



Australian Human Rights Commission
Level 3, 175 Pitt St
Sydney NSW 2000

21st October 2013

RE: Submission on application for an exemption under *the Disability Discrimination Act 1992* (Cth)

Dear Australian Human Rights Commission

Thank you for inviting Rights In Action Incorporated (RIA) to make a submission in relation to the application made by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), now known as Department of Social Services.

RIA is an independent individual advocacy agency funded under the National Disability Advocacy Program (NDAP) and advocates for people with disability living in Cairns, Yarrabah, Atherton and Mareeba.

There are three Australian Disability Enterprise (ADE's) agencies operated by the Endeavour Foundation in Far North Queensland. ADE centres include Cairns, Mareeba and Innisfail. Combined, these centres host over 100 supported employees with an intellectual disability.

RIA submits that the Australian Human Rights Commission **should not** grant the three year exemption. We believe that granting an exemption for the Commonwealth and Australian Disability Enterprises (ADEs), permitting the use of a wage assessment tool would be unlawful and discriminatory towards people with intellectual disability, and inconsistent with the objects of the *Disability Discrimination Act*.

The exemption and continued use of the BSWAT tool is not necessary or reasonable, as there are other productivity wage tools that can be readily used to pay fair wages to supported employees.

I present an analogy, which has already been put to FaHCSIA by our office for your consideration.

"A person of importance is pulled over in his car by the Police.



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Rights In Action Incorporated is an Independent advocacy agency for people with a disability, and part of the National Disability Advocacy Program, funded by the Australian Government Department of Social Services, the State Government Department of Communities, Child Safety and Disability Services, Queensland Health, and the Commonwealth Government Department of Social Services.

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. Rights In Action Inc.

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The Police Officer after inspecting the vehicle informs the man that the car is not roadworthy and hands him a defect notice, rendering the vehicle from further use until the repairs have been completed.

The man objects to this as he claims needs his vehicle to travel to work and states he is unable to afford to pay for the repairs at this time.

The man proceeds to court and asks the Magistrate to grant him an exemption to continue to drive his vehicle until he can afford to have it fixed. He acknowledges and argues that he should be allowed to continue to drive the vehicle even though it is a safety risk and could potentially cause harm to others whilst on the road.

Do you think the Magistrate should grant the exemption? Are there no other options for this man to get to work safely? Is he so important that the Magistrate should change the rules?"

Granting an exemption from the disability discrimination law would be inconsistent with explicit statements of international human rights law and with the objects of the DDA,

Yours Sincerely

R. Renton

Robyn Renton
Manager



