puberty.<sup>2</sup> These medicines are well-tested and often lifesaving. In large part due to this toxic political environment, hate crimes against trans people in the UK also rose by 81% between 2018-2019.<sup>3</sup>

In the US, legislation has been pushed through in a number of states to block access to hormones, ban trans athletes from competing, and make trans-friendly businesses display a 'warning' sign on their storefront.<sup>4</sup>

I personally fear that we are seeing the beginning of a growing anti-trans movement in Australia. In 2017 we saw how the Marriage Equality campaign was used to spread lies about trans children and 'radical gender theory' to scare parents into voting 'no'.

Making permanent changes in our EBA's is one way we can lock in protections for trans people, regardless of what happens in government over the coming years.

## RESOURCES

State-based transgender rights consulting organisations

- **QLD:** [quac.org.au](http://quac.org.au)
- **ACT:** [genderrights.org.au/resources/partner-organisations](http://genderrights.org.au/resources/partner-organisations)
- **NSW:** [www.acon.org.au](http://www.acon.org.au)  
[gendercentre.org.au](http://gendercentre.org.au)
- **VIC:** [tgv.org.a](http://tgv.org.a)
- **SA:** [Bfriend www.unitingcommunities.org/service/community-support/lgbtiqa-support](http://Bfriend.org.au)
- **TAS:** [www.workingitout.org.au](http://www.workingitout.org.au)
- **WA:** [www.livingproud.org.au](http://www.livingproud.org.au)
- **NT:** [www.ntahc.org.au](http://www.ntahc.org.au)

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Jackie Williams (they/them) is an organiser and campaigner who works on climate and economic justice with Tomorrow Movement. Based in Sydney they are passionate about community power, developing the leadership of young people, and building movements that can win.

This resource was developed through conversations with trans people in Jackie's community, consultation with a number of the organisations listed, and their own experiences of gender affirmation in the workplace. Jackie is a proud ASU member.

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# Self-determination at the End of Life Through Voluntary Assisted Dying

Author: Heath Reed

## INTRODUCTION

I have lost four very near and dear relatives to terminal illness. Both of my grandmothers spent their last days struggling to breathe. All they could do was concentrate on each breath gasping for oxygen. The physical, mental, and emotional trauma they experienced will stay with me for the rest of my life. They were both incredible women, they lived through world wars and maintained strong work ethics and kindness. I joined a union because of the values they instilled in me, based on their experiences of being women in the work force in the early to mid-parts of the 1900s. My own (animal loving) mother was told by her teachers that girls can't be veterinarians and that she would have to go secretarial school. Mum, now retired after owning a very successful business, has told me many, many times "if I ever get sick, don't let me end up like your grandmother." In the examples of the two generations before me is a plethora of evidence that to be the change you want to see in the world, all you have to do is put compassion in your voice and stand up and be counted. When it comes to something like voluntary assisted dying, everyone will have their own unique life experiences and beliefs shaping their decision, which I deeply respect. From my own point of view, if any more of my loved ones develop a terminal illness, I want to ensure they and they alone are able to control their final days, if that is their wish.

The only guarantee we have in life is that death comes to us all. We'd like to picture ourselves having our affairs in order, saying our goodbyes and passing away peacefully in our sleep. For some, this beautiful scenario is exactly what happens but for others, the reality can be grim and cruel. Many of my fellow ASU members in community services and healthcare will know this all too well from the people we support and care for, each and every day. The vast majority of people who die will not need to access voluntary assisted dying (VAD), but those who experience horrendous suffering and who face a traumatic death should be provided with the basic human right of self-determination in their healthcare, including choice and control of the manner of their death. With VAD, people can go at a time of their choosing with the ability to include loved ones at the end-of-life and avoid a potentially drawn out, painful and distressing death. VAD does not mean that more people die; it simply means that their last days are less traumatic.

We are extraordinarily privileged to live in an age with unprecedented medical, scientific and technological

advances. We can replace a knee, transplant a heart, improve outcomes for cancer patients and get through global pandemics. Yet, even with one of the most advanced health care systems in the world, we cannot alleviate all suffering. Currently, without VAD there are only two legal ways to control your own death; one is by suicide and the other is by refusing medical treatment and food and drink. People do die in this way, and the process can take days or weeks. Every single day people are suffocating, writhing in pain and dying inhumane deaths while their loved ones sit next to them, unable to offer any relief or comfort. The trauma of witnessing these types of deaths remains for life on loved ones, and healthcare workers.

At Dying with Dignity NSW, we have received (way too many) stories of suicides and attempted suicides of people with terminal illness who are desperate to end their suffering. The trauma that loved ones, first responders and emergency service workers experience as a result is entirely preventable in these situations. We also have heard the hundreds of stories about painful deaths that have been shared with advocates. They tell us about people who are terrified of their end-of-life and who experience extreme pain and existential anguish in their last days.

## VAD IN AUSTRALIA

Australian VAD laws are considered the most conservative of their kind in the world.

The eligibility criteria is very narrow and carefully focussed, and there are a great number of safeguards built in. The VAD schemes which exist in Victoria and Western Australia essentially provide an alternative choice for terminally ill people who are dying, with death imminent and whose experience of death has become unbearable, with extreme physical, mental and emotional pain and suffering. Only a dying individual can apply for VAD, no one else can do this on the person's behalf.

The individual must;

- have a terminal disease, illness or medical condition and be expected to die within 6 months, or 12 months for neurodegenerative disease (such as multiple sclerosis or motor neuron disease);
- be a minimum of 18 years of age;
- be an Australian citizen or permanent resident and have been a resident of the state (where accessing VAD) for at least 12 months;

- have decision-making capacity in relation to VAD;
- and be acting voluntarily and without coercion.

Following rigorous assessments by two independent doctors, and an application to a VAD authority (a board or committee that reviews the application and assessments and approves the administration of the substance), an individual will usually self-administer the substance in the form of a drink, or a health practitioner (doctor or nurse depending on the jurisdiction) can administer the substance via a cannula. In Victoria where VAD has been in operation for over two years, 67% of people have self-administered. It is important to note, that VAD laws do not preclude people with mental illness or a disability from access, provided they meet the above criteria of having a terminal illness and have decision-making capacity etc. Just to be clear, mental illness and disability are not eligible criteria nor are they reasons to be excluded from access.

Globally, there are now eleven countries where VAD is legal, including Switzerland, The Netherlands, Belgium, Canada as well as 11 of the United States of America. In Australia VAD is currently operating in Victoria and Western Australia (the WA VAD law came into effect on 1 July 2021). VAD legislation has passed the Tasmanian and South Australian Parliaments and those states are now in an implementation phase that usually takes 12-18 months. The Queensland Government has already introduced their VAD Bill with the debate due to commence in September and New South Wales is expected to debate a Bill in the second half of 2021. The Northern Territory was a world first in delivering the Rights of the Terminally Ill Act, 1996 which was overturned by the Federal Government. The territories are now dependant on Canberra to release its grip before new VAD laws can be implemented and they have been calling on the Government to do so.

## SAFEGUARDS

There are different rules (which apply to medical and care workers) about who can and cannot raise the topic of VAD with a dying person, it's best to check with your jurisdiction in the resources provided at the end of this article. The rigorous process of independent assessments and application to a VAD board is likely to expose any abuse and coercion of vulnerable people, and to date there is no record of any form of abuse taking place. Individual practitioners and organisations have the right to not participate but this is balanced with the rights of the care recipient, and access must be ensured by providing information or referral. The level of safeguards and protections of dying people, healthcare workers and organisations have been accepted and passed through four state parliaments already and are of an extraordinarily high standard. In these four states there has been a significant amount of debate, inquiries, and consultation with legal, medical, cultural and community experts. They have all found the same thing, that is VAD is do-able, it's needed, and we can do it safely and compassionately, and that the vast majority of Australians want it implemented.

The slippery slope argument has been debunked internationally, it's a fear-based argument that once you

open the doors to VAD there is a risk of non-voluntary assisted deaths occurring. Australian legislation is crystal clear that only the dying individual, after being assessed as capable of decision making and is acting without coercion, can make that decision. Both here and overseas there is no evidence of misuse or abuse, largely due to the fact that appropriate strong protective measures are in place, and they are working. The Netherlands have had a framework in place since 2002 and have captured nearly 20 years of data. Dr Linda Sheahan, in her 2012 Churchill Fellowship study, found "overwhelming community support" for assisted dying and that the practices were indeed "harm minimization, avoidance of suffering" and lead to "autonomy" and "self-determination". Dr Sheahan herself, a self-confessed opposer of PAD (physician assisted dying), stated "the slippery slope in terms of risk to vulnerable groups has not been demonstrated by the data." These findings have been supported through evidence used in debates by Victoria, Western Australia, Tasmania, South Australia and Queensland, during the processing of their respective Bills. New South Wales is lagging behind, but fortunately has multiple Bills and reports to be informed by and act on when the vote comes to Parliament.

## ENHANCING PALLIATIVE CARE, NOT REPLACING

The best possible palliative care (which we are so lucky to have) cannot and does not eliminate all pain and suffering. There are situations in which increasing doses of morphine do not alleviate pain and suffering, and no breathing supporting apparatus can stop fluid from pooling in the lungs. The number of people who cannot be helped by palliative care is estimated to be between 4 and 10%. People die and will continue to die, but how they die should be an individual choice. In 2018, Palliative Care Australia shifted its position on VAD from opposed to neutral. The role of palliative care is to improve the quality of life and in the World Health Organization's definition "affirms life and regards dying as a normal process and intends neither to hasten or postpone death." Although fundamentally different, VAD can complement existing and vital palliative care, but it cannot and will not ever replace it.

Having control over your own death can have a powerful palliative effect and relieve fear and anxiety about the circumstances. During the first 18-months of the Victorian Voluntary Assisted Dying Act, 2017 (June 2019- Dec 2020) 405 permits were issued, yet only 224 people died from taking the prescribed substance. The reality is, due to the eligibility criteria, virtually all people who apply for or access an assisted death will be receiving palliative care services. Palliative Care Australia commissioned a report in 2018 which found that in places where VAD has been implemented, palliative care has undergone improvement, which is often due to an increase of funding coinciding with implementation of laws. In the same report, one suggestion was to integrate assisted dying as a component of end-of-life care. Where VAD is already implemented state-based palliative care agencies play a significant role; Tasmania and South Australia can learn a great deal from the journey Victoria and Western Australia have gone through.

## CONCLUSION

If you haven't already, it's time to start having conversations about assisted dying in your organisation. Because it's coming. Figures suggest that 85% of Australians support VAD, as shown in a 2017 Roy Morgan poll. At Dying with Dignity, we've released Vote Compass data that shows in every electorate in NSW there is majority support, and those figures are comparable across all Australian electorates. There is not one member of any Parliament in Australia that can vote no and honestly say they are representing their constituents. If you live in a jurisdiction where VAD is not yet in place (New South Wales, Queensland, Australian Capital and Northern Territories), write to your local Member of Parliament right now and share your personal story or professional experience. This is about human rights for terminally ill people who are suffering terribly at end-of-life and providing an option for a good, peaceful and pain-free death.

The key things to remember are that assisted dying is voluntary, many people will not meet the strict criteria and most people will not need to. It is only for people who are dying and who are experiencing unbearable suffering. Individuals and organisations who do not wish to participate do not have to, but you must not impede someone from accessing information or referral. VAD already operates in Australia, look to the states that have implemented VAD and ask your colleagues for case studies and examples of policies and procedures. VAD laws are safe, achievable, and desperately needed.

I absolutely respect that everyone has a fundamental right to lead how they live their life, and that self-determination is the pillar of quality healthcare, which is why I personally support VAD and providing dying people with choice and control over their own life. You may have a different view, I do not wish to force my opinions upon anyone, but I will defend my rights and yours, to ensure all of us are able to make our own decisions. I'm doing this for my grandmothers that didn't get a choice and for my mum who wants to have a choice.

## RESOURCES

### National:

- **Go Gentle Australia:**  
<https://www.gogentleaustralia.org.au>
- **Palliative Care Australia (2018 Report):**  
[https://palliativecare.org.au/wp-content/uploads/dlm\\_uploads/2018/12/Experience-internationally-of-the-legalisation-of-assisted-dying-on-the-palliative-care-sector-APEX-FINAL.pdf](https://palliativecare.org.au/wp-content/uploads/dlm_uploads/2018/12/Experience-internationally-of-the-legalisation-of-assisted-dying-on-the-palliative-care-sector-APEX-FINAL.pdf)

### Victoria:

- <https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying>

### Western Australia:

- [https://www.healthywa.wa.gov.au/Articles/A\\_E/End-of-life-care](https://www.healthywa.wa.gov.au/Articles/A_E/End-of-life-care)

### Tasmania:

- <https://www.health.tas.gov.au/vad>

### South Australia:

- <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/services/primary+and+specialised+services/voluntary+assisted+dying/voluntary+assisted+dying+in+south+australia>

### Queensland:

- <https://www.health.qld.gov.au/system-governance/legislation/voluntary-assisted-dying-bill>

### New South Wales:

- [dwdnsw.org.au](http://dwdnsw.org.au)



Heath is the Campaign Organiser at Dying with Dignity NSW and comes from a background in not-for-profit health and community organisations across childcare, disability, mental health, LGBTIQ, ageing and aged care, and policy. He has worked in NFPs across South Australia, Canberra, New South Wales and nationally with a peak body.

Heath is fundamentally a believer in collaboration and enablement to bring about systems change, which coincide nicely with being a member of the ASU and supporting its work. Heath encourages all of us to get involved and live the adage: create the change you want to see in the world. Heath is a proud member of the ASU.



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*Aboriginal Services*  
*Justice for First Nations People*  
*Cultural and Linguistically Diverse Service*  
*Governance and Leadership Courses*  
*Alcohol and Other Drug Services*  
*The Future of Community Services Series*



[www.accdp.org.au/training](http://www.accdp.org.au/training)

# Starting From Here

Author: David Ritter

The first stand-up comic I can remember ever watching regularly was Irish legend Dave Allen, who delivered his anecdotes and banter from a seated position, whisky in one hand and cigarette in the other. Allen was definitely on the risqué side for mainstream Australian TV in the late 1970s. Being allowed to stay up and watch (“it really is past your bed-time David”) felt thrilling and more than a bit perplexing, as some of the more ribald and sacrilegious material sailed safely over my prepubescent head. Apart from the engaging charm and dramatic range of the comedian’s delivery, what I could readily identify with as a child was Allen’s relentless skewering of the hypocrisy and vanity of the powerful. If there is something most kids can pick instinctively from ten miles away, it is adults who are talking bullshit. And of course, bits of the show were accessible to any age. I can remember laughing at one very old gag (but new to me) which was repackaged as an opener by Allen:

*I suppose Ireland is the best place in the world for directions. People will say to you, “I wouldn’t start from here if I were you.”*

It is an ancient joke (the first known print version is almost one hundred years old) that we’ve all heard and has been told and retold with different locations and meanings: the lost city traveller seeking directions, and the country local giving the absurd response.

‘I wouldn’t start from here’ is also as good a summary as any of Australia’s national political position in relation to the moment of global climate emergency. Canberra’s failure on climate action is so staggeringly, egregiously poor that we were recently ranked dead last<sup>1</sup> out of 170 countries by the United Nations. The fiasco is utterly inexcusable. We have a suite of natural advantages, including abundant wind and sunshine, plenty of space and a highly educated workforce, as well as a track record of making major national transitions of society and economy for the common good. As Professor Ross Garnaut and<sup>2</sup> others have noted, Australia has everything we need to become a ‘renewable energy superpower’. Multiple studies have now shown clear technical and practical pathways<sup>3</sup> to not only powering all of our own electricity needs with 100% renewable energy within a decade or so - but also providing clean power<sup>4</sup> to our south east Asian neighbours. Apart from all the positive incentives to seize the moment, we have everything to lose. Already, severe climate change impacts on our magnificent country include the death

of half of the corals<sup>5</sup> of the Great Barrier Reef since 2016 and the burning of 35 million hectares<sup>6</sup> of country in the great fires of 2019-20. We have only a few short years to take the urgent systems-wide action required to avoid vastly worse climate damage. Yet, despite all of this, the Morrison government is nowhere. There is no credible national plan to achieve net zero emissions by 2035 or sooner, or to phase out the extraction and burning of coal, oil and gas, which is the most urgent task at hand.

It is not only the feds that are offering no credible leadership or direction on global warming. Australia’s single largest corporate climate polluter is AGL Energy Ltd which is responsible for 8% of our national domestic carbon emissions<sup>7</sup> - more than double that of the next worst polluter. The reason why AGL is the worst is because the company operates three dirty ageing coal-burning power stations: Liddell, Bayswater and Loy Yang A. 85% of the electricity produced<sup>8</sup> by AGL comes from burning coal, which is the number one driver of climate change. On the other hand, AGL has barely increased the amount of renewable energy<sup>9</sup> in the mix of its suppliers over the last five years. Australia must close all of its coal-burning power stations by no later than 2030<sup>10</sup> to ‘do our bit’ towards achieving the globally agreed Paris climate goals<sup>11</sup> designed to limit temperature increase to no more than 1.5 degrees; but AGL currently intends to keep burning coal until 2048<sup>12</sup>. Recently announced plans to split AGL into two companies<sup>13</sup> failed to disclose any clear plan for coal closures by 2030.

In both cases too, there is far greater interest in appearances than realities. Morrison and his ministers refuse to honestly concede Australia’s laggardly efforts to reduce greenhouse gas emissions and prefer to treat the fate of the Great Barrier Reef as little more than a question of image management. AGL, on the other hand, has actively engaged in extensive greenwashing as a deliberate part of corporate strategy. Click into the company’s social media pages or website and you’ll find bright images of children running in green fields past wind turbines and solar panels. AGL’s homepage<sup>14</sup> offers a direct link to ‘Solar and Renewables’ but makes no mention of coal power, and when you do get down to its generation portfolio<sup>15</sup>, the site uses the euphemism ‘thermal’ presumably to avoid mentioning the c-word. AGL claims<sup>16</sup> it plays “a leading role in developing a pathway to a modern, decarbonised generation sector, developing and investing in new renewable and near-

zero emission technologies”; but the truth is that AGL’s recent increase in renewables uptake has been pitiful<sup>17</sup> - a little over one percent over the last five years, making for a total of around ten per cent.

Instead of taking urgent action on global warming, both AGL and fossil-fuel-friendly politicians have also preferred to take action to try to silence those who oppose them. In 2016 the UN Special Rapporteur Michel Forst declared himself<sup>18</sup> to be astounded at government attacks on environmental advocates in Australia. Since then, the repressive rhetoric and proposed measures of some Australian governments and politicians have worsened. In November 2019, Scott Morrison announced his own intention to repress environmental activism<sup>17</sup>. More recently, the Morrison government has introduced a set of proposed amendments to the Australian Charities and Not-for-profits Commission (ACNC) regulations that constitute an unprecedented attack on the Australian charitable sector as a whole. According to the Reverend Tim Costello the new laws would ‘target every charity in Australia, subjecting them to the threat of de-registration’. As Costello writes<sup>19</sup>:

*It is difficult to see this as anything other than a concerted effort by the government to stifle legitimate and lawful policy advocacy by charities.*

Again, there are some parallels between the federal government and Australia’s biggest corporate climate polluter: the attempts to repress legitimate democratic expression have not been confined to the politicians. In early 2021, Greenpeace launched a campaign<sup>20</sup> to persuade AGL to mend its ways, calling on the company to commit to closing its coal-burning power stations by 2030 and to become a pure-play renewable energy company. Greenpeace has been very effectively using satire to send up corporate polluters and environmental criminals for many years in different cultural contexts and geographies all over the world, and earlier this year we turned our attention to AGL. We parodied AGL’s logo in online advertisements and street posters and attached the tagline ‘Australia’s Greatest Liability’ (not up to Dave Allen’s standards, but hopefully good enough to do the job). Under Australian intellectual property law, the parodying of logos is permitted. Independent legal commentator Michael Bradley reviewed the proceedings<sup>21</sup> this way:

*Does AGL have a case? Nah, they’re pushing shit uphill, to use a legal phrase...*

*The essence of the parody defence is that you have to have added something extra to the original copyrighted work, which makes it funny. Now, maybe the lameness of Greenpeace’s comedy writing will count against it, but I don’t think that the issue of whether a use qualifies as parody or satire should be dependent on how objectively funny*

*it is. Clearly Greenpeace is taking the piss, bringing it neatly within the intention that the then-attorney-general referenced when he introduced the parody defence into the act in 2006: that it would “promote free speech and Australia’s fine tradition of satire”. If the law turns out to be on AGL’s side on this question, then comedy is dead.*

Putting to one side Bradley’s savage review of the quality of our gag-writing his assessment of AGL’s prospects in advance of the case being heard raises an important question. Presumably AGL had paid for its own legal advice about the prospects of success with the case; so it is not unreasonable to ask why did the company choose to initiate the proceedings? Did AGL receive legal advice that was widely divergent from Michael Bradley’s assessment? One senior business contact said to me privately that ‘suing Greenpeace was the kind of decision you make when your CEO has just suddenly resigned’. (As it happened, AGL’s CEO had, in fact, just quit - Brett Redman walked out unexpectedly<sup>22</sup> on April 22, two weeks prior to the company suing Greenpeace). In my opinion, it is hard to escape the conclusion that AGL was trying to intimidate Greenpeace and other environmental campaigners and that the litigation was essentially intended as a SLAPP: ‘strategic lawsuit against public participation’. SLAPPs are designed to overwhelm activists, charities and community groups with legal fees and time-filling court hearings in an attempt to censor and intimidate critics. The threat to democratic free speech in the AGL v Greenpeace case was serious enough that the ACF, the Human Rights Law Centre and a range of other charities and civil society groups wrote an open letter to AGL<sup>23</sup>, calling on the company to desist from the litigation. We were deeply grateful for the solidarity.

If AGL’s intention was to SLAPP down Greenpeace and other environmental groups challenging the company’s polluting practices, then the plan failed. The case was heard and determined with great speed and efficiency by the Federal Court of Australia. Not only did AGL overwhelmingly lose, with his Honour Justice Burley finding<sup>24</sup> that Australia’s intellectual property law parody exceptions applied in relation to almost all of the impugned materials, but the surrounding publicity drew vast attention to AGL’s status as Australia’s worst domestic climate polluter. For a company that had spent so much on trying to greenwash its reputation, the extensive media coverage of the case everywhere from *The Australian* to the *Washington Post* and *Al Jazeera*, seems unlikely to have been consistent with internal business strategy.

The late Dave Allen toured Australia a number of times during his career (I saw him live once, late in his career at the Perth Concert Hall) and would have had no difficulty in sniffing out the egotism and hypocrisy at work in this country in 2021. Certainly, plenty of talented

contemporary Australian comedians have been active in nailing what The Juice Media memorably calls the 'shitfuckery'<sup>25</sup> of the moment. The School Strikers too, have been notable not only for the incredible dynamism that they have stirred in the climate movement, but for the moral clarity of the satire in evidence among the thousands of placards that were carried down Australian malls in the months and years before COVID-19 brought a hiatus in street level protest. "We'll be less activist if you'll be less shit". "Why should we go to school if you won't listen to the educated". Quite. The grotesque irresponsibility of both Morrison and AGL are part of a broader alignment of power that can be described as the Fossil Fuel Order<sup>26</sup> which is holding Australia back - and must be systematically dislodged to enable our transition to a clean energy nation. The nihilism of the Fossil Fuel Order is the cruelest of jokes played out in our country. Truly, we should not have to start from here; but the failure of national leadership has left no alternative.

Despite the sabotage of the federal government and the cynical dead hand of the fossil fuel corporations, we are now forcefully navigating a path forward. Numerous leading businesses including Bunnings, Coles, Woolworths, Aldi, Tesltra and others have now committed to only buying electricity from renewable sources by 2025 or sooner; leading banks and financial institutions are refusing to invest in any new coal; unions and partner organisations are committing to the vital project of a just and fair transition for all impacted workers; state and territory governments are just getting on with things by announcing ambitious decarbonisation targets and renewable energy zones. All over Australian, individuals, families, institutions and communities are declaring their commitment to climate action and climate activism. Together we can drive companies like AGL and other polluters to transform as they must. A clear majority<sup>27</sup> of the Australian people now support urgent action on climate, including pressing ahead to net zero emissions, and banning new coal mines. The task ahead, for all who care, is standing up to the attacks on our democracy, and to do everything that we are able, to initiate the rapid transition to renewable energy within our own workplaces, neighborhoods and institutions. Even from here, led by the determination of people all over our country, working together, to the best of our power and ability, we can still find our way home.

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Before joining Greenpeace, David spent more than a decade working as a lawyer, with a particular focus on native title. His most recent book is *The Coal Truth: The Fight to Stop Adani, Defeat the Big Polluters and Reclaim our Democracy*. David is an honorary fellow of the Faculty of Law at the University of Western Australia; and a Research Affiliate of the Sydney Environment Institute (SEI), an Associate at the Sydney Policy Lab and an Adjunct Professor in the Sydney Democracy Network (SDN), all at Sydney University.



# If You Have Come to Help Me, You Are Wasting Your Time: Ethical Practice and the Work of Liberation

Author: Dr John Falzon

*If you have come to help me you are wasting your time, but if you have come because your liberation is bound up with mine, then let us work together.* (Lilla Watson, Gangulu artist, activist and academic)

I want to begin by talking about brokenness.

Not broken systems. Sadly, many of those systems we call broken, such as neoliberal capitalism, patriarchy and colonisation, are actually working extremely well to do what they were designed for, namely the work of disempowerment.

I am interested more in how these systems break people, how they systematically produce brokenness.

Only when we acknowledge that none of us are exempt from the reach of these systems of violence and violation can we talk about our liberation being bound up with the liberation of those we want to work with and stand with in solidarity.

Audre Lorde writes of that *"piece of the oppressor which is planted deep within each of us."* Only when we acknowledge that our positions in these systems are often complex, and contradictory can we really address our own need for liberation and our need for help in achieving this.

The experience of woundedness, something none of us seek but most of us, if not all of us, somehow and somewhere encounter, is fundamental to being human, something we all share in common.

What we do not all share in common, however, is the differential exposure to woundedness, to trauma. Some populations here in Australia, and across the planet, are more likely to experience multiple traumas, and more likely to experience these traumas at a deeper level than the rest of us, often leading to completely avoidable deaths.

It is this avoidability that drives me.

I want to know why some of us are more exposed to the impact of trauma, why some of us are more wounded, and how, as a society, as a world, we can prevent that which is avoidable, that which dehumanises.

I want therefore, not only to know, not only to analyse, not only to understand, but to be part of the collective movement to change social and economic conditions so

that out of our common woundedness we can grow a common sense of tenderness and not just thicker skins.

Being there for each other can be framed in different ways. I want to explore two of these ways as a means of trying to get to the bottom of some of the unspoken questions that, in my experience, seem to lie beneath community and disability practice.

I want to suggest that the two key frames for being there for each other are *social service* and *social struggle*. They are not mutually exclusive, but I would argue that one or the other tends to dominate practice and discourse in any given historical context. I am not suggesting some kind of clear-cut binary. Life is too gloriously messy for that, and our practice is usually a contradictory fusion of (or tension between!) these two frames.

Before going any further with this analysis though I would like to share with you what has been for me an enormously helpful theoretical insight. I will always be grateful to my daughter, Gabriela, for introducing me to the work of Judith Butler. The first thing she introduced me to was *Gender Trouble*, a brilliant disruption of many of the concepts I had grown so used to, a critique of gender normativity that blasted open a new path to liberation. Let us always be grateful for these ways in which people can revolutionise our thinking, turning things upside down!

One of the most basic things we have in common is that we each need help from each other.

Judith Butler identifies this as the experience of *precariousness*, the reality that our lives are *"...always in some ways in the hands of the other."*<sup>1</sup> Rather than being stigmatising, this is central to our humanity. We are social beings, and we should never be ashamed of needing help from each other. Rather than being an alienating experience, the help we give and receive as social beings should be seen as something that binds us together. At best it can even produce a powerful sense of solidarity and hope. It is also the reason we need to think and act collectively. The way our economy is currently structured gives rise to a certain false way of thinking about how our lives are structured, making us feel like the need for help is a weakness, a flaw. We are made to feel like if we can't stand alone then we can't really stand at all. Billionaires are presented to us as the pinnacles of strength and virtue, while working class people, especially those on low pay, those in insecure work and those who are not in

paid work, are presented as being deeply flawed. What is missing in this false picture is the fact that poverty, inequality and insecurity are not a reflection of poor individual choices; they are a reflection of a deliberately manufactured precarity.

Unlike *precariousness*, *precarity*, in Judith Butler's formulation, is: *"a politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence and death."*<sup>2</sup>

Our job is to celebrate our common precariousness while fighting and eliminating the manufactured precarity that is imposed on us. All forms of precarity happen by design, from the precarity experienced by First Nations people that comes with the violence of colonisation to the precarity experienced by women that comes with the violence of patriarchy.

It is precarity by design too that causes economic crises to be translated first and foremost into personal crises for working class people: the loss of a job, the loss of hours, the loss of penalty rates, the loss of a home, the loss of self-esteem. Theorist Mark Fisher spoke of this as *"the privatisation of stress."*<sup>3</sup> Neoliberalism, predatory capitalism, is a crusher of souls, a destroyer of lives. It cannot be fixed any more than patriarchy or colonisation can be fixed.

Precarity is not just confined to the labour market. It is the violence that lurks and lashes out at us anywhere, from the public square to the home. Precarity is at work, for example, when our paid working conditions or our living conditions minimise the time or space for the work of caring for the people we love and caring for ourselves: our health, our culture, our minds. This too is an experience of precarity, a violence, a denial of our value.

Historian Eloisa Betti<sup>4</sup> places the origin of the term *precarity* in the Latin root *precor* (pray) or *precarius* (obtained by praying). When we are subjected to the apparatus of oppression, especially when it is more velvet glove than iron fist, we can find ourselves convinced that those who hold the concentrated power are best approached with an attitude akin to prayer. This is exactly what the controllers of capital would love to see. It is the morbid dream of creating a dirt-cheap, well-behaved, fearful workforce. And for that you need a beaten-down reserve army of unemployed workers as well. Which is why the attacks on working class people, whether they are in paid work or not, are intimately related. And why so many of our number feel like we have been remaindered: left on the discount table, labour power on the cheap, available by the hour or the task.

As Betti explains, precarity, as a politically induced condition, is not new. In many countries, including Australia, the working class organised in the union movement fought hard to arrest the acceleration of precarity and won major victories in the areas of working conditions,

wages, job security and work health and safety. Many of these wins are being actively reversed by a neoliberal agenda and the appropriation of new technologies. But even while these wins prevailed, precarity continued to be experienced as a norm, especially by women in any part of the world and workers in the global South. The achievements of the social democratic compromise, whilst not being without significance, produced a "norm" of standard work combined with a welfare state for a minority of the global working class and coexisted with the deliberate exclusion and exploitation of women, First Nations Peoples, People of Colour, people of the "global South", people who are considered surplus to the requirement of capital, the unemployed and the undocumented. Built into this compromise was also the apparatus for the punishment and control of sections of the population that were deliberately pathologised or criminalised.

Sections<sup>5</sup> of the white, male-dominated labour movement, particularly where there was a lack of consciousness of the meaning of solidarity, were in some ways complicit in this exclusion. At the same time, it must be noted, the more progressive sections of the labour movement were deeply aware of the oppression that was normalised and took great risks in standing in solidarity with oppressed peoples everywhere.

So, in the light of this insight into precariousness and precarity, how can we better understand the difference between *social service* and *social struggle*?

First, let's look at the idea of *service*. The word comes from *servus*, the Latin for slave. Probably not the most promising of beginnings! While the idea of *service* evokes a sense of selfless civic or military contribution for the good of society, the interesting thing is that, in economic terms, once an activity has been framed as a service it is seen as being ripe for commodification. It is something that can be sold. In this we can already see the inherent contradiction that plays out in the area of social and disability services, particularly when we view it through the lens of NGOism<sup>6</sup>, whereby the costs of these services are structured in such a way as to produce: 1) a short-term cost reduction since funding for services is usually shared between direct government funding and philanthropic fundraising, 2) a long-term inefficiency due to the costly replication of administrative and support infrastructure among NGOs, and 3) a not-for-profit stepping-stone towards the unfettered marketisation of services through the opening of tenders to for-profit entities. At the same time the work of advocacy in addressing the structural causes of inequality and precarity is systematically restricted not only through explicit gag clauses but also through organisational self-censorship in the interests of not wanting to fall out of grace with government or corporate funders.

Even when services are provided directly by government, however, problems remain regarding the way they are framed and delivered. Significantly, some of these

problems are used as justification for government abrogation of responsibility, especially in the context of neoliberal running-down of public infrastructure and the construction of the NGO sector as a solution to flaws in government service delivery.

Workers (whether paid or unpaid) in these organisations make a huge difference in people's lives, but the fact that charities are perceived as the default means of addressing poverty and inequality provides an excuse for governments to abrogate their responsibility in this field, paving the way for both a reduction in social expenditure and, in some instances, an inefficient application of public funds. It also means that the public is less likely to see the public revenue base as the foundational mechanism for funding the alleviation of poverty and inequality and more likely to see individual and corporate philanthropy as the key means of fulfilling this function. In effect, particularly as far as corporations are concerned, a form of voluntary taxation has displaced compulsory taxation, with the added social disadvantage of removing the layers of democratic accountability and democratic control that can, at least potentially, apply when governments control the resources.

The creeping corporatisation of the community sector has not only blurred the divide between for-profit and non-profit organisations but has paved the way for a governance model that is sometimes quite explicitly anti-worker. Unions, in many cases, are painted as being an obstacle to the achievement of an organisation's social purpose and mission. It is not uncommon, for example, for a charity to accuse unionised workers who are seeking a pay increase of *taking money away from the poor*. Social justice discourse is sometimes even deployed to justify wage stagnation and/or insecure work as a normalised mode of employment. This development, of course, cannot be viewed in isolation from government policy settings. Organisations, however, need not embrace the neoliberal ideology that is imposed on them. There is scope for organisations to resist and re-shape these settings when they mitigate against a greater sense of self-determination, democracy and dignity for the people these organisations are assisting.

The unspoken heart of the contradiction lies not so much in who delivers the services but in the absence of democratic ownership and control of the services themselves. This is papered over by countless reviews, consultations and mechanisms for feedback (often themselves outsourced at astronomical cost to large consultancies).

Which leads us to the second frame, that of *social struggle*. Arguably, the problem with social services lies not with the question of the necessity of the services but with whether they are meaningfully social, in other words, grounded in social reality, which is a site of social struggle.

There are those who would argue, convincingly, that society should ideally be a site of consensus and cohesion. This worthy aspiration, however, masks the reality that society is the site of intense conflict, with the balance of power lying almost exclusively with the side of those who do the oppressing rather than those who experience the oppression of patriarchy, class, colonisation, ableism, ageism or queerphobia.

Ethical practice stems fundamentally from a grounding in the experience of those who are forced to struggle against these forms of disempowerment and degradation and those who choose to take their side in that all-consuming act of solidarity as *the tenderness of the People*, to use Nicaraguan poet, Giaconda Belli's beautiful formulation.

As union members who work in the social and disability services sector, we need not feel divided or torn. Our job is to collectively transform the structures in which we work. While it belongs to civil society, the union movement is built around the principle of member-based, collective self-advocacy.

Instead of *speaking for* a group it is assisting, the union movement is, by definition, a vehicle for self-advocacy, whereby members organise themselves collectively to tell their own story and make their own demands for a more democratic economy, a more democratic society, and more democratic distribution of power and dignity.

It is in both our immediate and long-term interests to rectify the theoretical, and therefore organisational error, where the organised working class is seen as excluding those who are not in paid work. It must be emphasised that this error is neither universal nor irremediable. There is a strong history within the union movement of solidarity with people who are not in paid work as well as with people who experience oppression outside the industrial context. Examples of this are plentiful and include union involvement in First Nations People's struggles for justice and self-determination, the women's movement struggles against the patriarchy, the struggles of LGBTQI communities against heteronormativity, gender normativity, homophobia, biphobia and transphobia, the struggles against racism, the climate justice movement and other environmental struggles, as well as quite specific campaigns such as those for public housing, disability rights, an increase to unemployment benefits, and campaigns around funding for specific services and the prevention of their privatisation and outsourcing (e.g. the 1800 RESPECT campaign). In addition to these examples, many unions also have a strong tradition of international solidarity, exemplified by the excellent work of Union Aid Abroad-APHEDA.

This proud history testifies to a strong understanding and praxis of politics framed by gender, class, the struggle against colonisation, the social relations of disability, and the interconnectedness of all struggles for liberation.

It is crucial that we promote an understanding of this interconnectedness and that we employ a conceptual and organisational framework in which the working class is understood to be inclusive of those sections of society that are not normally considered within the remit of industrial struggles. It is crucial that we explicitly identify with these struggles. A wonderful example of this was the ACTU's formal endorsement of, and the union movement's strong participation in, the Women's March 4 Justice. Likewise, it is crucial that we effectively communicate the importance of our industrial struggles to those who see them as alien to their own struggles.

More specifically, in relation to what is usually framed as social service, as union members, our task is to re-frame our work as part of the *social struggle* to create the space for democratic change in addressing the historical and structural drivers of disempowerment. Our task is not to be a voice for the voiceless, as per the typical model of advocacy in the neoliberal social context, but to help grow our social movement by carving out spaces for the people we work with to tell their own stories, perform their own analyses and create the social change we join them in longing for. As Arundhati Roy reminds us: *"There's no such thing as the voiceless, only the deliberately silenced and the preferably unheard."*

The struggle for liberation is a struggle against fear. It is a struggle to take control, a struggle therefore against those structures that take control of us. It is a struggle for democracy, a struggle for power. This is the only starting point for an ethical practice: the work of liberation, especially when carried out in a shared spirit of brokenness, common anger at the causes of avoidable precarity and a deeply human hope for a reconfiguration of society, and its economic underpinnings, so that we can create a way of being there *for*, rather than being pitted *against*, each other.

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