

Mary Walsh AM.
24 Aberer Blvd
Kipnock Q4670.

Commissioners.
Human Rights Commission.

Submission - BSWAT Extension

Further to my previous submission I again request an extension for a further 12 months for the exemption of the BSWAT from its discriminatory impact.

Time has proved, as predicted, that the initial 3yr request for extension of the exemption was reasonable.

- Twelve months later almost 6000 workers are still to be assessed
- The alternative SWA tool would increase the wage costs to such an extent that jobs would be lost
- A new tool is still not available - & won't be in the short term.
- ADHS are doing the right thing, by transitioning to alternative manually approved tools viz. Greenacres & Skillsmaster
- It was publicly revealed, by Minister representative at a conference on the week-end that "the cat is now out of the bag" & the Greenacres & Skillsmaster

tools are now going to be challenged.

- The BSWAT took years to develop - a new tool will not happen until, at least, 12 more months.

- The AAT challenge to the HR 4 months extension must raise queries about the motivation of the applicants in the whole BSWAT/wages/HR issue.

(Our workers, their families & carers live in fear of losing their jobs.

- On the evidence this is understandable & the current situation cannot be allowed to ^{be} continued.

Any business needs more than 12 months to transition their entire wage costs by between 3% + 3%.

Attached are hard copies that depict a regional perspective of what is actually happening in this national ADE war.

Please consider the best interests of these workers, their families & carers & grant a further 12 months extension.

Sincerely,
Marilyn Wicks, OAM, CPA.

Old representative ADE's works for Me.

PS. I have had a computer melt down so am unable to provide these electronically, at this stage. We'll do so where possible, & there is a further addendum.

To whom it may concern

Further to my hand-written submission sent by hard copy, express post yesterday, I now append the electronic case studies and other addenda referred to there-in

The case cases were undertaken at personal expense to provide a regional perspective to the current hearings before the Fair Work Commission. This is the real world. These are the real jobs. These are real businesses. This is a real problem. These are real workers and their worried families and carers are real people.

The NCID letter has been previously provided, but now contains an updated page 5. It, also, is the real story.

I attended the recent FWC Hearings and, when it is obvious that it has taken 12 months to assess 1/3 of the workers – assessing the remaining 6,000 cannot happen in 4 months.

The joint media release(attached) by the applicant to this FWC action is, I find, offensive, especially when we are all trying to work together to conciliate an outcome that will not deprive any worker of their right to a job. To the applicants and funded advocates, it is simply a case of “re-arrange your business and pay the award wage”. That is not the real world and, having worked with these advocates for the past 30 years, I have to question their motives because as a professional business woman – this is an impossible ask in the current economic climate.

To be told that the “cat is now out of the bag” – publicly, by the Union representative, at a public conference, and that they will now pursue the Greenacres and Skillsmaster tools has further exacerbated the fear and concern of workers, their families and carers. It also raises questions about the good faith which we are all investing in this effort to come up with a solution that is non-discriminatory and fair, but will not create insolvency in the ADE’s. The Greenacres and Skillsmasters tools are legally approved wage assessment tools. This advocacy crusade is creating untold harm in the sector and limiting the capacity for ADE’s to create the extra income needed to off-set wage increases. That’s just common business sense. The workers, the community and the employers have become pawns in an ideological crusade that is ignoring the rights of the 6000 workers not yet assessed and, now threatening the rights of those who have, legitimately, moved on, at great expense to an alternative legally industrially approved tool.

A lot of people are genuinely working hard to deliver a satisfactory solution, without closing down the local ADE in the many towns and cities of Australia, where they are an important thread of the community and social fabric. Supported employment has a place in society and in business, as overseas experiences have proved.

Commissioners – we need more time and, on behalf of the many workers and their families and carers who wish to continue working, earning an income and experiencing the many social and financial benefits of supported employment in an ADE – I earnestly ask that the extra 12 months be granted.

I have no conflicts of interest but – these workers, their families and carers – also have a right to be heard. Please give them that time to transition to a non-discriminatory wage assessment tool – still to be developed, especially as the advocacy campaign now moves to the next phase of their strategy – to attack those who have transitioned, as well as those now awaiting assessment for transition.

Thank you sincerely for your favourable consideration of the rights of those not yet assessed and grant them the time and capacity to continue their transitions.

Mary Walsh OAM,CPA,AIFS,JP(Q).

Qld Family Representative – ADE’s work for me
Family Disability/Community Advocate.



Centre serves up a winning venue
11:00 Oct 2012 2:04 PM

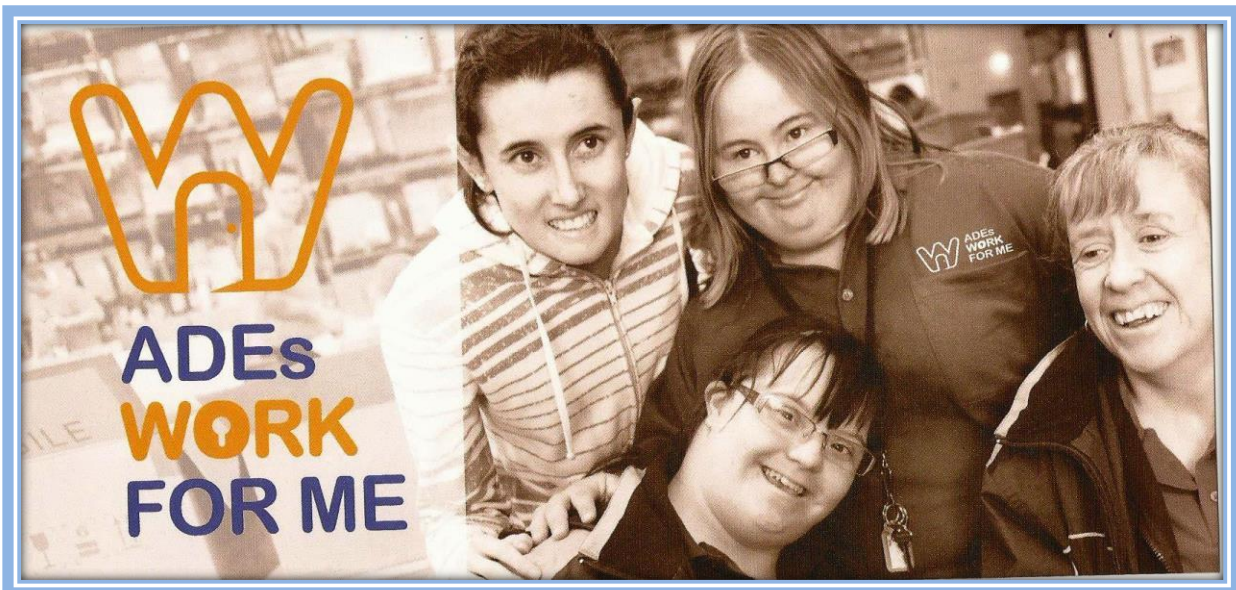


2015

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Compiled by Mary Walsh
OAM, CPA, AIFS, JP(Q)

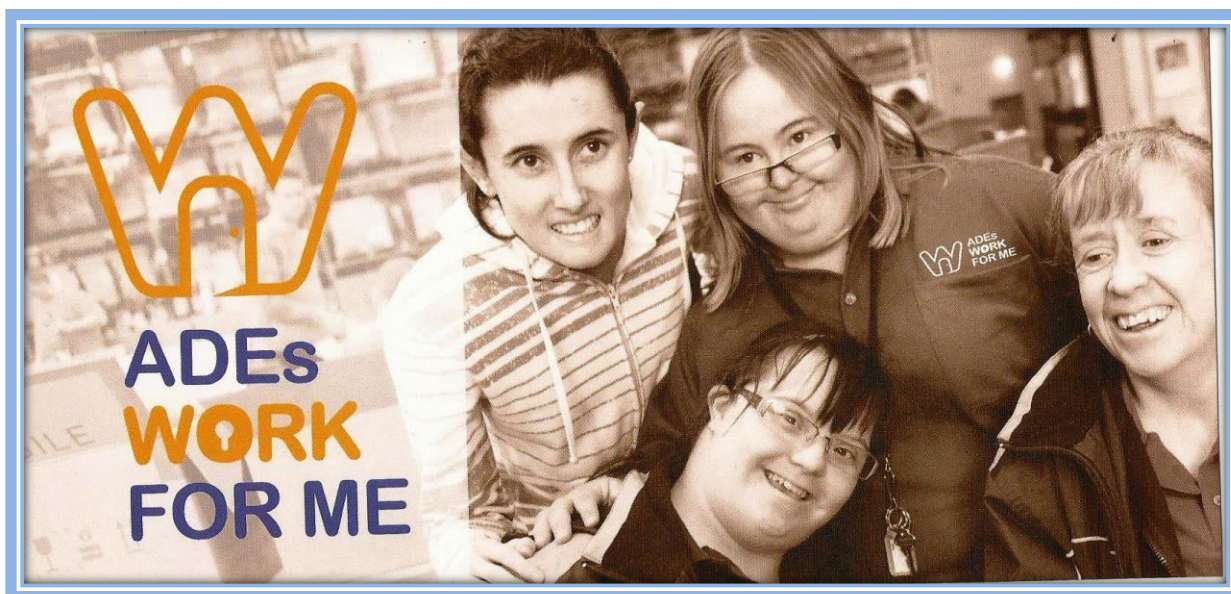
Parent Advocate -
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[A CASE STUDY – REGIONAL PERSPECTIVES – ADE’S]

Presents an actual case study of how one regional area has developed – driven by need, by families and the broader community – to provide employment options for members of their community with disability. The case study has 3 separate sections. (1) The Background, setting the scene,(2) an outline of what is now provided in that community and (3) a suggestion for a possible solution. The paper has been prepared for presentation to the Fair Work Commission Hearings of 27 April, 2015.

Part 1 – The Background – Setting the Scene



This case study has been compiled to provide a regional perspective on the role, importance and social position of Australian Disability Enterprises in a range of work options for vulnerable people with a disability. The regional area is Bundaberg, which is one of two city hubs in the Wide Bay Burnett District of Queensland

It has been compiled by Mary Walsh, a national advocate, a mother, a successful professional business woman and someone who has lived in this regional area for the past 50 years. As the mother of a son, an ADE employee, now deceased, with an intellectual disability and complex medical needs, she is the

Queensland Representative of the family's committee of the "ADE's Work For Me" campaign.

Mary does not see her role as confrontational but rather one of spreading understanding, acceptance- and tolerance.

As a business-woman, and mother, she understands that the ADE model of business has been developed to "work around" the needs of its workers. Contrary to the standard business model, the ADE has moulded a business/employment option around the needs of people with disability – in receipt of a

disability support pension. The business is not about returning profit to the owner – but returning financial, social and community "profits" to the workers and the community in which it is established. ADE's "work" for the workers, and each worker determines if their place of employment "works" for them. What "works"



for one, as in the wider community, doesn't necessarily "work" for everyone. That's diversity, democracy and choice – which is universally demanded by those of us who are able-bodied and choose where we work.

The right of choice is a basic human right which we all respect and, indeed, demand.

Mary also represented the workers of Australia's (then) business services before the Australian Industrial Relations Court, (now the Fair Work Commission) and on the National Consultative Committee, where she worked with Union representatives, workers, their families, Federal Government representatives and the National Service Provider sector in the development of, and later approval of the BSWAT (Business Services Wage Assessment Tool).

Obtaining an industrially approved tool for the assessment of wage entitlements for the 20,000 workers employed in the business services sector was, then, a significant move forward and, along with Quality Assurance, Disability Standards, Workplace, Health & Safety requirements and improved Worker Committees within the services, moved the sector forward to a more industrially based business environment for workers within those employment options.

.....But, nothing stands still – and neither it should.....

The abuse of human rights is as unacceptable now as it was then. The issue now is how to move forward with a wage assessment tool that delivers a fair wage for effort – an industrial right demanded by all workers – be they able-bodied or not - no matter the type of work, for whom they work , or where.

But, to deliver a fair wage the business – irrespective of its type – must remain financially capable of paying its expenses. If not, it is trading insolvent – and must – under Corporations Law, cease operations, with the owners (in the case of not-for-profits – it's the board of management) then liable to repay all the debts, using their own personal assets – if that becomes necessary.

The current impasse is one that requires patience, tolerance and a fairly large dose of both common sense and forward vision – by the Federal Government, by industrial legislators and protectors, by the Human

Rights Commission, by the Service Provider Sector, by workers, their families and carers, and by advocates who demand (only) a wage base that places the viability of the business at risk.

We are dealing with a very vulnerable group of workers, in an economic climate that is tough for able bodied workers and business – everywhere. We live in an increasingly technological age which will require a re-appraisal for all businesses –not just ADE's. Every time you go into a store – anywhere, anytime and see a "self-serve" check-out – then that is the loss of one job. When you see 4, or 6 – there will, generally, only be one supervisor. So, where you had 4 or 6 jobs – you now have only 1

Workforce reboot deletes 47 per cent of today's jobs

IF your job does not require creativity or social intelligence you may be replaced by a computer in the next decade.

Researchers have examined 702 occupations in the US, predicting that 47 per cent will be overtaken by computers in the next decade or two.

Co-author of the study, Oxford University associate professor Michael Osborne, said there were ways to predict job security. "We tried to relate those characteristics to things that we know machines can and can't do, or will imminently be able to do, considering a

horizon of about 20 years," Prof Osborne said.

Creativity, social intelligence and the manipulation of objects in unstructured environments stand in the way of computers. To be creative, a person draws on their understanding of the cultural values of their society, which is difficult to insert into a computer.

Prof Osborne, who is in Brisbane to speak at a conference on the future of work at the Queensland University of Technology, said the story was similar across most developed nations of the world.

CYM -24-3-15

That is the “down” side, so let’s evaluate the “up-side”.

There are two positive indicators that should be slotted into this discussion

(1) Many people with disability have latent skills that you might not be able “to insert” into a computer –

but modern technology can often draw them out. That is the “creativity, cultural and social” element that technology cannot create. Neither can technology create or remove the instinctive community resilience and togetherness which abounds within many of our communities – particularly in Regional Australia. It exists because people will band together to get better results – in all spheres.

(2) The second – and most important – is the NDIS – the National Disability Insurance Scheme – The entitlement program for which many of us have fought for decades, and which now sits very much within the landscape under which we now meet.

The time-frame is critical to the future of ADE’s, with the Human Rights BSWAT exemption now due to expire, with the new contracts for the ADE’s due for renewal by 2018, and the full roll-out of the NDIS expected by 2019.

The landscape in which the future of our ADE’s must be planted is within the NDIS.

This case study is set within two subsets

- The ADE model must remain, albeit with a lawful wage assessment tool . Shutting the workshops is not an option. It is as much an abuse of human rights to remove choice of employment as it is to pay an unfair wage. Closing the

B’berg News-Mail 9-4-15



COMMUNITY COFFEE: Justine Halpin and Beth Boorer will open Take the Plunge, a community cafe on Electra St opposite Hinkler Central, on Monday. PHOTO: MAX FLEET BUN080415COF2

Cafe trying out new recipe

AFTER four-and-a-half years working in the service provider sector, Beth Boorer and Justine Halpin are ready to Take the Plunge with a new cafe concept.

“Justine and I have been doing the Steps Care for Carers program where we’ve been doing carer support in Bundaberg,” Ms Boorer said.

“And through meeting carers and listening to what their needs were, we recognised that there was a need for a space where more marginalised members of the community can feel comfort-

able and at home, where they can go and have a coffee without feeling ostracised,” she said.

Ms Boorer said that’s how Take the Plunge, a coffee and gourmet cookie shop, came about.

The new shop, across Hinkler Central Shopping Centre on Electra St, has a 200sq m space to allow room for wheelchairs and walkers.

There is also a 20-seat private function room and a secure play centre for children.

“So parents can come and have a coffee and the kids can

play inside the secure play space,” Ms Boorer said.

She said the centre would also be a great waiting place for rural patients who come to Bundaberg for multiple medical appointments and have to wait in between.

And while the new shop doesn’t officially open until Monday a come-and-see day was yesterday held for service providers.

“It was really, really good, we’re so excited, we had lots of service providers here,” Ms Boorer said. “The feedback was excellent.”

workshops removes that right of choice. One cannot choose what no longer exists. If the ADE model is to survive – in whatever form – then it cannot be closed down while the present vacuum exists

- The present vacuum exists because of the legislative gap created by the devolution of responsibility for employment and day activities. The Federal Government is responsible for employment and aged care. The States are responsible for education, disability services and community care. The NDIS will remove that vacuum with change and challenge.

This “vacuum” is exemplified by Tony – our son. He was much loved and we miss him greatly, but walking the walk and talking the talk was never a “walk in the park” – for him, for us or those who provided support and services. While employed in the ADE he received \$100 per fortnight on top of his disability pension, his mobility allowance and his concession card. That \$3,640 py paid for his excursions, his sport, community access, an occasional holiday and \$20pw was his – and his only, but it evaporated when he left the ADE.

Was \$3,640 py enough? – well! some would say \$1.25ph is “slave labour”. But, when Tony had a good day – it was a really good day, but when he had a “bad day” it was a shocker. Parents relate to that. By the same token, when he missed days due to illness he still got his “pay”, and went back to work often before he should because he missed it so much. He once spent 6 weeks in hospital – but his “pay” continued, as did the visits from his mates.

When increasing age and health issues meant he could no longer go to the ADE – he lost his \$100 per fortnight plus his mobility allowance. Then he had to pay \$200 per fortnight from his pension to access day services, provided by the State Government on a fee for service basis. Had we not been able to provide the extra funds needed – he would have just had to stay at home and become a couch potato or social menace, as we both worked, and he had never had a State “funding package”. Things didn’t go well for him personally, or emotionally. The loss of his “job” cost him his dignity, his self- esteem, caused increased depression and created financial dependency, which would have been poverty if he had not had family support. Many of his fellow workers do not have family



Tony never “fitted into” day services, commenting that:-
.....”I’m not like them – I can work”.....

This is about the Tony’s of this world. The closure of one ADE and loss of one job is one too many. We need better solutions

Rights cannot sit in a vacuum, either. They come with responsibilities. Decision-makers, committed to protecting the rights of workers cannot, surely, take actions that create financial, emotional and social poverty for the Tony’s of this world – when time and alternative solutions are available.

But that was yesterday – 10 years ago. The vacuum of alternative services and/or jobs hasn't improved – it has worsened, and is now a chasm, but the NDIS landscape is now getting closer. That vacuum will narrow as the full roll-out of the NDIS takes over.

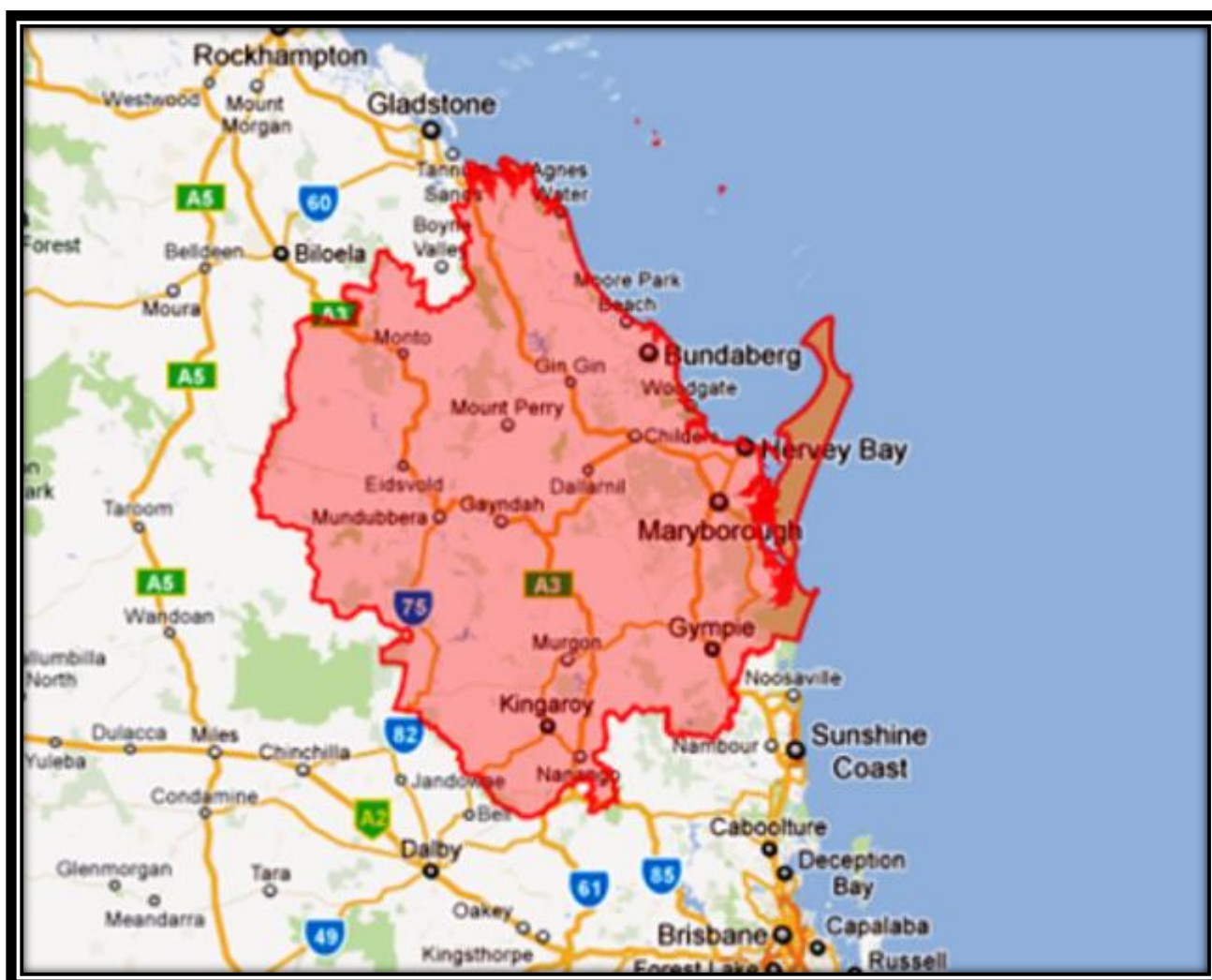
I am not an advocate for service providers – but I am a professional accountant and you show me a set of figures where the wages bill increases by 30% - or more - with no complementary income – and there's a huge financial problem. The scenario at the Fair Work Commission would seem like “back to the future” for all the participants – but there is one significant difference

.....and that is the NDIS.....

Tony's real-life case study shows why an attitude of “well if they can't afford to pay the SWS – then they should be shut down” is unacceptable. The service provider sector should be working towards developing an alternative wage assessment tool that is lawful and does pay a fair day's wage for a fair day's work

I understand this is the case, so let's examine the Bundaberg area to see how that regional community has addressed, over time, the issue of employment options for people like the Tony's of this world.

Bundaberg has been socially vulnerable for the past 40 years as it transitions from an agricultural, seasonal, manufacturing base to tourism, value-adding on existing small crops and niche industry markets. . Bundaberg is in the Wide Bay District. It is the commercial hub, sharing that status with Hervey Bay, Gympie and Maryborough. It is a great place to live, with one of the most temperate climates in the world



It is the home of *Bundaberg Rum* – an international icon – and its non-alcoholic companion – *Bundaberg Brewed Drinks*. Bundaberg has a population of approximately 94,000. It had a dependency ratio of 65.50% in 2013 – higher than the average Queensland ratio of 50.30%. Since 2008 that rate has increased by 5.1% and two devastating floods – in 2011 and 2013 have not helped that status. The labour-force participation rate in 2013 was 57.30% (the Queensland rate was 65.1%). The per capita income for the region was \$19558 in 2010/11- and that was a 6.8% increase on the previous year. A comprehensive analysis is available on “*Bundaberg Region Facts and Figures*” on www.businessbundaberg.com.au. These excerpts are from the December, 2014 quarter. When accessing that site – remember you are assessing an investment brochure – and there will be a positive emphasis. If you go to the Federal LMIP Employment Data site it will confirm a Bundaberg unemployment rate of 9.4%, average age 38 years, duration of unemployment 31 months and a working age population of 59,092. Figures released by the Australian Bureau of Statistics in February 2015 confirm that, nationally, regional unemployment is 2% higher than in cities. Often the young are the most adversely affected and have to relocate to larger urban or the metropolitan areas to find jobs.

Whatever the solution for the “fair day’s pay for a fair day’s work in our ADE’s” – it cannot be forcing these enterprises to close – *ANYWHERE*.

Courier Mail- 10 March, 2015

Pole position for dole is right here

Welcome to disability pensioners' paradise

EXCLUSIVE
JESSICA MARZALEK

CAIRNS and Bundaberg have been revealed as the state's dole hot spots, while Toowoomba holds the highest Disability Support Pension population in the country.

The unenviable titles are revealed in official statistics seen by *The Courier-Mail*, which shows 3920 people in Cairns off work and on Newstart and another 3790 in Bundaberg.

Liverpool in NSW tops the list of dole recipients, with 4232 of its residents claiming the maximum payment of \$515 a fortnight.

Hervey Bay, Southport, Toowoomba, Caboolture, Ipswich, Logan Central and Mackay round out the state's top 10, all with between 2000 and 3000 people claiming in each postcode area.

The statistics show there were nearly 150,000 Queens-

OLD'S TOP NEWSTART SPOTS

Cairns	3918
Bundaberg	3787
Hervey Bay	2935
Southport	2772
Toowoomba	2741

OLD'S TOP DISABILITY SUPPORT PENSION SPOTS

Toowoomba	4872
Bundaberg	4396
Hervey Bay	3869
Ipswich	3720
Gympie	3247

landers on the dole and 695,500 nationwide as at September last year.

But while Queensland holds two of the top five spots for dole payments, it features in half of Australia's top 10 in Disability Support Pension (DSP) populations, led by East Toowoomba, with 4870 people. Bundaberg (4395) and Hervey Bay (3870) rank second and fourth.

There are more Queenslanders on the DSP than the dole, with more than 165,600 of the 826,700 Australians claiming it living in the state.

The DSP pays up to \$840 a person a fortnight if they cannot work because of injury or disability and is at the centre of a Government crackdown. Ipswich, Gympie, Cairns, Caboolture and Maryborough round out the eight Queensland communities in the top 15.

Social Services Minister Scott Morrison is set to curb the numbers on the DSP by tightening rules in July and has already launched a review of the nearly 140,000 under-35s on the payment.

Arguing that people are

taking a “set and forget” attitude to disability welfare, the Government wants more people who can return to work blocked from the money and helped into jobs. From July, DSP claims must be assessed by a Commonwealth doctor as the Government argues the payments must be made sustainable.

“Hundreds of people below the age of 35 have been found to be ineligible for the DSP,” Mr Morrison said.

“There are 850,000 DSP recipients at a cost of \$16 billion a year,” Mr Morrison said.

“Under the previous government more than 100,000 extra people went on the DSP.

“As we make these changes it is important we ensure that those people who need support get it and where people have a high level of ability to participate in the workforce that we encourage and expect them to do just that.”

NEWS

Welfare capital of Australia

2nd May 2014 11:29 AM



HARD TIMES: Bundaberg has now become the welfare capital of the nation.

Mike Knott

THE Bundaberg region has added another title to its crown: as well as being the fat capital of Australia, it is now the welfare capital of the nation.

Figures released by the Australian Taxation Office show the region received \$15 million in welfare payments for the 2011-12 financial year.

While Toowoomba was home to the largest number of pension recipients.

Member for Burnett Stephen Bennett said on the back of the fat capital title it was time to start being very concerned. But he said the benefits of living in the region might be partly to blame

. "We just have a very, very affordable lifestyle, and sometimes we attract people for that reason," he said.

Mr Bennett said the problem was also the work people would do.

"We still have a very high incidence of backpackers working in the region," he said

. "It just goes to show there is work people will do and won't do."

But he said he would like to see more economic opportunities in place.

"What I have to do is bring home some manufacturing opportunities," he said.

He said a lot of changes had been made in the vocational training area to fit people to the jobs that were there.

"With high unemployment there is no reason why we can't be exporting people from here to the mining regions," he said.

The high welfare figure was no surprise to workers at the Salvation Army.

Salvation Army Bundaberg spokeswoman Janette Young said in the year so far 1637 people had been helped.

Bundaberg has a lot of available work for seasonal agricultural workers – especially in the small-crops industry.

Even the local able-bodied work-force won't do this type of work, so the area is also the transient home for visiting backpackers.

This unstructured work environment is not suitable for our workers – but the local Endeavour Industries runs a successful farming operation at their local ADE site.

It is within this environment – and the national employment scene, with Queensland and Western Australia now winding back from the mining and resources boom – that we need to evaluate what Bundaberg has done – locally - to provide jobs for their vulnerable workers with a disability

Bundaberg has some of the highest incidences of disability pension, aged pensions and unemployment entitlements in Queensland and Australia

In making national decisions based on what happens in the ACT, Victoria or Tasmania- there is no “*like-for-like*” with Australia’s ADE’s.

At 227,216 sq klms, Victoria is 1/7th the size of Queensland and 1/11th the size of Western Australia. Solutions that suit the UK, Europe or other countries do not necessarily address the tyranny of distance or the psyche of Australia, or its people.

The jobs in open employment just aren’t there - now. That doesn’t mean they won’t be there in the future,. What it does mean is that we cannot risk closures of our ADE’s. We need to focus on the Transition to Work programs for our younger workers as they exit school, provide more post school options and ensure that the interfaces between the existing State and Federal programs, especially housing, employment and education are seamless and adequately adjusted to close the vacuums and gaps that currently exist.

With the NDIS on the horizon, there is time to steer that focus

For now, however, we need to understand the basic marketing strategy of the duopoly (Coles and Woolworths), and how this has impacted on the survival of small business in Australia. This strategy is highly relevant to our ADE’s. The duopoly now controls 80% of our supermarkets (food is an essential item). They have been able to do this by cross-fertilisation, or subsidisation of their many outlets. A specific site can run at a loss – because it is propped up by better performing sites in the duopoly’s suite of business/s. This domination of the market-place is now being addressed by the National Harper Review who, among other things, has recommended the introduction of an “effects test”. This will ensure that the duopoly cannot misuse their market power to force the closure of small, like, businesses. If this is, legislatively enacted, it will mean the “giants of the industry” must perform an effects test (a net community benefit test) to assess the impacts of their decision – in THAT area, on EXISTING businesses.

This paper challenges the reader to think likewise. Targetting the “giants” like Endeavour Foundation, Red Cross, Salvation Army, Anglicare, Activ or others – who run multi Not for Profit sites – will have the same “effect” on the smaller businesses (in this case their smaller branches). . Surely no one really thinks that these organisations do not apply the same internal “propping-up” and cross subsidisation within their business, with the profits of one balancing the losses in another. It is a basic segmentation business principle when National Competition Policy doesn’t apply. Forget that we are dealing with the human services sector and not the supermarket sector. The business principle is the same, but the shareholders in the ADE’s are the workers, their families and carers.

In fact, families actually feel that the “market power” of the funded Advocacy Peak Bodies is akin to the duopoly marketing strategy – no “effects” test or consultation has been conducted – resulting in the impasse in which we are all engulfed. Those elusive open employment jobs just aren’t there.



NICE WORK:
Bunnings employee Gary Hanson has a job a lot of people want. Picture: Russell Brown

SIGN OF THE TIMES AS 750 APPLY FOR 30 JOBS

SARAH ORR

BUNNINGS at Stafford in Brisbane was inundated with more than 750 job applications after advertising 30 new positions recently.

It is a situation being repeated all across the country, and economists say it is set to get worse for jobseekers

as there are not enough positions to go around.

The February jobs data, to be released tomorrow, is expected to show the economy added 15,000 new jobs last month, taking the unemployment rate back down to 6.3 per cent, from 6.4 per cent, according to an AAP survey of 13 economists.

Saul Eslake, chief economist at Bank of America Merrill Lynch, expects unemployment to peak at 6.75 per cent in the September quarter – a 13-year high.

“Given Australia’s rate of population growth, which is still being fuelled by quite a high rate of immigration, you need to create around

20,000 new jobs per month to stop the unemployment rate from rising,” he said.

Economists say there are not enough jobs being created because businesses and consumers are still cautious.

“There’s a general lack of confidence out there,” Westpac’s Justin Smirk said.

WITH AAP

Part 2 – An outline of what is currently provided in that community

Bundaberg has some instances of people with an intellectual disability working in open employment- but they are few and far between.

There are 3 specialised services:

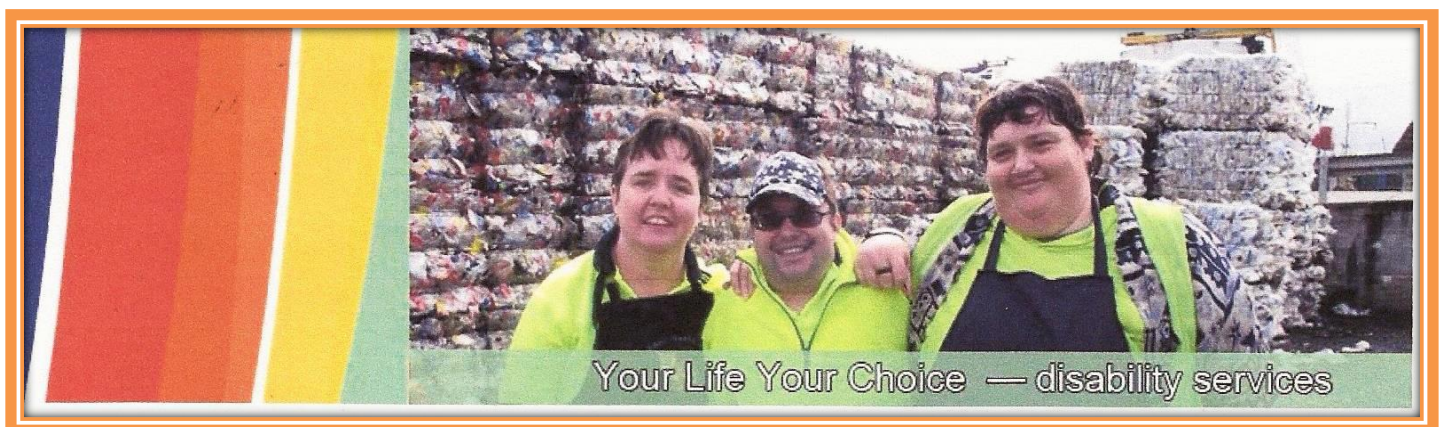
1. The Region’s recycling – run by the Regional Council and contracted out to the local **Impact – Make Your Mark** Not for Profit Registered Training Organisation
2. The Salvation Army Tom Quinn Community Centre
3. Endeavour Industries

They all provide employment opportunities for the local community – each offering something that is different, well patronised and considered valuable community assets – as are their workers.

1. IMPACT – MAKE YOUR MARK :

Their impressive local Board of Directors can be accessed on <https://www.impact.org.au/board-of-directors>. They include the Deputy Mayor, the Dean of Education at the local CQU Campus, a local accountant, the senior training officer with Wide Bay Australia, Manager Commercial Business and Economic Development for Bundaberg Regional Council, a High School teacher with 16years experience in planning roles and local service clubs, a senior community development worker and Manager of UnitingCare Community Services for Central Qld, an independent business-man of high repute, running several successful business development companies across the region and a psychologist with expertise in science, business, health, nutrition and lifestyle.

As a professional business-woman, ex-City Councillor (11 years) and national disability/community advocate, Mary Walsh has worked closely with all but two of these Directors



This Recycling Service is but one part of the total services and training delivered by Impact, on behalf of the Regional Council. It’s history is relevant to how the region has adapted to meet changing circumstances and need.

The City’s original recycling was an initiative of the Bundaberg Lions Club – who celebrated 50 years of community service in February of this year. *“The Club has worked on many and varied projects over the*

years, one of the largest being the construction of the Activity Therapy Centre in Killer Street, now the Salvation Army Tom Quinn Centre”

The project, at the time, cost \$350,000 and 6,000 volunteer man hours.

The old Activity Therapy Centre, a not-for-profit service – was managed by a board of directors in the days before a regulated wage process – under the steward-ship of Lions. It was also a time when there was no market expectation on recycling – most rubbish simply went to landfill. It operated successfully for many years but by the early 90’s was experiencing financial difficulties and was closed in the late 90’s. The building was abandoned and, because it was community land, the local City Council had to manage it. Because it was abandoned it was vandalised and became both a ratepayer burden and a local eye-sore but, being purpose built was not a building that would suit most community uses.

As more necessity for recycling grew, the City Council of the day, of which Mary Walsh was a member, garnered sufficient support, within Council, to complement the existing Council recycling services with an expansion of the waste facility. There was a strong economic argument for replacement of the existing workers – many of whom were ex-ATC workers – with new state-of-the-art robotic machinery. This was considered to be cleaner, with less wage overheads and would be more economically viable (machines don’t take holidays or sick leave). Any suggestion that this would happen was rejected by the community who had a strong ownership of the existing service and the workers.

Council then built a new waste recycling station, the business was formalised – under contract to Impact – a long standing registered training organisation with a commitment to the marginalised and vulnerable. When the BSWAT became an approved industrial tool it was implemented within that service. The new service was built, new trucks and formal signage and uniforms introduced and the service currently employs some 26 workers with varying levels of support needs. Following the Human Right Ruling the wage structure moved, I believe, to the SWS – with an increase in operating costs.

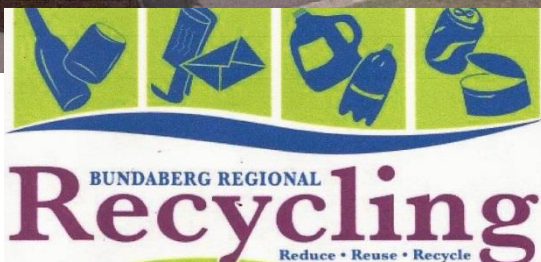
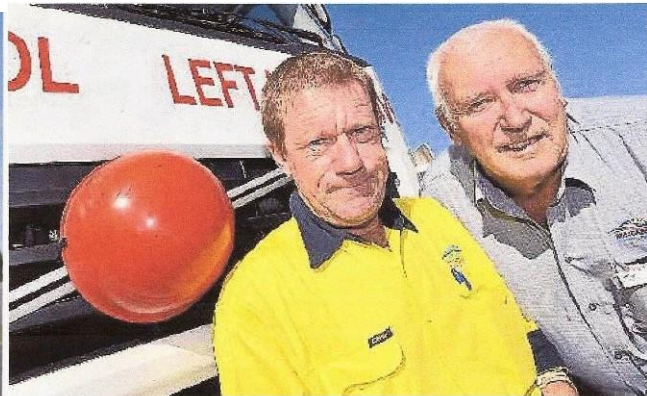
However, as the service is backed by the local Council there would be some business “give and take” because ratepayers support this service and would be outraged if Council refused to subsidise – where



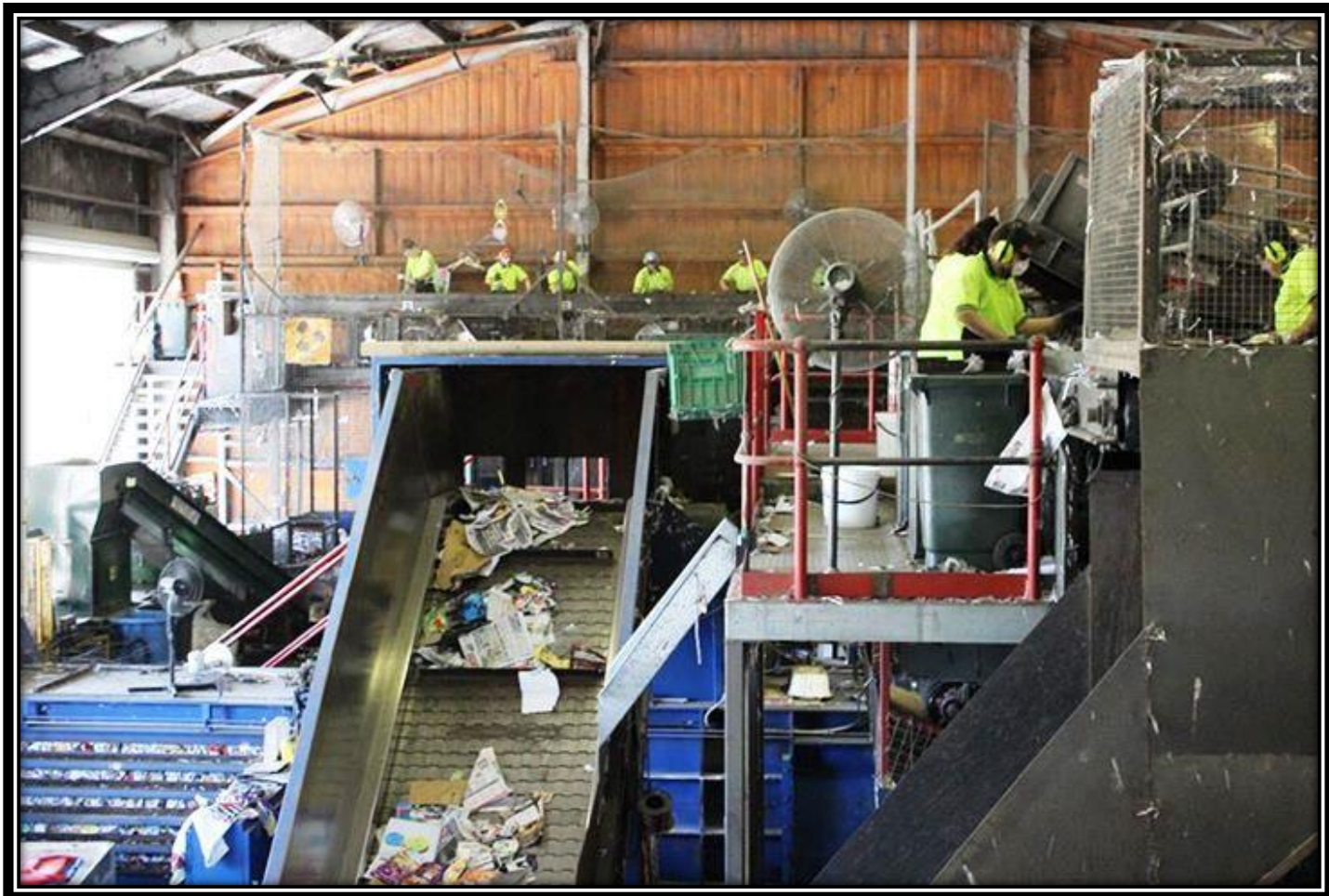
necessary. The Bundaberg Regional Council sits behind this service – and as a local government authority is not representative of the wage issues faced by Not-for-Profits running similar services, and probably subsidising some of their other sites.

The recent contract between Impact and the Council has now been

renegotiated, so the jobs of these workers are now secure. The service has won State awards and, as an ADE the Bundaberg MRF is a shining light of community service, under the capable management of a local professional Board of Management.



Bundaberg Regional Recycling – delivered by *Impact* – Make your Mark – for the Bundaberg Regional Council - is a valued community service providing valuable jobs for local PWD under the auspices of an Australian Disability Enterprise



2. The Salvation Army Tom Quinn Community Centre

This could be more accurately classified as a Social Enterprise, which delivers valuable jobs to people with a disability and other marginalised sections of our community. It is a Registered Training Organisation, Booth College (Code 0328) which delivers accredited training in a range of practical subjects including Retail, Hospitality, Horticulture, Furniture Making and Training and Assessment.

Reclaimed from the abandoned, and somewhat vandalised old Lions Activity Therapy Centre – it has been renovated to become a valued Community Hub, in a lovely garden setting, with computer training, hospitality training and furniture making in modern, comfortable settings. A contract with the



Regional Council takes dumped wood materials from the local Recycling Centre and workers in the TQ Centre then transform it into furniture to further the skills of workers and provide additional sources of income.



TQ's Garden Café opened in 2010 and serves up to 40 at any one time, offering a menu to match any CBD eatery. Moreover, it takes ingredients straight from the lush community garden



that surrounds it, and these are then prepared in a full commercial kitchen



The excellent training at the Centre has provided staff to service large regional events, and is now moving into inviting bookings for corporate, team-building and group meetings.

More recently Bundaberg Landcare has started building a new home as it moves to join the extensive community operations delivered by the Salvation Army at the centre. They are working with them to set up the infrastructure needed to establish a native retail nursery alongside the existing operations at the Tom Quinn Community Centre.

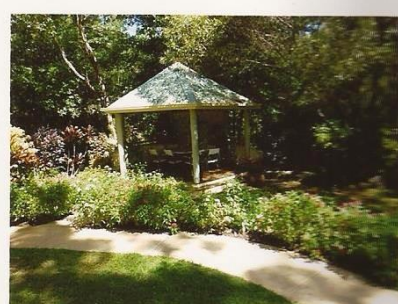




The Tom Quinn Community Centre provides a wide range of community services in a lush tropical setting, with a bush chapel, arts and crafts



There's a bush tucker trail, a community garden, a first class cafe- serviced by marginalised people receiving personalised supports, computer courses



There's a woodwork shop, a commercial kitchen, a retail nursery plus a lot of genuinely committed support staff & volunteers. All delivered with love



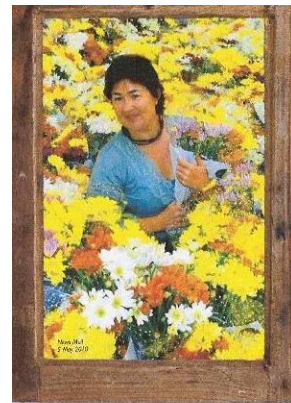
3. Endeavour Foundation Industries

The workshop is one of many services provided to the Bundaberg community by the Endeavour Foundation – with the Bundaberg branch recently celebrating its 50th. Year



Bundaberg Brewed Drinks is a household name in Bundaberg, and has on-site operations at “The Barrell” – the local tourist attraction

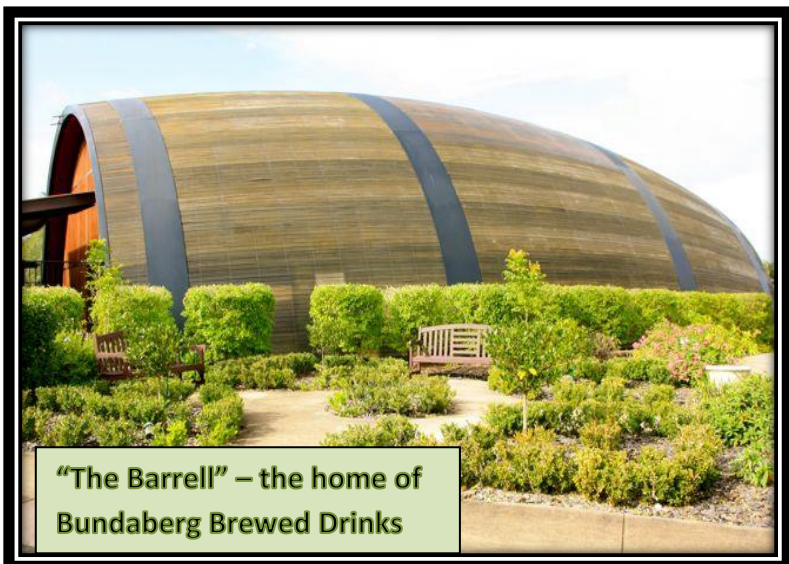
The Bundaberg ADE has undergone many changes since its inception and changed the products to meet market demand – which has varied from wood products, pickets, packaging potatoes and onions under contract to large suppliers, growing and packaging cherry tomatoes, chrysanthemums, and more recently working with Bundaberg Brewed Drinks in packaging their product for international distribution outlets



Kayleen commenced working with Endeavour Industries 27 years ago, and is proud of her many achievements

She has been recognised as the “Employee of the Month” and by consistent hard work has built up her skills in most areas of the organisational operations.



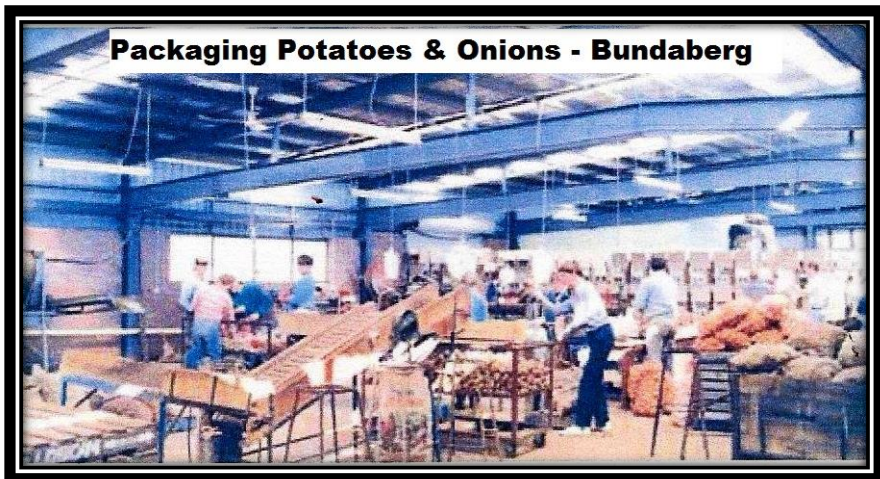


“The Barrell” – the home of Bundaberg Brewed Drinks



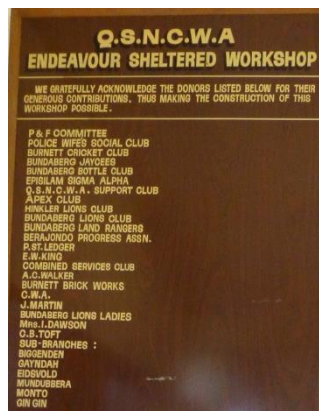
Endeavour Industries has been using the BSWAT method of wage entitlements, but I understand they are now moving to one of the other industrially approved tools and evaluating the impact on their organisational operations that an SWS transition would create.

Our son Tony spent 20 years at this disability enterprise. Many of his friends have also been workers there for many years – improving their many skills and are very proud of



Packaging Potatoes & Onions - Bundaberg

their job and their achievements. .

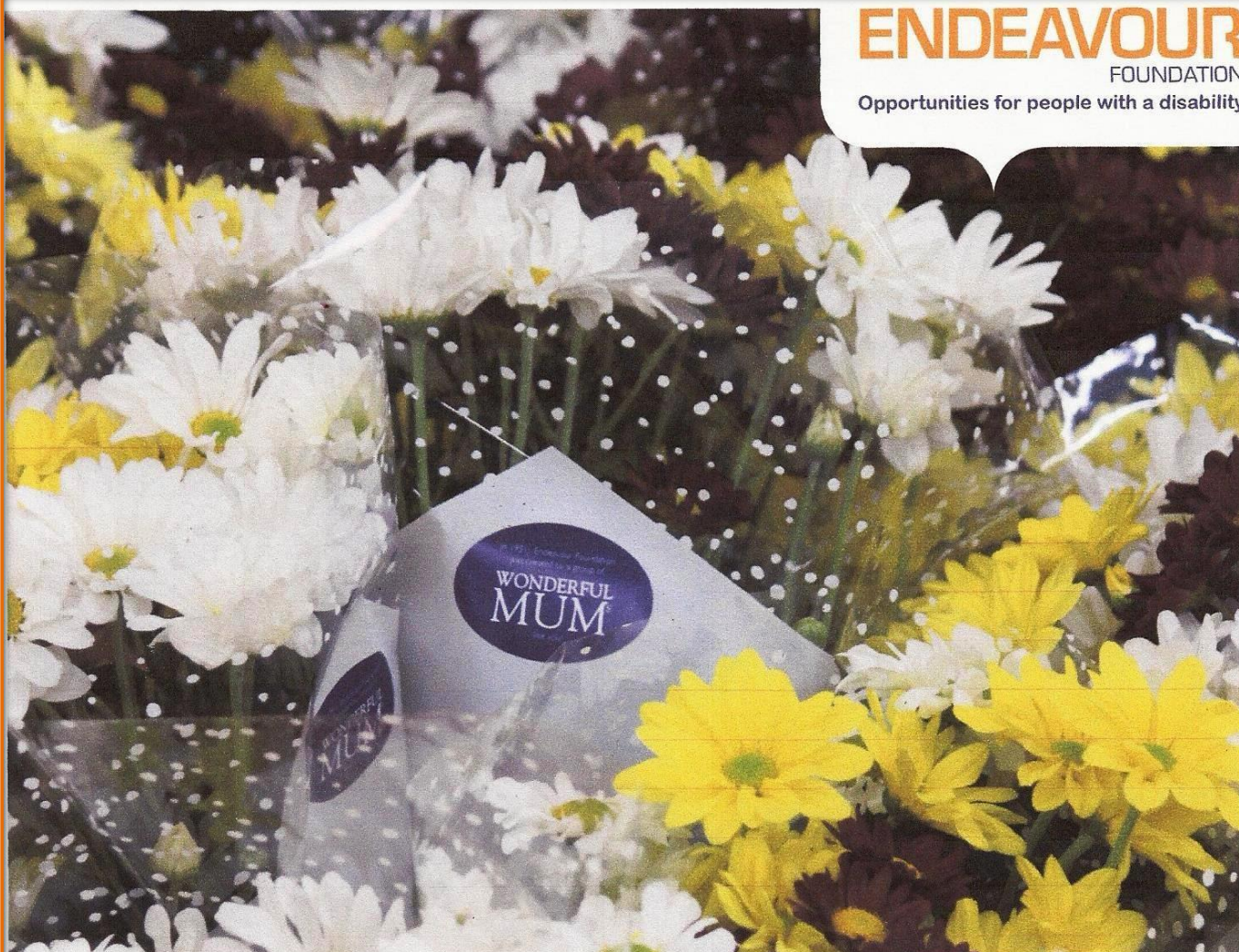


Cultivating cherry tomatoes - Bundaberg



Cultivating cherry tomatoes and chrysanthemums at the ADE. There are 7500 chrysanthemums being grown under timed lighting to ensure they bloom in time for Mothers Day. 7500 plants = 10,000 bunches.

ENDEAVOUR
 FOUNDATION
 Opportunities for people with a disability



Your Mothers' Day gift

Our chrysanthemums

Our annual chrysanthemum harvest at Bundaberg is an Endeavour Foundation icon.

For more than 20 years community volunteers have gathered to harvest the beautiful crops which are then sent across the region for sale in time for Mother's Day.

A second site in Toowoomba has now been established so we can continue to foster community engagement and celebrate the wonderful Mums in our lives.

Find out how you can order your Mothers Day flowers or help out at harvest time.

In a good year the chrysanthemums can yield around 8,000 bunches. It's a community event - gathering, banding and displaying the gorgeous blooms. It also requires significant expertise in getting them to bloom at the right time - a feat that is accomplished by using controlled lighting to ensure they are at their best for Mother's Day. No Mother's Day is complete without a bunch of Endeavour Chrysanthemums..just ask the locals

Part 3 – A personal conclusion

There will be no satisfactory solution unless the following actions are considered

- a) The Federal Department of Social Security should apply to the Human Rights Commission for an extension of the BSWAT exemption. Twelve months, in the real world, was never going to be long enough for the business sector to make the necessary adjustments for additional wage expenses.
- b) The disability services sector must give an undertaking to continue trialling and developing an alternative tool or tools, which will be both lawful and non-discriminatory.
- c) The viability of Australia's Disability Enterprises remains paramount to the lives of these workers, their families and carers. There should be no closures. .
- d) With the roll-out of the NDIS and the renewal of the business services Federal contracts occurring around the same time – a review of the agreed wage tool – whatever it is - should occur by 2017.
- e) Continued efforts and trials must concentrate on the Transition to Work programs and the interface between the Federal and State responsibilities of employment, housing and education.
- f) Whilst the issue of human rights in wage entitlements is accepted, and regretted – the rights of the majority must over-ride the minority, and the current confrontation and lack of national family/worker consultation has to stop.

My advocacy for our families and workers has never been about retaining the status quo – but ensuring that progress does not adversely affect those who have, historically had no voice – and still don't.

..... Yet it is their lives and their rights that are also being sacrificed in the current impasse.....

This paper is an attempt to provide a regional perspective. I could have picked almost any regional centre. The result would have been the same. Losing the income from employment at a disability enterprise, (even if it is considered inadequate by some) places the disabled worker at a financial, emotional, and social disadvantage. That can have far-reaching detriment. I know because I have lived it – as the attached article printed in the Courier Mail on 26 February, 2003, confirms. I could get no assistance for my mother – in our home, so flew my niece and 2 children from Alice Springs to look after Mum and oversee Tony's needs, whilst I stayed in Brisbane with my husband.

Communities will always protect that which they provide, and Australia's ADE's exist because of an unmet need...a need acknowledged at local level and, often, addressed at the same level- with a degree of collaboration and "give and take " by the wider community.

I have nothing to gain from my personal advocacy for others – but my story and our son's is not just a random example. It would be my hope that 5 years from now the whole disability sector will have changed, with the ability for all people with disability, their families and carers, to move seamlessly between the various stages of their lives. The NDIS will precipitate that.

..... Let's not throw the baby out with the bathwater. If the baby doesn't fit, or the water is too hot, or cold – you change the size, the temperature or the way you bathe the baby – you don't throw the bath-tub away, and end up with nothing. That is not good for the baby.

Loved son abandoned

Mary Walsh

AS A MOTHER I have now made the most difficult decision of my life. I have shut the family door on our intellectually disabled 37-year-old son, formally severing all family responsibility for his actions — because I cannot obtain the one-on-one support that he needs.

Had I institutionalised my child at birth, my recent soul-destroying decision would be unnecessary.

Institutionalisation, which we refused, was the only option offered 37 years ago. He was our son and we loved him.

For those 37 years we fought ignorance, medical impossibilities, statistics and misguided government policies to give him the very best quality of life we could.

We are the richer for that effort and experience — but the price he now pays is one I no longer can accept.

Rearing a child with a lifetime intellectual disability was challenging in an era when special needs allowances, concessions and facilities simply didn't exist. If you didn't institutionalise, you coped on your own.

We lost all parental rights on his 18th birthday, no longer able to sign consent forms for a general anaesthetic. From then on he was legally, if not mentally, an adult and such authority reverted to a state government bureaucracy.

Despite legislation in 1998 giving us health attorney rights, parents could not make financial or lifestyle decisions. Our application for guardianship, under the new Guardianship Act (2000), was refused.

While acknowledging that our son "has impaired capacity for personal and financial matters", the one-person tribunal granted financial administration, but not guardianship. This preserved our son's "rights", but deprived us of any legal status in matters critical to lifestyle, and I was emotionally devastated by the bureaucratic "dismissal".

Determined to appeal the decision to the Supreme Court, if necessary, we were successful three months later, at a second hearing. But no family should ever have been emotionally massacred as we were by the initial refusal.

So, having fought all these battles in my son's best interests, I now have to admit I have lost the war to a state government system which is unrealistic, inequitable and under-funded. A system in which the vision

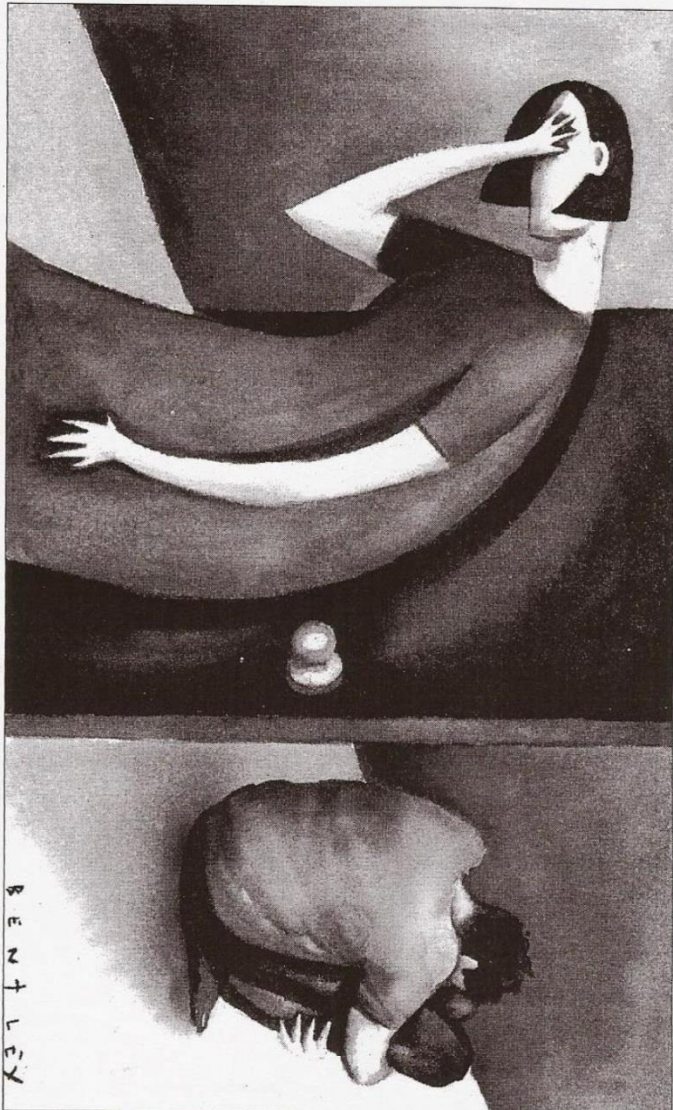
and ideological rhetoric have ignored the desperate pleas of many families, and for which disability is not a priority in the State Government's political agenda.

My son's complex needs increase as he ages. But, as he has aged, so have we.

Recent family illnesses mean we no longer can physically respond to an urgent phone call to pick up the pieces and provide the support and intervention required every time the system fails over.

The State Government's blind philosophy of de-institutionalisation has delivered first-class services to a few — but next to nothing to many more, and their criteria for an "Adult Lifestyle Support Package" for access to most services is hopelessly under-funded.

Our son needs a package of 25 hours one-on-one support a week. Non-government services and family will continue to provide the remaining 143 hours a week. His "Priority 1" rating (along with about



BEN T LEXY

1500 others) acknowledges his "extremely critical and urgent need", and his package could cost \$30,000 a year. Compare this with the cost of institutionalisation 37 years ago.

I now admit that the war of ideology has won. If I'd chosen institutionalisation, he would have received his personal lifestyle support package when the institutions closed their doors some years ago.

The average package on de-institutionalisation was about \$90,000 a person a year. But some were, and still are, receiving several hundreds of thousands of dollars a person a year.

The Queensland Government's increase in disability funding has been inefficiently and ineffectively spent.

Last year's budget of \$4 million, to be distributed in April, will support only 100 of the thousands who have registered.

Our son cannot come home next time the system fails him. He has not taken that decision well. But then, neither have I.

I don't know if I can hold it all together until April, praying our son will be one of the lucky 100 desperate people. The risks are many but we can no longer protect him from the flaws in the system.

And, if we are judged worthy, hundreds of others must go without, and their needs could be as bad, or worse, than ours.

I have failed my son — not through lack of love or responsibility but because I no longer can meet his needs.

"Tough-love" is a story that needs to be told — for all the other mothers who have had to use abandonment and who will use it in the future, as the only means they have left at their disposal to try to protect their family members.

It is a hard call when used for normal, healthy children. It is a really tough call when the child (even though legally adult) is as vulnerable as our son.

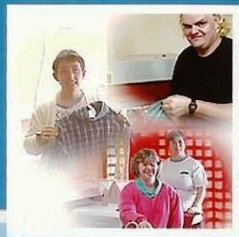
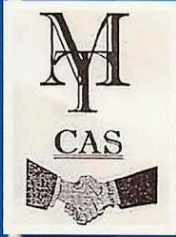
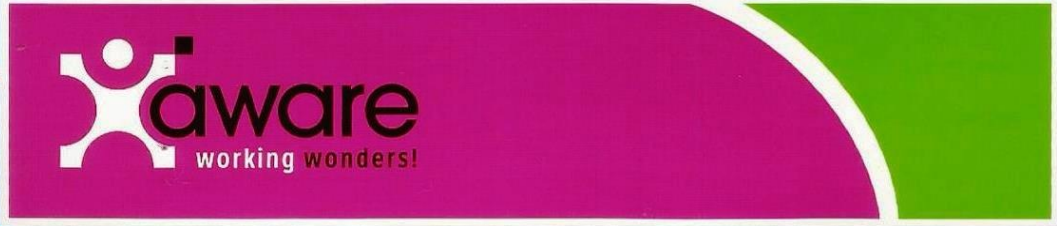
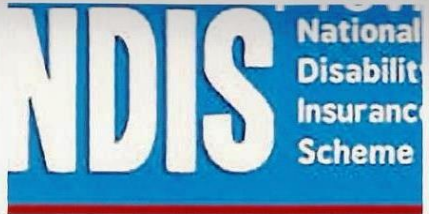
Such drastic measures are a nightmare, and every mother's anguish.

Mary Walsh is a Bundaberg mother of four

This article should be compulsory reading for those who argue that ADE's should be closed unless the SWS wage is paid. When Tony was no longer able to attend his "job", he lost a lot more than money. He didn't "fit" into a day service - even when we paid for it. When my husband suffered a heart attack and had to have a triple by-pass in Brisbane - with complications, my mother, who lived with us had a debilitating illness, was hospitalised and Tony was totally dis-orientated. We could get no State assistance, whatsoever. Fortunately Endeavour rode the waves with us, but Tony was, by then a threat to himself, and others. Tony was not a "priority" for State funding. We had to publicly refuse to accept responsibility - he needed one on one support. Our public crisis became an embarrassment for the Government and after a 12 month battle we got the "funding package" & support he needed. That's a decade ago and nothing has changed.



Compiled by Mary Walsh: *Thanks Tony for the Journey – wouldn't have missed it for anything, and your legacy of learning continues....*
.....for others.....



2015

Compiled by Mary Walsh OAM, CPA,
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[A CASE STUDY – REGIONAL PERSPECTIVES – ADE’S]

Presents an actual case study of a regional area that encompasses the States of New South Wales and Victoria. It complements the earlier study of the Bundaberg (Queensland) area, previously provided to the Fair Work Commission. These services, in the Albury- Wodonga area, like most of Australia’s ADE’s, have developed – driven by need, by families and the broader community – to provide employment options for members of their community with disability. The case study has 5 separate sections. (1) Facts & Assumptions (2) The Background, setting the scene,(3) an outline of what is now provided in that community (4) a summary of the two case studies, and (5) the Challenges. Both papers have been prepared for presentation to the Fair Work Commission Hearings in their deliberations on the Supported Wage Hearings resulting from the Federal Court & Human Rights decisions around the BSWAT

1. FACTS AND ASSUMPTIONS

This case study on supported employment options in Albury-Wodonga complements the first one centred on Bundaberg, (already supplied). Both are provided because:-

The wage issue has been fraught with claims, counter-claims and emotion, so these case studies have been done to satisfy my own understanding – from a regional perspective. The studies have been predicated on the knowledge gained from my physical interaction with workers, their families and the relevant service providers, and my own experience as the mother of an ex-ADE employee. Based on the information gained - and my own professional business knowledge - the imposition of the SWS on these services would create closures and the sacking of vulnerable workers. The findings and input of these workers, their families and carers, in these case studies are crucial to the current conciliation. They are real, they are not assumed and they are provided to assist with current deliberations.

The studies accept a general wage increase of between 30-40%. In at least two of the services I canvassed it would have been as much as 50%. But we need to look at averages, so let's settle for 33% or 1/3, as a tidy figure. That is conservative and, I understand, is roughly around the observed % increase in wages. But that does not factor in the additional business costs which still have to be met – on top of the increase in wages.

These ADE's – like all businesses - have the add-on costs of accrued leave liabilities, workers compensation, as well as the standard bricks and mortar facility overheads. Like any business ADE's must have working capital, future year plans, and every business to-day is struggling with increased utility costs – power, fuel, insurance etc. Where organisations have multiple sites there is a lot of cross-subsidisation – with the profits from one propping up the losses of another – a duopoly business strategy. Business is tough and our ADE's are competing with overseas cheap labour and cheaper prison contracts. Our case studies examine 6 ADE's and 2 social enterprises. Four of the 6 ADE's would go broke if they had a mandated one third increase in wage costs- the 6th. is backed by Local Government – it and its 30 workers would survive. The 5th - would also survive by sacking 85 of its more severely disabled workers. Of the 2 social enterprises – one is backed by the Salvation Army. Cross subsidisation and non-disability alternative income would help it survive, while the other has no disabled employees. This is but a regional snapshot of the wider problem. It is not a personal opinion. It is not an assumption. It is fact.

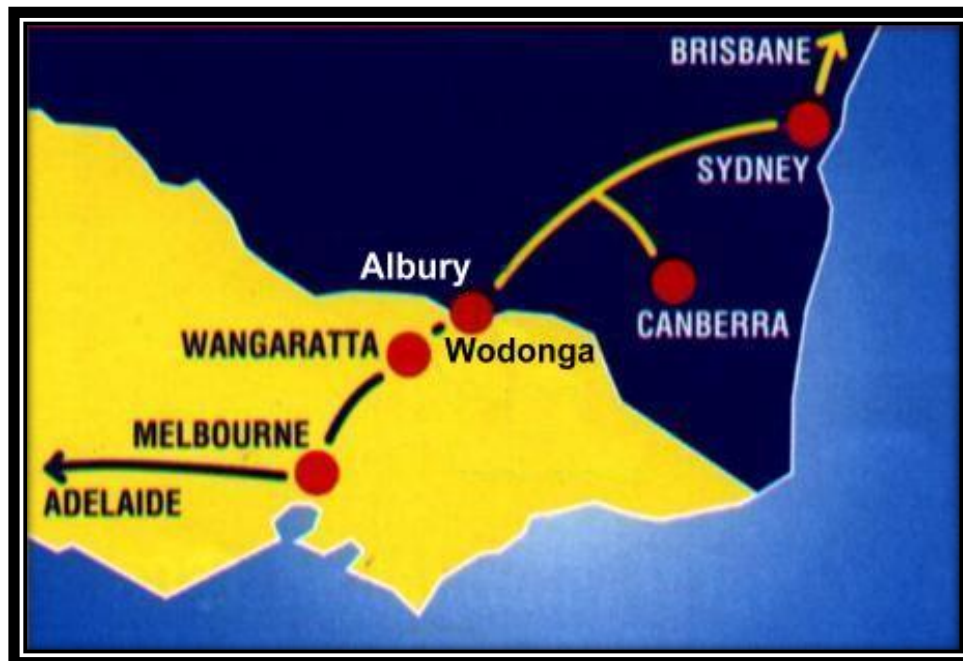
Our workers, our families and I - totally reject any suggestion that it is appropriate for workers to be sacked and forced onto day activity services. That solution is not acceptable. Alternative day programs are costly – if they exist - and the sacked worker is then on the poverty line. These displaced workers will end up at home, on the streets or, worse still – in the justice system. These papers prove that.

ADE's, however flawed the model, are a business. The imposition of the SWS will send many of them broke. Insolvency is a breach of the Corporations Act for Not-for-Profits and trading insolvent is a breach of that legislation. Let's not beat about the bush here and use "soft" terminology to disguise the end result. . We can say they will be re-trenched, made redundant, or displaced. The truth is they will be **SACKED**.....

... **No assumptions, no provisos, that's the facts..**

2. The Background – Setting the scene:

This paper presents the ADE's- and a Social Enterprise- in the Albury-Wodonga area of New South Wales - Victoria



This area has been selected because it represents a regional perspective complementing, broadly, the earlier Bundaberg-Wide Bay case study. Australia is a big country, compared to other continents, and de-centralisation has been a key part of its success, over the past century – but this very de-centralisation has created a rift between “them and us” – city versus country, and the tyranny of distance has added to that barrier – perceived, or otherwise.

The Albury -Wodonga precinct was set up by the Albury-Wodonga Development Corporation in 1974 as part of an agreement between the Commonwealth, New South Wales and the Victorian State Governments with the objective of developing a major inland city by purchasing and developing large tracts of land. The Development Corporation ceased its development activities as at 30 October, 2014 holding 986 hectares of land (down from the original 24,079ha) and 81 residential and industrial lots. The Albury-Wodonga Development Corporation (Abolition) Bill 2014 has now been legislated and allowed the Corporation to wind up on 31 December, 2014. The Department of Finance will now work closely with local Councils to manage the residual functions of that entity, which includes managing the remaining land and continuing to divest properties over time.

It is reasonable to assume that such an initiative, which provides for planning at ground level up – would mean that the existing problems with regional issues would have been sorted out – at that level. This, at least in my analysis of disability employment services, does not appear to be the case. As with all other regional areas – whether they were systematically developed or just “grew” responding to need – there appears to be no difference. Disability services, including employment, have developed, driven by parents and the community, not as a result of pro-active planning by other formal sources, but by local demand, community commitment, service clubs and local businesses.

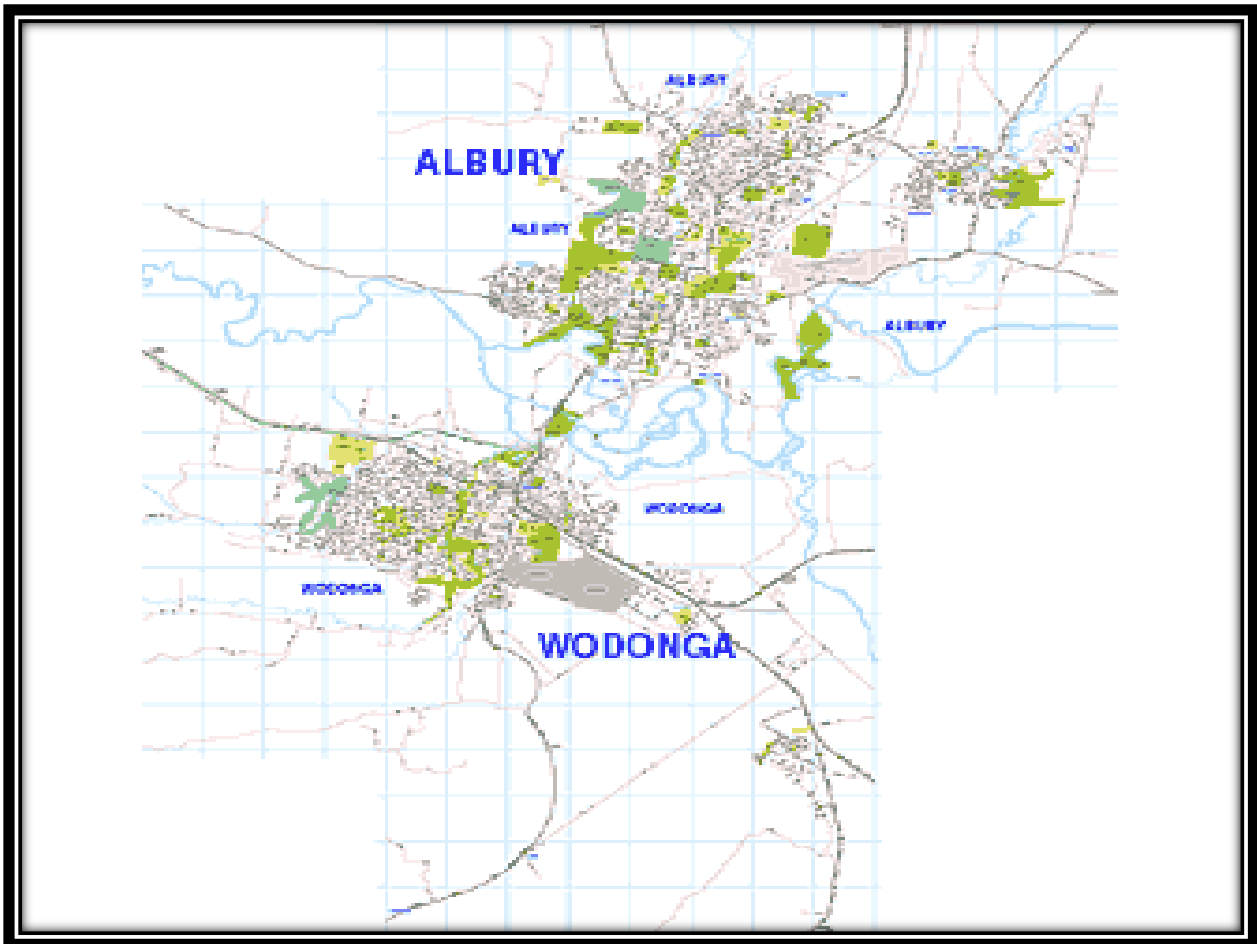
The area and population of both case studies is approximately the same at 95,000/100,000 – with a large river (Murray) separating New South Wales (Albury) from Victoria (Wodonga) – whereas the Burnett in Queensland separates North Bundaberg from South Bundaberg. Despite all the proactive planning of this

specialised inland City precinct – the area is not immune from the economic climate that prevails in other parts of regional Australia.

Typical of regional Australia the unemployment rate at 7.3% is roughly 2% higher than metropolitan statistics. The teenage full term labour market unemployment rate – based on a population ratio, at 4.90% is higher than both the State and national average (<https://docs.employment.gov.au/...../albury-wodonga>). The last census confirmed that between 2006-2011 over 50yr population increased considerably while the population between 15-49 declined slightly. The duration of unemployment – at 72 weeks – is higher than both State and national statistics.

The median household income in Albury-Wodonga -at \$1,039 pw- is still lower than the national median of \$1,234 pw. The social vulnerability and welfare dependency evident in the Bundaberg Wide Bay region is not as evident for this community

Albury is not doing as well as Wodonga, economically, but disability employment options must overcome state boundaries because of the total community perspective.



Though separated by a river and State boundaries – Albury-Wodonga is a community, and the development of employment options has transcended those barriers.

1. What this community provides:

This paper provides some back-ground data on three (3) ADE's and a Social Enterprise.

- a) The Murray Valley Centre
- b) Kalianna Enterprises
- c) Aware Industries
- d) The Yackandandah Community Development Centre – formally defined as a Social Enterprise.

a) The Murray Valley Centre

This service is situated in Wodonga. It is the employment section of the broader Murray Valley Community Centre, which has approximately 120 clients accessing various community facilities. The employment facility employs 13 people with a disability – mostly intellectual - and was previously using the BSWAT as its wage assessment tool.



The ADE has contracts with the local Council and business houses with good community integration

Since the Human Rights and Federal Court Decisions the BSWAT is no longer used and they have transitioned to Skillsmaster – another of the other industrially approved tools. Using the SWS tool would not be a financial possibility for this ADE. Their decision to move to their current wage tool was one that was very carefully deliberated by their Board of Management.

The service has a wood-work shop and a garden crew. The workers are all happily adjusted and value their jobs, with some of them coming from outlying rural areas using the transport services provided by the organisation. The service provides 30 hours of work weekly - with workers varying between the two sites .

Should this service be forced to move to the SWS these jobs would be lost. Open employment options are not available – with the current regional unemployment levels. These workers would be devastated.

b) **Kalianna Enterprises:**

Like the other services illustrated earlier and in previous case studies, this organisation was started by parents some 50 years ago. It is situated in Albury and, over the years it, like all the others, has undergone changes. However, despite the passage of time and changing need, its objectives remain the same “*to provide a diverse range of quality individual services from supported employment, day programs, transport, recreation and holiday provision, general living skills, development and community integration*”.

Both State and Federal funding, community and business support assist consumers – with their community – to

..... “*Ascend to Greater Heights Together*”.....



In its employment services this organisation is well known, respected and valued by its community for its commercial laundry, although they also run a subsidiary workshop and garden crew, which provide alternative work options.

They have a total of approximately **46** people with disability in their joint employment services.. The SWS, if mandated, would mean 85% of that workforce would be sacked





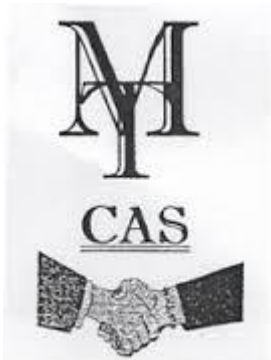
The Laundry trades as “Twin City Laundry Services”. It is a modern well equipped professionally managed business, and the workers have progressed through its various stages, developing their skills with the assistance of supervision and quality support staff.

As a commercial laundry it services both domestic and commercial needs – and is able to handle large items in need of laundering and ironing. It also provides a much valued nappy service.



Working in the laundry is no ordinary job for these workers, and they were eager to express how important their jobs were to them

“It’s our work, it’s our lives, it’s what we do” was one of the comments from one of the workers, and “It’s the first time I’ve felt part of society” was a further comment from someone who had been working there for 18 months



Kalianna Enterprises t/a The Marro Training Service provides transport and community access that complement the employment options provided to this community.

Trading as “Light and Easy” the wood-working section also makes furniture from pallets and PVC.

The workers receive improved training and skills by

participating in TAFE courses that assist them in both employment and living skills. These encourage community integration and inclusion, and the annual TAFE Awards night is one that is eagerly awaited and at which the



employees do very well





c) AWARE INDUSTRIES:

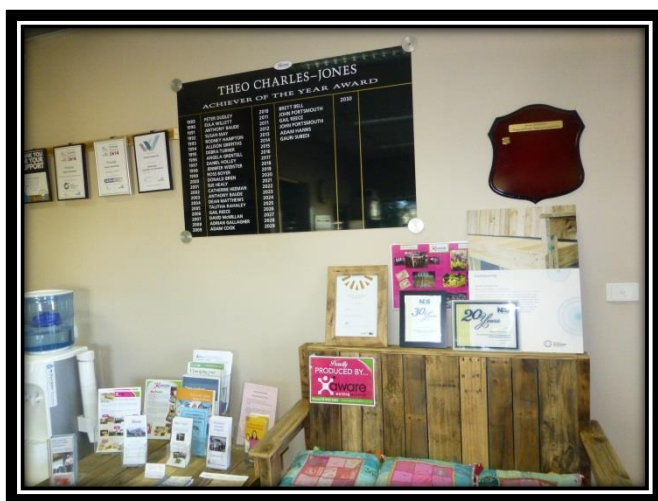
Aware (Working Wonders) is an ADE which employs 113 people with disability and 12 support staff. They operate from two separate sites in Wodonga. They use the Greenacres Tool for wage assessment and their business diversification has enabled them to provide

supports for people with some significant disabilities.

Using the Supported Wage System (SWS) would not affect their business viability, as they have benefitted from good stable management in recent years. They would not close, unlike some others. But they would have to sack about two thirds of their workers. Those who would be retrenched, if the SWS wage tool was mandated, would be those requiring the higher levels of support and whose productivity levels mean they can't cope with some of the more specialised tasks. So – **85** vulnerable people would be sacked – at this ADE alone.

Whilst spending time with this service in recent weeks I was left in no doubt, by management - and workers- that they are not in business to make a profit. They are in business to provide jobs to their valued and vulnerable workers – thus the Greenacres tool, not the SWS. Greenacres provides between \$4.50 per hour, up to \$18ph, with an average of about \$9ph .

Aware provides a pet food packaging service (and have done for 30 years), a wood and metal engineering workshop- recycling pallets into attractive furniture, a purpose built commercial bakery specialising in gluten free pizza bases and biscuits, specialised cordial production, clothing and paper recycling, safety gear, traffic safety flags, cannery labelling and packaging, logistics and warehousing. It's busy-and happy - with lots of workers and a proactive and innovative leadership program. This team leader program is designed to enable supported employees to undertake a leadership role within their various work groups. It provides a defined career path for the workers, and defies the continual and baseless criticism of those who argue that disability enterprises do not provide “real jobs”



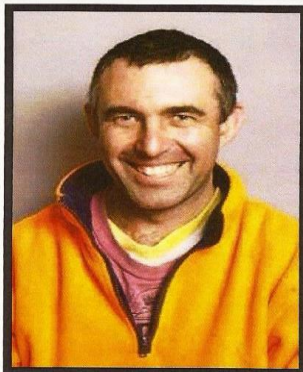
The diversity of their product allows for the concentration of some of the more specialised jobs to be replaced by less demanding tasks – depending on market and contract demands and time – to provide continual deployment of all workers most of the time - with the pet food contracts remaining one of the key income producing products.



I'm aware of similar Team Leadership programs in other ADE's, but these workers deserve a place within the current Hearings and, albeit by default and third person – they are here. I met them- there are 6 in all - and I spent the afternoon tea break with Gail – who was eager to tell her story. It's one we all deserve to hear



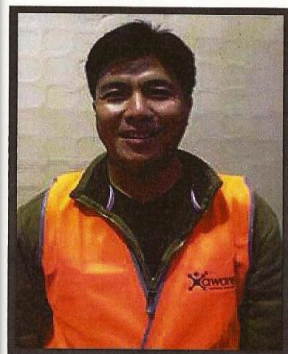
Gail Reece



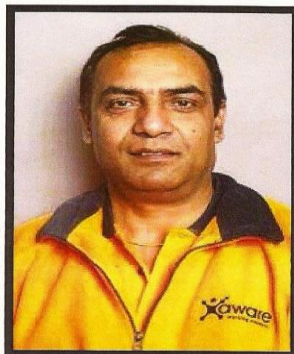
John Portsmouth



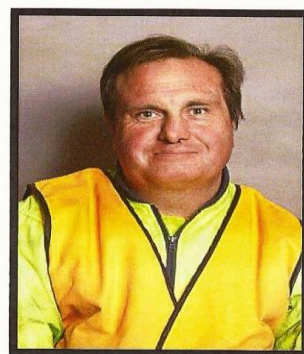
Dean Matthews



Phurba Sherpa



Tara Gautam



Adam Cook

Gail is a 35 year old young lady developing her personal skills within this ADE, where she has been employed since leaving school 18 years ago. She doesn't want the challenge and uncertainty of Open Employment. She has her own unit in town and needs full time employment to meet the obligations of rates,



insurance and maintenance. She is very happy in her ADE, having now got her fork-lift operator's licence, is

involved in Special Olympics, and I was particularly impressed with her sense of pride in the products and processes within the business. She said she found it difficult to let go of her role within the cordial section. Aware Industries produce, in commercially sealed premises, the "frous-frous" – Jones the Grocer – special cordial – from the base ingredient up to the finished product- then onto the international market. Her previous role had been to start the process, and she knew every phase of it, guarding its quality, measurement and timing with a strong sense of ownership. Even though her successors – as we can see- have an equal sense of pride – she confessed she found it difficult to let go- and move on. "It was my baby", she admitted, and she wasn't confident anyone else would be so committed to the quality. Her new trainee leadership role has helped her move through, and grow through the challenge of new roles, peer support and prejudices. No way does she want to lose any of that – and why should she?



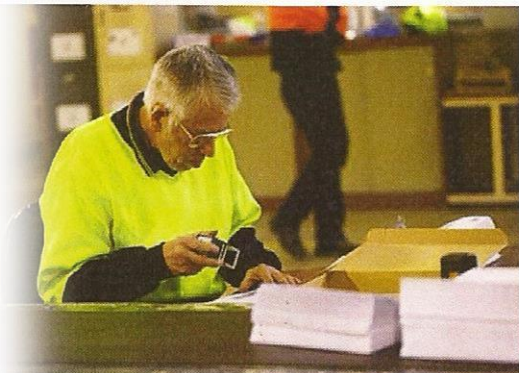
These trainee leadership roles extend through the work groups within different sections of the various enterprises which these workers value. The diversity of their product is epitomised by these photos and Aware have received community recognition for their innovation and commitment- to people, place and environment.



Inspection and labelling at Kane Road



Recycling At Moloney Drive



Mail Services at Moloney Drive



Engineering at Kane Road



Labelling at Kane Road



Food Services at Moloney Drive



d) **Yackandandah Community Development Co.**



This case study has been included to balance the Social Enterprise run by the Salvation Army and showcased in the Queensland study. It challenges a growing concept that social enterprises are a panacea. The terminology is “softer” – but they seem to mean different things to different people.

Yackandandah- is a little historical village in Victoria – not far away from Albury. It is formally recognised as a Social Enterprise in this small community,

The actual case study can be accessed at:-www.socialtraders.com.au/learn/dsp-defaulttr.cfm?loadref=102

The concept of social enterprises is readily floated at various advocacy and service levels as an alternative to ADE’s because of the historical nature of such community/business initiatives. It is the current “buzz word”, but my analysis of this particular enterprise – to accompany this regional ADE perspective – is not what I expected.

Despite being classed as a social enterprise which, I expected, would provide some, if limited, employment opportunities for people with a disability there were none. So – why are they being so readily canvassed as an alternative supported employment option? It is, however, an example of a community enterprise – a community “buy-out” model, where the community has come together to salvage a necessary community

business (in this case a fuel station) . The community put up the funds to set up a co-operative model to salvage the one bowser fuel station in the main street. The old site is now the local “Buddha shop” and a new 4 bowser business operates from a site further off the main street. The case study details the necessary community effort by a few residents, the personal funding and physical commitment of those residents who floated a public company with limited shares to provide a bigger, better option for the community – by



the community. The business provides permanent employment for two, and part time jobs for about 10 young residents to learn the skills of customer service and be paid accordingly.

It's relevance to this case study is NOT as an example of employment options for people with a disability – as expected – ***but rather an excellent example of how communities, especially small and regional communities, respond to the expressed needs that arise within those communities...just as our ADE's have evolved over time.***

The three ADE's instanced within this case study, and the Queensland one, have their origins in the same community response to obvious need. For this social enterprise- it was the need to salvage the only fuel station they had, nurture it, with local dollars and personal, physical commitment, and then turn it around – to become the valuable asset and community service it is to-day.

So too it is with our ADE's – not just in this region – but throughout Australia. They were started by parents/families and local communities who recognised the need and potential of people with a disability within their region – and did something about it – physically, financially and with pride.

Over those years the original ADE's have changed – and will continue to change, as they respond to differing needs.

To mandate their closure – with no alternative options for

- those whose lives, dignity and financial outcomes depend on these services;
- those communities who started and nurtured them and
- those families and carers who depend on them

is an abuse of human rights. To do so in the name of human rights is a concept that is seriously flawed. These are “*real*” people – with “*real*” jobs – living in “*real*” communities throughout the length and breadth of our nation. They, and their families and carers, have, in the motto of the Human Rights Commission a right to be heard by “*everybody, everywhere, every day*”. On their behalf I now place their voices before the Fair Work Commission, because they have not been able to do this themselves and the process which has led us to this place has also meant that families and carers have – to date - also been denied that right.



2. SUMMARY OF CASE STUDIES:

The conclusions which can be drawn from this case study – and the Queensland one -should conciliation not be reached on a non-discriminatory wage tool providing a fair day's pay for a fair day's work- without threatening the viability of the service - are:-

1. The closures of ADE's – with all the personal repercussions for workers, their families and carers.
2. Mandating the imposition of the SWS on Australia's ADE's will force closures. Just as two examples of abuse of human rights before the Human Rights Commission are unacceptable, so is the deliberate loss of one job for one disabled person – let alone thousands of them.
3. The loss of a wage income from their ADE, deprives the ex-worker of a minimum wage equivalent and reduces them to the poverty line. Their **only** source of income would then be the Disability Support Pension
4. It deprives people with a disability, especially intellectual disability, of their dignity, their sense of worth and the social networks that are a valuable part of everyone's life –be they able-bodied or disabled.
5. For many of our workers the ADE isn't all about money – and never has been.
6. Whilst open employment is a goal – it should not be the only one. It's an option for some – but it doesn't work for all. Not very many people with more severe disability transitioning from ADE's to open employment achieve full time employment in the longer term. For the most part only part-time jobs are available and the disillusioned worker who has to return to the ADE often does so with a strong sense of personal failure. Importantly, feedback indicates that open employment – for some- can lead to a degree of social isolation through separation from their peers
7. At a time when able-bodied workers are losing employment opportunities due to increasing technology and the global economic climate, it is foolhardy to expect that our vulnerable people with disability exiting ADE's can compete with them
8. ADE's have come a long way in the past decade and, with the NDIS on the horizon the gaps that now exist between State and Federal responsibility are narrowing. Why would anyone jeopardise what we currently have and the sector's commitment to continue improving those services and options?.
9. Continued transition from the BSWAT is subject to assessment – and availability of assessors. That will take time to do thoroughly. To date those assessments have only covered 32% of that population. My understanding is that there's nearly 6,000 still left to do.
10. No business can change its wage structure (the largest component of cost) within 12 months. It is an impossible business reality.
11. At a time when the ADE business has to chase new markets and more income to cope with imposed wage increases, the current instability caused by the wage impasse places an uncertain economic climate over the business sector, over staff and any possible future expansion or diversification to attract new business or product. You can only increase profit, when operating costs increase – especially by a margin of 33% - by increasing the revenue. Current uncertainty is jeopardising that.
12. These particular case studies affect the lives of over 300 disabled workers – in total. No ADE is identical, but the examples provide a reasonable glimpse of the ADE's that service these workers, of how important they are in the lives of the workers, the families, their carers and their communities. These examples extend nation-wide.

Based on these conclusions I proffer the following challenges.

THE CHALLENGES

Some of us are here at great personal and financial cost – for other's it is simply “a day at the office”. That's not to demean that role – everyone has an important part to play in the ultimate outcome – whatever it might be.

For our workers, their families and carers this is all a time of great stress. That stress actually exists and is both constant and debilitating. It has not been “engineered” by us.

For all of us it is a dreadful waste of time, money and resources. That will continue unless those who have brought this action before the independent industrial arbiter are prepared to give some ground.

Equally the disability services sector must also give some commitment to developing more defined career paths, within their services, for those of their workers with the capacity to move on. I put forward the example instanced at Aware Industries as a good starting point for those who have not yet reached that stage in business development.

For the Federal Government, who is as much a victim as we of what is a seemingly flawed process, the challenge is to stick with the national evidence –not a couple of bad examples at a couple of services. Please don't throw the baby out with the bathwater – to the disadvantage of so many vulnerable workers, their families and carers in so many parts of Australia.

For the Federal Government – again. How can our family carers find themselves, yet again – in this position?. Disempowered and up against the might of Government, the Legal Process, the Union Movement and a totally unrepresentative family Peak Body – with all their resources. In the 80's, 90's and through to 2005, families ran their own Australian Parent Advocacy Inc, which they funded themselves. That led to my presence here back in 2004. We had the BSWAT and agreement, by the Federal Government, on the need – after full national consultation –for the formation of a National Family Peak Body for Carers of People with a Disability. Yet – here we are again – not only are the family carers totally disempowered – so are those for whom we care and advocate. With the NDIS on the landscape we need that national voice more than ever. Carers Australia is a service provider – the Federal Government has to do better.

For our Union representatives – the traditional protectors of workers' rights - yes the BSWAT has been determined to be discriminatory. I know that was never deliberate because I worked with the two Union representatives before this same Court 10 years ago. Would they have acceded to it then, had they really believed it to be discriminatory? I think not – and you know your collegiate commitment better than I. Your challenge is now - how to defend the worker's rights of a few at a great cost to the many.? That's a very daunting challenge, indeed.

The challenge for those who have brought this action – to this point- is two-fold.

1. Can you please stop this farce of “slave labour?” and align the wage to the existing Federal Government Workers disability support pension, mobility allowance and \$80pw income threshold before it affects their pension entitlements. That provides a minimum wage of approximately \$17,000per year – for most it is much more. My own son's case study is an excellent example of what happens when someone loses an ADE service – on a minimal

wage – and then has to pay for a State service that is either very costly or not available. You will be pushing vulnerable workers from an minimum wage level into poverty. How does that work? You take away the human rights of a great number to protect the human rights of a few. There has to be a better way than this. ?

2. Can you also please commit - if we can ever conciliate this impasse and keep our ADE's open – that you will not then pursue the alternate industrially approved tools like the Greenacres, Skillsmaster. etc – My guess is that they would be next on your Agenda. This has to stop. We need to move on so we can all take advantage of the NDIS, removal of State and Federal conflicts and a seamless transition through all phases of life for our disabled family members.

For all of us – despite our conflicts – could we all please allocate some time – when next we gather – hopefully along with Deputy Commission Booth – to visit a couple of ADE's in the close vicinity of the area. Since September, 2014 a lot of paper, process and dry, isolated comment would have reverberated around these walls. The final decision, whatever it is, will affect the lives of thousands of workers, their families and carers – *forever*. We will be making that decision “*about them- for them - but without them*”. I have done the best I can, to give them a voice but, with a little bit of effort from all of us - we can go to them, talk to them ...listen and observe.

Perhaps, Madam Deputy Commissioner, you have one of the greatest challenges – to conciliate this industrial decision – using the industrial process, which is very finely delineated

Despite certain comments – I have never been “*recruited, or requested to support discrimination*” . . Along with many other families I have trail-blazed and prayed for the strength and wisdom just to get through the next day. In this current impasse I have no conflicts – just commitment to our son's legacy and the needs of others. I might have talked the talk – but I've also walked the walk, and continue to do so without the personal urgency required during our son's lifetime. In more recent times his disorder of Williams Syndrome has been the result of further medical research and a comprehensive thesis by a young clinical psychologist from Melbourne University. Tony's vital organs were donated for research. I was asked did I want to assign a number to his case study. My answer was no – He will always be Tony Walsh – not this number or that case study. He walked the walk, and many of his photos are part of that thesis.

I thank all present for allowing me to bring to the Court, to-day the lives and voices of the many with whom I have consulted in recent weeks and in 50 years of advocacy for our people, their families and carers.

There will always be conflict, but I appreciate the opportunity and request from my fellow members of the Carer's Alliance to voice their concerns, and those of their disabled family members by allowing the voices of very “real” people, in very “real ” jobs, in very “real” communities to be heard in this forum to-day.....Thank you

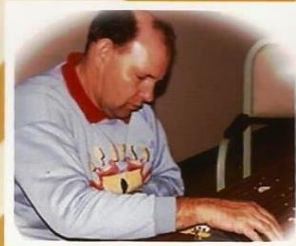
Mary Walsh OAM, CPA, AIFS,JP(Q)

Parent/Advocate

Queensland Representative of the Family Committee – ADE's work for me campaign.

www.ade.org.au

29 April, 2015.



Provided by the Community - for the Community

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Bundaberg Q4670
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0418 887 976



25 July, 2013 **Community Advocate – Volunteer/Consultant**
Board of Management
National Council of Intellectual Disability
PO Box 771
MAWSON ACT 2607

Dear Board Members,

Re: Federal Court of Australia: - FCAFC 192

I am contacting you, as the decision makers for the NCID, to express my concerns – as an independent and unfunded advocate for people with a disability in the Wide Bay Burnett area of Queensland, - about public comments – by your representatives (Mark Pattison, and Paul Cain) in relation to the outcome of the above legal action, instigated by your Council.

To-day I have attended the local FACSHIA round of consultation with workers and their families at one of our local business services. I am also involved with a local Social Enterprise, so I have a reasonable grasp of all of the issues from a business and social perspective. I commend the Departmental facilitators on the conduct of those facilitations. Everyone was encouraged to provide input, assisted with information, where necessary, and all dutifully completed the survey form. No doubt these results will be used to progress the vision of all Australians – not just the biased vision promoted by Mark Pattison and Paul Cain – who have (historically) been assisted, legally, by Kairsty Wilson of AED.

You are a Peak Body – you would receive taxpayer funds, as such – to represent your membership at national Policy/Government level. In the area of employment you claim to represent (supposedly) the views of Australia's 20000 people with disability, employed in some 600 Disability Enterprises – in various locations throughout the nation. On experience I am contacting you, as a Board, to assure you that the comments of Mark and Paul (your paid staff) are not shared by many of the 20,000 workers – and their families - whose work and social life revolve around their participation in their local job, and in their local communities. Those jobs happen to be in business services.

Ten years ago I represented workers – and their families - from Australia's business services – before the AIRC- when the BSWAT (Business Services Wage Assessment Tool) was formally accepted as a Government approved assessment tool. No doubt, Mark, Paul and Kairsty will remember that – and their actions to prevent me from participating in those AIRC Wage “Safety Net” industrial decisions.

Your representatives asked that I be removed – as I had “no right to be there. I was not a “worker”, as defined under the Act”. This was despite the visible fact – tabled – of over 1000 signatures from workers, worker committees, families and carers.- collected from all over Australia – whose enterprises I had visited in my role as National President of Australian Parent Advocacy Inc. - a self-funded advocacy group established – by families – to counter the blind, philosophically “pure” ideals of funded advocacy groups. The NCID was, and still is, one such group..

During the Federal BSWAT process, (a decade ago) the attempts by representatives of your Council, to exclude the voice of families and worker advocates at that time, were not accepted by the judges. They endorsed the legitimacy of my role and suggested that if the NCID representative was not happy with my inclusion, then your representatives could leave the Court, “forthwith”. Further it was suggested, by the Court that I be appointed as a member of the National Disability Consultative Committee, where all the stakeholders, including the unions, were progressing this industrial matter. The BSWAT didn’t just happen – a lot of work, thought and consultation went into its industrial and Government acceptance.

I’m sure none of us ever thought the BSWAT would not need some “tweaking” into the future. A decade down the track it certainly does, but:-

1. Did the current suspension of the BSWAT have to happen in the manner instigated by your Council?
2. What’s wrong with community consultation? Surely that’s the role of Peak Bodies.
3. Do you endorse the outrageous comments of your staff?
4. Do you really believe the outcome is in the best interests of all workers, their families/carers – and the businesses they serve – in their local communities?
5. Where, within your advocacy, do people with intellectual disability exercise CHOICE – which you are actively determined to restrict.
6. We would all advocate open employment as an option, where it is possible. But, it is not always possible and does not suit everyone. What processes have you, as a Peak Body developed to assist when the transition to open employment is unsuccessful, as it sometimes is – and the worker has to return, to deal with their sense of rejection and failure?
7. The NCID – or your paid staff – will not be picking up the pieces – if you achieve your goal of closing business services. That will fall back on families/carers and State Governments.
8. The loss of a job in a business service means that the dislocated worker loses whatever income was being earned, and then has to pay for a day service – IF one can be found. This means the dislocated worker has to transfer from a Federally funded employment service to a State day service – for which access is determined by a funding package. And funding packages aren’t available.
9. NCID *“actions and priorities centre on issues that affect the lives of people with intellectual disability and their families (www.ncid.org.au/index.php/ncid-is. As the funded Peak Body what national consultation, if any, have you conducted for business service workers – and their families – to support your agenda, and recent actions, for the Supported Wage System to become the only acceptable means of wage assessment?*
10. *“Our Voice” is a committee of NCID’s Board, the membership of which is exclusively people with intellectual disability representing all States and Territories” - (www.ncid.org.au/index.php/ncid-is. What input did these members have into the recent legal process? How many of them are employed in business services, and in what State or Territory?*

Through your staff you promote the closure of all business services. Your endorsement of the open labor market as the only means of providing “real jobs- for real people”, social inclusion and meaningful employment is way off- the- mark. We would all endorse the ideal – but the vision and the reality are two different things. Many of these workers feel they already are “real people – with real jobs”. And – how dare you jeopardise that - when you know nothing whatsoever about THEIR lives in THEIR communities. That’s their words – not mine!!!

Wide Bay Burnett, at national level, has some of the highest statistics for disability, unemployment and aged care. It is classed as “socially vulnerable”, It has a disposable income level below the national level, and is heavily reliant on welfare. Bundaberg – one of its 2 hubs – has just experienced massive, unprecedented, flood destruction, with a loss of business confidence and escalating social problems. Able bodied people can’t get jobs.

I have been an advocate for 50 years – I understand the role of advocacy. My husband of 53 years, and I, parented four children, including Tony, a child with intellectual disability and complex medical conditions. Despite all medical prognoses – he lived to be 39yrs.of age. I have been the primary carer of my mother for 40 years. She passed away 3 years ago – aged 100. Do I understand intellectual disability, business, ageing and advocacy? - “Yes” - I do.

I also have the history of the BSWAT wage assessment process–and your earlier attempts to have the Supported Wage System imposed on Business Services - at national level. I strongly reject the public comments (www.ncid.au/index.php/employment-first/108-commonwealth-discriminates-against-people-with-intellectual-disability-high-court-rules), made on behalf of your Board:-

“It’s time to stop the pretense that ADE’s provide inclusion, meaningful employment and fair wages”.
(There is a need, 10 years on to review wage assessment tools – but the answer is “review” – not “reject and/or destroy”)

“That rhetoric of “meaningful employment” in relation to ADE’s is “spin” of the most mischievous intention”.
(Shouldn’t employees have some say about what is “meaningful” to them – in their communities throughout Australia – and how have you promoted the opportunity, as a Peak Body, for this to happen.)

“The segregation of people with disabilities is still prevalent and supported by a powerful service industry backed by Commonwealth funding”
(As a Peak Body, the NCID also receives Commonwealth funding – on the premise that they represent the needs of the membership majority – not the agenda of a few).

“The BSWAT was designed to produce poor wage outcomes.....The Commonwealth’s refusal to truly consult with people with disability and their representative organisations, at the time, and since, will now have a huge impact.”

(History confirms that the Commonwealth did consult, and so did families of those 20,000 business services employees. I was there, on the national consultative committee. I lived it – I know. A lot of people worked hard – with genuine efforts to come up with the best result – for the workers – not for NCID.

The Supported Wage System propounded by NCID then – and now- in the real business world – will make business services unviable. They are run by Boards, under the Corporations Act (not like NCID). They must trade solvent – or breach the requirements of the law. But then, NCID’s Board of Management would know that – or should.

It isn’t all about money. It’s also about acceptance, self-esteem and camaraderie. Business services are designed around people with special needs, and a market niche – where it exists, or can be created. The open labor market- promoted by the NCID as the **ONLY** acceptable employment option - is a business created for the personal profit of the owners. It “hires and fires” workers who are expected to mould their own competencies and productivity around the requirements of that business - not vice versa.

I am not critical of your ideals. I am also an advocate. In addition to living disability for the past half a century (I am now the primary carer of my husband) – I also live in the real business world. The Supported Wage System will mean the end of business services. And YOU must also know this is the goal being promoted by your staff for the past 20 years. Improvement of business services must be an ongoing agenda – but it must remain a viable, available option. The NCID’s role should be to lead that improvement – not under-mine it by ensuring it is priced out of existence – using every technique you can.

My son worked in a business service for many years. As he aged and his needs got higher he could not cope with the increasingly commercial requirements. This meant his income, from your interpretation of his “demeaning” job, disappeared. He then had to pay for a day service – which entailed a 6 month battle to get State funding. He never really came to terms with the loss of his “job” When he passed away 9 years ago he did not have a home mortgage, a job, a wife, children or car – like his siblings. The things he did value were his electronic play-station, his workshop awards – plastered everywhere - his bowling trophies – and his 15 year service pin from his business service job.

He was dearly loved by his family, who built their lives around him, and he is sadly missed. He taught us many lessons, and I remain committed to advocacy, in an unfunded capacity, for this group of vulnerable people – as his legacy.

I have lived and walked, for decades, in the shadow of the NCID’s agenda, and my involvement has no conflict of interest. But, I have the history- and this should be shared with those who will wear “the huge impact” you so publicly predict.

This letter has been written after much personal deliberation but, someone, has to say what has to be said – because that’s what advocacy is all about. I walk in the shoes of the majority – not the minority and trust that “*the huge impact*” predicted by NCID will not become a roller-coaster of more legal challenges and all the aftermath that entails.

The consultations are taking place – and this is a positive contribution to the debate, for which we thank the Federal Government.

This letter is being emailed and will be followed by an Express Post hard-copy, to provide a proof of receipt. In the interests of all – this letter will also be widely distributed.

Sincerely

Mary Walsh

Mary Walsh OAM, CPA, AIFS, JP (Q) – Advocate

Refer Addendum – Page 5

ADDENDUM: 23 April, 2015

Since this letter to the National Council of Intellectual Disability – they have changed their name to Inclusion Australia, the 12 months exemption of the BSWAT is now due to expire within days, the BSWAT Payment Scheme has been delayed in the Senate – but the Federal Court have ruled on it – without parliamentary approval of the motion that still rests within the Senate, and the current Hearings on the future wage structure of the ADE’s still sits before the Fair Work Commission.

Grave fears and a lack of insecurity are being experienced by workers, their families and carers. There is a genuine concern that some ADE’s might be forced to close unless a reasonable compromise can be reached by everyone involved.

The ADE sector – and their future ability to hire good professional staff – is being jeopardized by the economic sense of uncertainty (within the sector) and, despite some accusations to the contrary – this is not because of families, or service providers - spreading concerns that are either unfounded or exaggerated. This is simply because 12 months – in any business – but more especially in the human services sector – is not long enough to allow business to re-profile their markets, their staff, their workers and or their product/s to accommodate the demands now facing the sector, as a result of the current impasse.

Several months after this letter to the NCID, the Board of Management graciously gave me the opportunity to meet with them to discuss the issues which I had raised.

The end result of my meeting with the Board was that:-

1. They would not support a 3 year exemption to allow the sector to develop a new wage assessment tool. They felt that the Federal Government and service providers had had long enough and 12 months was the maximum amount of time they would support. This, of course, was confirmed by their submission to the Human Rights Commission.
2. The concerns I raised about paid NCID staff making comments that were both inaccurate and sensational was dismissed as “*over-enthusiasm*”.

So, yet again – we agreed to disagree, but the issues raised in my letter remain valid today.

Now we have to determine the future of Australian Disability Enterprises, their workers, their families and carers, the communities in which they are held in high regard and the lives and self- esteem of those workers – throughout Australia and its various communities, - metro, urban, regional, rural and remote.

This letter is a vital part of history – and is provided to ensure that all participants fully understand why we are all where we are – 10 years on from the BSWAT.