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The ASU has secured an historic agreement with the Australian Government in relation to Equal Pay. This deal will radically alter the future of the social and community sector and the role of our members.

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A Fair Society

The ACTU has developed a comprehensive policy on Social Inclusion. This article explores this important policy framework.

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Sally McManus



Linda White

EDITORIAL

The ASU has reached an historic agreement with the Australian Government for a National Equal Pay case for all Australian SACS workers. The Agreement acknowledges the historic nature of the SACS Queensland decision, which will see Queenslanders receive a pay increase between 18% and 42%. The Agreement also acknowledges the desire of the ASU to achieve this outcome nationally.

The legal principle on which the case has to be argued is Equal Pay. The Australian Government will intervene in the case in support of this legal principle and will assist in presenting evidence about the workforce issues faced by the industry.

The ASU will now run one of the biggest industrial cases ever for the SACS Industry, but this time we will have governments and many employers on our side.

The ASU expects to lodge its application for an Equal Pay case by the end of this year and hopes that the case will be heard by mid to late next year.

Under the new Fair Work Laws, Fair Work Australia (FWA) will conduct a hearing into Equal Pay in the social and community services industry.

Once FWA makes a decision on Equal Pay it will issue an Equal Pay order. This order will over-ride all awards and agreements. In addition, under the agreement the ASU has with the Australian Government, not only will the new rates of pay be phased in, but, as they are phased in you will continue to receive Living Wage increases in addition to your Equal Pay increases.

This will be the first ever Equal Pay case under the new Fair Work Australia arrangements and will be a watershed for the rights for women at work across Australia.

Sally McManus is the Secretary of the Australian Services Union NSW & ACT (Services) Branch.

Linda White is the Assistant National Secretary of the Australian Services Union.

Getting inside Social Enterprise



by Gary Moore

When I hear the term “social enterprise”, I now think of several different activities that seem to be bundled together under an increasingly enthusiastic catch cry. This raises important questions like:

Are social enterprises those revenue making initiatives of a not-for-profit organisation which are used to help meet the costs of the core services provision, such as long-standing retail outlets like Vinnies and Salvo Stores?

Are social enterprises the small business start-up efforts of individuals or partners who are unemployed or otherwise marginalised in the conventional labour market?

Are social enterprises the new service model projects of not-for-profits that attract and mix and match philanthropic and government funds, private sector skills and volunteers?

Are social enterprises the new consortia and contracting service models where a lead not-for-profit wins the tender and then subcontracts to others?

Or perhaps a network of not-for-profits win the tender using a parent holding company that manages all the back office arrangements across the network?

Or is social enterprise the term to describe the work that “social entrepreneurs” or “social innovators” engage in?

Whilst there are some complementary characteristics of the above activities, such as raising funds from other than traditional government grants, selling products or services and being prepared to take risks, I suspect that it is very important

to recognise the distinctions between the purposes and likely impacts of each different type of activity that is described as “social enterprise”.

What are the differences?

On one hand, not-for-profit organisations are distinctive entities with rules requiring them to apply any profits they make to the pursuit of the objectives of their particular organisation or of other similarly structured bodies. Individual and organisational members of a not-for-profit, are not entitled to receive a financial dividend from their membership or from any investment

them, even if the service or product they base their business model on is socially useful and the principals, as formerly unemployed people, gain sustainable incomes.

In a different perspective, the emergence of consortia based contracting models in the human services not-for-profit sector is a direct reflection of the marketisation of Government funding practices since the early 1990s. In some respects, the behaviours fostered by funding practice changes mirror those of the for-profit sector, with governments interested in transferring risk to credible larger organisations

‘The emergence of consortia based contracting models in the human services not for profit sector is a direct reflection of the marketisation of Government funding practices since the early 1990s... with governments interested in transferring risk to credible larger organisations...’

(financial or otherwise) they make to the entity. Their enterprise activities and return are collective and not individual and in line with the social, environmental, artistic or other objectives they have.

On the other hand, disadvantaged individuals or partnerships, who may be mentored by business experts and obtain short term grants or loans, establish potentially profit making activities in the hope of creating a sustainable income for themselves and/or partners. Their focus is not collective and the profits remain with

which are seen to produce more efficient results and which can organise smaller entities to deliver specific service outcomes in defined locations (a kind of inventory supply chain model).

Both the Commonwealth and NSW Governments are increasingly using these types of tendering approaches, with the hope of obtaining better outcomes for service users and local communities. The social enterprise description used here is about new structures, a different use of resources, a leverage of scale, along

Gary Moore is Director of Community Services at Marrickville Council



‘If the not-for-profit sector becomes more stratified, built around exclusive contractor and subcontractor arrangements, if business pushes its new not-for-profit partners to pricing and spending strategies it knows so well, then the quality and coverage of human services will not be as widely applied as now.’

with an encouragement of private funds and skills for more meaningful social and personal improvements. Typically, what is being funded is a non-revenue generating human service or cluster of such services.

Finally, the not-for-profit sector in Australia has been consistently blessed with practitioners that would be called entrepreneurial or innovative almost since its inception. Some would argue that creating new ways of addressing social need and mobilising community opportunities is the main reason for working or volunteering in not-for-profit human services organisations. There is little doubt that each innovation in service delivery and community development has had its set of “champions”. Whether, however, the term social

enterprise should be applied is debatable, especially when there is no evidence of significant income generation being a core part of the new service model. Good innovators should be seen as that.

Why does it matter?

Much interest is being shown in promoting social enterprise in Australia, as has been the case in the United Kingdom, North America and Europe. Forms of social enterprise feature in several developing nations, whilst major international entities such as the World Bank have been strong advocates for some time.

Knowing what we are talking about is critical to honestly and appropriately promote the different types of activities which I have previously

described, in order to understand what they can and can't deliver, and what are their benefits and their costs. This is especially important as social enterprise should not be seen as a panacea to the persistent social issues our communities and especially vulnerable and marginalised population groups experience.

Important initiatives such as the Community Sector Banking and Social Ventures Australia, demonstrate that the not-for-profit sector can harness skills and financial resources from the private sector to pursue social and economic innovations with very credible direct benefits. Similarly, the emergence of community housing organisations in partnerships with developers and bankers to provide genuine affordable

Continued page 6

Getting inside Social Enterprise

housing in key locations shows that genuine social enterprise can be negotiated and managed by not-for-profit organisations.

At the broader community sector level, it appears that the objective of building a culture of social enterprise is one of the messages that many larger not-for-profits are using to gain private sector intellectual and financial capital. There is also little doubt that in recent years, as much competition as collaboration has occurred between the largest of NFPs as they struggle to become national entities and preferred lead agencies with large Government tenders, offering networks of "one stop shop" or clustered service options. Such approaches are certainly very enterprising, but whether they are starting to deliver better results at the

citizen or local community level is very hard to gauge.

Here lies one of the risks. If Governments continue to outsource more; if the not-for-profit sector becomes more stratified, built around exclusive contractor and subcontractor arrangements; if business pushes its new not-for-profit partners to pricing and spending strategies it knows so well, then the quality and coverage of human services will not be as widely applied as now. In the worst case, tagging all of this as social enterprise will hide the massive transfer of risk from government and further concentration of ownership within the not for profit sector. Job losses in the public sector could well be matched by more, lower paid employment opportunities in the not-for-profit sector.

However, if serious support is given to attempts at what I believe is genuine social enterprise, that is, using ethical revenue raising through small business activities that enhances new models of more effective services, then the active promotion of this type of social enterprise will have a marked effect on the health of not-for-profit organisations, the resilience of local communities and the sustainable employment opportunities of those now doing it tough whilst out of work or underemployed.

Social enterprise has a lot going for it – we just have to be careful, as usual, to what its limitations are, to not throw out the "baby with the bathwater" and to recognise that not all benefits will or can be equally shared.



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National Round Up

CP keeps you up-to-date on major developments in workforce and professional issues around the country.



Global economic downturn - impacts on staff of services

In June this year the Centre for Corporate Public Affairs released a report commissioned by the Australian Government entitled "Impact of the economic downturn on not-for-profit organisation management". The report reveals that a survey of organisations found that while there had not been significant changes to staffing profiles in 2008/9 as result of the global economic downturn, predictions were that in 2009/10, organisations expected to reduce the number of full time jobs and significantly increase the use of volunteers. In terms of salary increases over the 2009/10 year the majority of organisations surveyed reported that they expected 'no change' in salary levels, while 27% expected an increase and 11% expected a decrease. 43% of NFP organisations agree or strongly agree that in reaction to economic downturn, they have reduced training and professional development, a most worrying development.

Organisations reported experiencing a reduction in investment income, corporate funding, and support from philanthropic trusts and foundations during the financial crisis. The

...non-profit organisations contributed close to \$43 billion or 4.1% to Australia's economy in 2006-07.

Australian Government responded by providing \$11 million to 37 charitable and non-profit organisations in Temporary Financial Assistance grants through the Australian Government's Jobs Fund.

ABS data on jobs equivalent to volunteer hours

New data from ABS argues that non-profit organisations contributed close to \$43 billion (or 4.1%) to Australia's economy in 2006-07. The ABS also found that volunteers contributed over 600 million hours to non-profit organisations in 2006-07, equivalent to 317 200 full-time jobs worth over \$14 billion.

Compact

Part of Labor's pre-election commitment was the establishment of a partnership agreement between the non-profit sector and the Australian Government, called a Compact. After a major consultation by ACOSS last year the Government convened a forum of major peak groups in July 2009. Now further consultation is being conducted via a national compact survey. The survey asks questions about elements that might be included in a Compact and how important these things are to survey participants. There is also an online Compact forum. For more information, go to the Government's website www.socialinclusion.gov.au.

Productivity Commission study on non-profits

Early October will see the release of the draft report of the Productivity

Commission's study into the contribution of the non-profit sector. The Commission was asked to undertake a study to:

- improve the measurement of the sector's contributions; and
- remove obstacles to maximising its contributions to society.

One hundred and seventy eight submissions were received including one from the ASU. The draft report was open for comment at the end of October with a final report to government by December. The report makes recommendations on government funding and contractual arrangements as well as issues of efficiency and effectiveness, all of which have impacts on the quality of our future workforce.

Response to Senate Inquiry into non-profits

Last month the government tabled its response to the Senate Inquiry into Disclosure Regimes for Charities and not-for-profit organisations.

The Senate Inquiry had been established to investigate the appropriateness of current disclosure regimes for non-profit organisations and to examine models of regulation and legal forms that would improve their governance and management.

The government response provides a summary of the work currently being undertaken by government to address issues the report raises and also considers further work that may be undertaken in the future. **CP**

Public Services Reform

By Rachael Maskell

Public service reform has been at the heart of every government's agenda as the pendulum swings between state control and the softer elements of the market. One thing is certain: the future of public services in the UK is uncertain.

At the start of the UK Labour administration in 1997, broken public services were brought in for a period of state healing, with national strategic objectives being set and a national framework for staff established. There was an overwhelming cry of relief as those that worked at the frontline experienced services getting better. The working conditions of frontline staff also improved. Most celebrated

Of course, this has been well argued not as private sector provision of public services, but as working with the third sector (or non profit sector) to bring their expertise into the public service arena. The ground was well prepared and the ideology plausible, except to those that were the more alert.

Tendering out has been sold on the principle that it offers optimum benefit for service users. However European



organisations with stated so-called 'social values') sat on the fringes of this and were mainly associated with recycling, environmental services and some employment services.

Most of the 55,000 social enterprises continue to amble along, and do what they do well; however there has been a new breed, which the government has promoted and funded. These have been created with the sole objective of taking over the running of public services.

Within the health sector, and in particular primary care, social enterprises are becoming the sole vehicle for public sector delivery. The Department of Health now declared that: "Encouraging social enterprise in health and social care is a key part of the patient led reforms. It offers patients and users a greater choice from a wider selection of convenient, innovative and responsive services."

It goes on to argue that: "Social enterprises involve patients and staff in designing and delivering services, improving quality and tailoring services to meet patient needs"

What the Department fails to mention is that evidence-based-practice has

'The private sector is now at the heart of delivering public services. It is increasingly winning contracts on the basis of price, and this is resulting in a race to the bottom of terms and conditions.'

was the National Health Service (NHS), now over 60 years old, which seemed to have returned to something that resembled its original principles. Alongside these major reforms, the NHS established a national pay structure to address inequality in pay for women workers. A framework which championed development and progression set of parameters.

Then that word "choice" crept in. Starting with "patient choice", it was easy for the state to highlight how empowering the patient was "progressive". But with this choice, came its ugly twin sister, the choice of provider, not just for back-office management, but for front line services. Labour went where even Thatcher dared not tread.

competition rules means that the market cannot discriminate against for-profit providers. This being the case, open competition for contracts to deliver front-line services forms the reality of the reform agenda.

As we have found across other areas of public service reform, like advice, housing, employment or child welfare areas, non-profit providers were very good at winning the first tender rounds, but less so when price became the overarching consideration. Capacity building programmes were put in place to enable them to fully embrace the procurement processes, and some major non-profit organisations benefited substantially with up to 90% of their income coming from the state to provide public services. "Social enterprises" (for-profit

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Unite is Britain's biggest union with two million workers in every type of workplace.



always formed the basis of any professionals' clinical practice. Professionals spend their time tailoring services to address the needs of patients. Instead of building on this practice, and empowering staff within services, the Department has argued only social enterprises can develop services that are "flexible, non-bureaucratic" and delivered "good value for money".

In 2005 the British Labour Party made an explicit commitment to increase the proportion of public services delivered through social enterprises and the third sector. This has driven an agenda which has seen every primary care trust, which are the area-based management units for the British National Health Service, either

become a commissioning body for all its services, and withdraw from being a provider, or for the trust to transform itself wholesale into becoming a for-profit social enterprise. It would appear that the choice agenda has disappeared and the market has won. Our hard fought battle for collective agreements stand on the brink of disintegration, and certainly will be buried with any change of government.

The private sector is now at the heart of delivering public services. It is increasingly winning contracts on the basis of price, and this is resulting in a race to the bottom of terms and conditions. Primary carers are being pressured to meet unrealistic targets and public services are becoming minimalistic in a tick-box culture

which has totally compromised quality. Where third sector organisations try and compete they too end up compromising staff and service users, losing their *raison d'être*.

The final threat to the workforce comes with the "personalisation agenda" where the end user will be provided with a budget to determine their care provision and needs. Under this scenario, wholesale casualisation of the workforce is just around the corner, and tragically it will mean that quality will plummet and possibly fatal errors made before the state takes control again and reinstates public need over the profit motive.

As for the unions, we are back to educating and organising.

The Future of Social Enterprises

By Cheryl Kernot

Once in a rare while, the fundamental architecture of a significant part of society shifts. Over the last two and a half decades, the organisation of the social half of society, led by social entrepreneurs, has done so. This is the observation of Ashoka founder Bill Drayton who coined the term 'social entrepreneur'.

This fundamental shift has happened because a critical mass of people throughout the world has responded to the compelling evidence of the ever-increasing inequity in the way the planet's resources and opportunities are shared. This, combined with escalating environmental and health crises, has led to the conclusion that there can be a different way of doing business: different starting points, different core purposes, a different attitude to profits and ownership; a different way of harnessing capital market models, incorporating traditional business tools and strategies to achieve a social bottom line; adding social value alongside the traditional financial.

Social businesses/enterprises* are businesses with core (not add-on) social and/or environmental objectives and whose surpluses are principally reinvested in the business's pursuit of those objectives, or in the community, rather than being driven by the need to maximise profit for private shareholders and owners. Many private businesses also consider themselves to have social and environmental goals, but the distinctive differences for social businesses are the absolute centrality of their social goals and their characteristic ownership structures. This does not mean private shareholders, but ownership by their customers, employees, the wider community, trustees, public bodies or a combination of different stakeholder groups.

At the heart of this fundamental social change is a systemic challenge

to the meaning of 'value' creation: who decides what matters, who measures that and how? And how is that reflected in national and global economic planning and priority setting? It has created new tools to measure value that go well beyond a simple profit and loss account, and ways of making this possible. In the UK, measuring social value creation is now included, in an introductory way, in Treasury planning.

Social entrepreneurship is the product of individuals, organisations, and networks that challenge conventional structures by addressing failures and identify new opportunities in the institutional arrangements that cause the inadequate provision or unequal distribution of social and environmental goods. Social entrepreneurship can be defined as any action that displays three key characteristics: 'sociality', innovation, and market orientation. This generates new markets such as microfinance for the poor, well beyond traditional charity and "not-for-profit" endeavours.

In fact, social entrepreneurs challenge the established "fuzzy" ideology that not-for-profit is somehow more noble than for-profit when it is how the profits are earned and what they are used

*I use the term social business instead of enterprise because UK government research shows that people are less familiar with the concept of an "enterprise."

Cheryl Kernot is the first Director of Social Enterprise/Business at the Centre for Social Impact, a collaboration of the business schools of UNSW, Melbourne and Swinburne Universities



‘Social businesses specifically address conventional competitive markets, but social entrepreneurship broadens the conception of a ‘market’ beyond the neoliberal definition to suggest that markets establish exchange value that is inevitably socially embedded. Thus, market orientation also includes ideas of reciprocity and the common good.’

for that's the defining difference. The focus is on profits with a social purpose.

Jeff Skoll, co-founder of eBay, himself a social entrepreneur, says that social entrepreneurs are rebelling against one of the worst ideas that has ever gripped mankind – that the problems that surround us are so big that ordinary men and women can't make a difference. From his experience Skoll argues that social entrepreneurs see these problems as a call to action rather than a cause for despair. In the UK the Labour

Government champions social business as a force for change. It plays a key role in making a fairer and more inclusive society by tackling some of society's most entrenched social and environmental challenges. It sets new standards for ethical markets and raises the bar for corporate responsibility. It improves public services and pioneers new approaches. It increases levels of enterprise by attracting new people to business and shows, as in fair trade, that ethical commitment and business success can be combined.

Social market failure is not confined to one sector of the economy, or any one country. It can be seen in government inefficiencies in public service delivery, the rise of corporate power, and the retreat of the state in the face of free-market ideology. Australian social market failures include the lack of affordable housing and rental accommodation for those on low incomes, access to fair finance, affordable child care, real employment opportunities for Indigenous Australians, the proliferation of oil-based plastics in landfill and barriers to the use of renewable power.

Social businesses specifically address conventional competitive markets, but social entrepreneurship broadens the conception of a 'market' beyond the

neoliberal definition to suggest that markets establish exchange value that is inevitably socially embedded. Thus, market orientation also includes ideas of reciprocity and the common good.

Think of the way Muhammad Yunus has created the new market for microfinance products for the poor through his Grameen Bank. Commercial banks would not address poverty alleviation through microloans without borrowers having collateral. As of January 2009, the Grameen Bank has nearly eight million borrowers, 97 per cent of whom are women; it has disbursed over \$11 billion since it started, and plans to disburse \$1.5 billion this year.

The scale of its replication has been phenomenal: more than 106 million of the world's poorest families received a microloan in 2007, surpassing a goal set ten years ago. The loans have been used to start or expand a range of tiny businesses such as husking rice, selling tortillas, and delivering mobile phone services to remote villages. What is remarkable is that loans to more than a hundred million very poor families now touch the lives of more than half a billion family members around the world: half of the world's poorest people. The growth has been an extraordinary – 1,300 per cent, well beyond the dreams of the most growth-obsessed transnational corporation. This

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The Future of Social Enterprises



'More than 106 million of the world's poorest families received a microloan in 2007, surpassing a goal set ten years ago. The loans have been used to start or expand a range of tiny businesses such as husking rice, selling tortillas, and delivering mobile phone services to remote villages.'

EXAMPLES OF SOCIAL BUSINESS

ROLLS ON WHEELS:

A social business employing and training people with enduring mental health issues

www.forthsector.org.uk

INSIDE JOB PRODUCTIONS:

A unique social business that works with serving female prisoners in producing highly professional video, print and multi-media products for prisons and other agencies operating within the criminal justice system.

www.mediafordevelopment.org.uk

STREAT:

An Australian social enterprise designed to offer disadvantaged youth a pathway from homelessness to long term employment. It combines industry-level hospitality training with the opportunity of an ongoing role running mobile food and coffee carts.

www.streat.com.au

movement points to a systemic change that is responding to a huge unmet need which has now moved into secondary markets. In fact the Grameen Bank has just set up a branch in New York!

And think of the way social businesses and fair trade can bypass the WTO and deliver wage justice to thousands of growers and their families in the developing world.

I like to use the global examples but social business can as powerfully drive social inclusion at the local level. Some examples can be seen in the

above box. Unions need not fear the growth of social businesses/enterprises: they are a socially just alternative to governments opening the back door to the private sector. Social enterprises could herald a new era of tailored, locally responsive public services which even the best public sector in the world cannot easily deliver given the niche demands of today's citizens.

The record so far in the UK is that social entrepreneurs give a high priority to award wages and conditions, investment in staff

training, and staff inclusion in management decision making. In the case of the National Health Service the government guaranteed the pension entitlements of any public sector employees transferring to social businesses created to deliver tailored innovative services.

Although social entrepreneurs have been leading a quiet revolution for the last 25 years the global financial crisis has provided a positive opportunity for a complete re-evaluation of the way we "do business."

National Disability Council

By Sally McManus



'It's time to play our part in changing society to respect people with disabilities'

I have continued to represent the views of the ASU on the National Disability Ministerial Advisory Council this year. We are easily the biggest Union representing disability support workers and disability advocates in Australia. It has been very important to ensure workers in the disability sector have a voice on this Council. Prior to the election of the Rudd Government, the views of workers were ignored when the Government made any decision that affected us. As workers, we want to work together with people with disabilities, their unpaid carers and families as well as our employers in making Australia a fairer and better place to live for people with disabilities – this is a goal that we all share.

The main work of the Council is to advise the Minister, Jenny Macklin on a National Disability Strategy for Government. This was an election commitment and we have been given the job of advising the Government on it.

To this end, we have conducted consultation meetings across the country which have been attended by thousands of people with disabilities, as well as their families and workers in the disability sector. The results of this consultation have been published in a report called 'Shut Out: The experience of People with Disabilities and their families in Australia.' This report is really important reading for any worker in our sector. It details the experience of people with disabilities in Australia – while many of the large

'ASU members will need to play an important role in bringing about the significant changes that are necessary on many levels if we are to play our part in changing this situation.'

institutions that housed generations of people with disabilities have been shut down – many people with disabilities in 2009 find themselves shut out – socially, culturally and politically. Hopefully this report will mark the start of much needed and dramatic change in how we as a society value, treat and respect people with disabilities. This change is much needed; *"Whilst the issues raised were many and varied, a clear picture emerged...People with disabilities may be present in the community but most do not enjoy full participation in it. Discrimination and*

exclusion are frustrating features of daily life. People in wheelchairs cannot access the public facilities taken for granted by others in the community... Children with disabilities find themselves excluded from local kindergartens and schools. Qualified and competent candidates for jobs are rejected because of their disability. People with mobility aids have difficulty regularly accessing public transport. People with various disabilities are unable to access the aids, equipment and technology essential to their daily functioning, and are unable to access the support required to get them out of bed in the morning."

– Shut Out, Executive Summary

ASU members need to play an important role in bringing about the significant changes that are necessary on many levels if we are to play our part in changing this situation. The experiences detailed in the Report will not come as a surprise to members with a disability or workers in the disability sector, however, they may be a surprise to the majority of the population who do not live with a disability or work closely with people who do. The first step is encouraging our friends and family who are ignorant to the unacceptable reality of life for so many, to consider the issues raised and the experiences detailed in the report. If we do not have a disability ourselves, we need to be strong allies of those who do and who will be demanding change.

Sally McManus is the Secretary of the Australian Services Union NSW & ACT (Services) Branch.

Pay equity achieved for community

by Michelle Robertson



The Queensland Services Union (QSU) has been successful in a pay equity case for members employed in non government community services. There are over 30, 000 workers in community services in Queensland who will be affected by this decision.

These wage increases average around 18% and up to 37% over a three year period.

In 2008 the Union made an application for a new Award for community workers which included higher rates of pay than those currently achieved. The Union argued that the reason that the rates of pay were low was that the work had been undervalued because of gender.

On 6 May the Queensland Industrial Relations Commission released its decision on pay equity. In an historic decision the Commission has recognised that the work performed has been undervalued and rates of pay must be corrected.
Commissioner Glenys Fisher

Michelle Robertson is Branch Advocate at the ASU Queensland Services Branch.

workers in Queensland!



recognised that this undervaluation was gender based. This is because care work is seen to be an extension of women's role in the home and not valued fairly. Community services workers are overwhelmingly female and not industrially active – being focused instead on providing assistance to disadvantaged individuals, families and communities.

The case relied on the evidence of community workers, union officials, workforce experts, and academics. It is only the third Pay Equity case to be decided in Queensland. Importantly, it is the only case that has looked at a whole industry rather than a single occupation.

These wage increases average around 18% and up to 37% over a three year period. This brings our members into wage comparability with their government employed colleagues. The first substantial wage increase of 6% occurred on 13 July 2009 with further 6 monthly increases occurring until the correct rate is achieved.

Since this great decision, the QSU has been very active in pursuing implementation of the new wage



rates. The Queensland government has committed to an additional \$414million over the next four years to assist with the funding of the increases. \$65 million of this will be paid in this financial year. This is the only increase in funding allocated by the state government in this year. The government has an expectation that

this additional funding will be paid as wages.

Who does it apply to?

Some questions have been raised about to whom the Award currently applies, and there have been reports of confusion in the industry, particularly with some advisors suggesting there are ways of getting out of applying the Award rates.

Technically, the Award applies to the group of organisations who were not respondent to what we all refer to as the SACS or the CASH Award. We believe the rates need to apply to all members across the industry.

We say that different rates cannot be sustained. The decision is that the work must be properly valued and paid for. We say that government must fund the work equally. Government supports this view. It is the work that has been valued – not the organisation. The reality is that the QIRC decision has placed a value on the work performed which must be recognised and funded.

Phase one achieved – what comes next?

The QSU is making sure that there are ways of ensuring the decision applies and is enforceable. The QSU is also working with QCOSS on an Award implementation strategy. This has commenced with a statewide series of workshops being conducted in September. These workshops have generated a lot of interest and are well attended.

Maximizing membership growth is a priority for the QSU as a result of this decision, and membership numbers have increased strongly in the period since May.

This pay equity decision represents an important step in recognising our value as union members working in community services. We must build union membership so that we can continue to achieve improvements for members. We know that these improvements benefit the whole of community services.

Historic Agreement on Equal Pay

HEADS OF AGREEMENT BETWEEN THE AUSTRALIAN GOVERNMENT AND THE AUSTRALIAN SERVICES UNION

BACKGROUND

Currently there are many employees in the social and community services sector (SACS sector) who are employed by entities that are not constitutional corporations and so remain within state workplace relations systems.

The Australian Government has developed the proposal below to respond to certain concerns held by the Australian Services Union and its state based associated bodies (together, the ASU) relating to the possible transfer of those employers and employees into the federal system as a result of referral of powers by the states.

The most significant of the ASU's concerns is how the recent pay equity decision that awarded significant pay increases for the SACS sector in Queensland (Queensland Services, Industrial Union of Employees AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (A/2008/5)) ('the Queensland Decision') will be dealt with in any transfer of the relevant employees into the federal system, both in terms of:

- preserving the new rates for the Queensland employees; and
- how the ASU may seek to achieve similar outcomes for employees in other states through pay equity and work value claims in state or federal tribunals.

The Australian Government has been advised by the ASU that it intends to make an application for an equal remuneration order/work value wages review under the *Fair Work Act 2009* (*Fair Work Act*) for the SACS sector.

The Australian Government and the ASU recognise the unique circumstances in which the ASU will make an application for equal remuneration. The claim will be the first under the *Fair Work Act 2009*, against the background of uncertainty as to jurisdictional coverage of SACS sector workers and the finalisation of negotiations between the Commonwealth and state governments in relation to the creation of a national workplace relations system for the private sector. Therefore the approach adopted in this Heads of Agreement does not constitute a precedent for future pay equity claims.

HEADS OF AGREEMENT

1. The ASU and the Australian Government have agreed that the following package of measures will satisfy the ASU's concerns regarding a transfer of employees in the SACS sector into the federal system.
2. The ASU agrees that as a result of its concerns being substantially satisfied, it supports referrals of power covering workplace relations for the SACS sector from the states to the Commonwealth and the application of the *Fair Work Act* to those employees and will advocate to State Governments that they should make such referrals of powers.
3. In the event that the Commonwealth agrees with the States of Queensland, New South Wales, South Australia and Tasmania upon referral of workplace relations powers covering employees in the SACS sector, then the parties agree that they will undertake the actions set out at clauses 4 to 16 below.

PAY EQUITY APPLICATION

4. In the event that the ASU makes an application to set or vary rates of pay for the SACS sector based on the equal remuneration and /or work value provisions under the *Fair Work Act*, the Australian Government will seek leave from Fair Work Australia (FWA) to make a submission and to otherwise participate in those proceedings. This is consistent with:
 - a. the important public interest considerations in the hearing of the first major case under the new pay equity provisions of the *Fair Work Act*;
 - b. the Australian Government's desire to provide a view concerning the proper approach to the pay equity provisions of the new legislation;
 - c. recognition of the ongoing workforce issues in the SACS sector; and
 - d. recognition that any resulting pay rises will have significant financial implications for the Australian Government and the States.
5. The Australian Government acknowledges that, if an equal remuneration/work value application is made, the proceedings are likely to be complex, lengthy and resource intensive. Given these factors, and in order to assist FWA and the parties, the Australian Government:
 - a. will seek leave from FWA to make a submission and to participate in proceedings:
 - i. to support the development of an appropriate equal remuneration principle for the federal jurisdiction drawing on the Queensland Equal Remuneration Principle of 2002 and explanatory notes and relevant New South Wales jurisprudence;
 - ii. to assist Fair Work Australia and the parties by presenting evidence and research on matters including: the history of relevant awards; employee earnings and the economic and labour market features of the sector; changes in regulation and legal requirements of the sector; and data on bargaining in the sector; and
 - iii. propose the development of an Agreed Statement of Facts in advance in order to limit arguments before FWA.
 - b. reserves its position in respect of making a submission in relation to the appropriate quantum and funding arrangements of any pay increase until such time as the ASU's application has been made, evidence presented to FWA and further analysis on the impacts of any proposed increase is undertaken.
6. As a first step, the ASU will write to the President of the AIRC (copied to the Australian Government) indicating its intention to lodge a pay equity/work value claim for SACS sector workers and to request that the President convene a conference of interested parties, including the Australian Government as well as state and territory governments, to consider how the issue might be progressed given the current award modernisation proceedings and the scope for an agreed position. The Australian Government will support that proposal.
7. In that context, and assuming that an agreed position does not emerge from any conference convened by the President, the ASU and Australian Government will submit to the President of the AIRC that, given the following factors:
 - a. the pending application by the ASU for the determination of rates of pay for the SACS sector in accordance with the pay equity principles of the *Fair Work Act* and the proper setting of those rates based on work value considerations;
 - b. the fact that the timeline for award modernisation does not permit sufficient time to allow a full examination of these issues before commencement of the modern award on 1 January 2010; and
 - c. that there is currently uncertainty over whether employers in this sector who are not constitutional corporations will be referred from state systems to the federal system means that questions of wage rates and transitional arrangements will be difficult to determine at this time,

Historic Agreement on Equal Pay

The modern award proceedings and the pending ASU application should be dealt with as follows:

- d. the AIRC should proceed to create a modern award for the SACS sector in accordance with the timetable set down for Stage 4 awards; and
 - e. the rates of pay for the modern award should be established initially on an interim basis and should reflect the rates that presently exist in relevant instruments, pending a full hearing of the ASU's application to properly fix the rates.
- 8.** The ASU acknowledges that there would be very significant budgetary impacts to state, territory and Commonwealth governments in the event of any significant increase to the current rates of pay of SACS workers. The ASU acknowledges that in order to ensure the financial sustainability of the sector, it is therefore essential that there be a gradual phasing in of any such wage increase that takes into account the capacity of the Commonwealth, state and territory governments to meet a significant cost increase in the current economic and budgetary environment.
- 9.** Accordingly, in the event that Fair Work Australia awards a significant increase to the current rates of pay of SACS workers, the ASU agrees to support the argument (which will be put in the Australian Government submission):
- a. that any increase awarded on pay equity or work value grounds should not take effect until at least 6 months after the date of any decision, in order to allow sufficient time for the necessary funding arrangements to be put in place; and
 - b. that any increase awarded on pay equity or work value grounds should be phased via instalments over not less than an additional four and a half year period (so that additional costs are imposed gradually over this period); and
 - c. assuming that any increase awarded by Fair Work Australia on pay equity grounds is based upon a pay equity comparison undertaken on or about the time of the decision, then annual minimum wage adjustments (as awarded each year by Fair Work Australia under section 166 of the *Fair Work Act 2009*) should also be applied throughout the phasing in period to ensure the comparative pay equity position of any increased rate so awarded is not eroded over the agreed phase in period.
- 10.** Notwithstanding paragraph 9 above, the Australian Government and the ASU each reserve their positions in respect of advocating for appropriate phasing arrangements for those Queensland employers and employees who are subject to the Social and Community Services (Queensland) Award 2001 or the Crisis Assistance Supported Housing (Queensland) Award 1999¹ and, who but for the referral of power from the State of Queensland would, from 26 March 2011, have become subject to the Queensland Decision.
- 11.** The Australian Government agrees to participate in discussions with the state governments, through an appropriate forum and both before and after any decision by FWA on the ASU's application, in order to work through the potential funding implications.
- 12.** The Australian Government agrees, in consultation with the Queensland Government, to develop and seek to enact (or otherwise implement) referral arrangements that will preserve the obligations of employers currently bound by the Queensland decision to continue to pay, as a minimum, the rates determined by that decision to their employees (including the rates that are to apply at future dates in accordance with the decision).
- 13.** The Australian Government agrees, in consultation with the ASU and the Queensland Government, to:
- provide by an appropriate method, an enforceable legal obligation to pay the rates of pay provided in the Queensland decision; and
 - that this obligation will apply to such of those employers (or their successors) who are currently bound by the Social and Community Services (Queensland) Award 2001 or the Crisis Assistance Supported Housing (Queensland) Award 1999 who are also in receipt of budget supplementation from the Queensland Government provided for the purpose of paying all relevant staff the higher rates provided in the Queensland decision.

1. This is a Workplace Relations Act transitional award that continues in operation until 26 March 2011 under Schedule 20 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* in reliance upon the conciliation and arbitration powers of the Constitution whereupon it lapses.

UNFAIR DISMISSAL

14. The Australian Government recognises the particular difficulties faced by community sector employees who are vulnerable to having serious (and potentially unfounded) complaints made against them by dissatisfied clients, and the implications that this has for their job security and well being.
15. Accordingly, the Government will request the Fair Work Ombudsman to work with the ASU and other relevant stakeholders to develop a Best Practice Guide concerning possible unfair dismissals with a particular emphasis on the handling of allegations of misconduct and under-performance for the SACS sector.
16. The Guide will set out a model process and guidelines for dealing with unfair dismissals and allegations that takes into account the special needs of the sector, including the:
 - a. serious nature of allegations that are may be made and the need for such allegations to be fairly, competently and impartially investigated; and
 - b. fact that many organisations are small and may be administered by volunteer boards.

RESOLUTION OF DISPUTES

17. The ASU has conveyed to the Australian Government its view that disputes between employers and employees in the SACS sector should be able to be resolved through dispute resolution processes at the workplace level, and failing such resolution, by an independent industrial umpire.
18. Consistent with the Australian Government's policy position to support Australian employers who are complying with the *Fair Work Act*, the Australian Government agrees:
 - a. That as direct Australian Government funding arrangements in the SACS sector are scheduled for re-negotiation, the Government will, in order to foster best practice, require funding recipients to provide as a minimum genuine dispute resolution mechanisms, such as those set out in Schedule 6.1 of the Fair Work Regulations, which provides for the representation of employees and the settlement of the dispute by Fair Work Australia if discussions at the workplace and mediation or conciliation by Fair Work Australia have failed to resolve the dispute; and
 - b. that it will participate in discussions with the states through an appropriate forum and will seek to secure agreements to implement similar arrangements in respect of funding administered through state governments.

On behalf of the Australian Government:

Signed:

Date: 30.10.2009



The Hon Julia Gillard MP
Deputy Prime Minister
Minister for Education
Minister for Employment and Workplace Relations
Minister for Social Inclusion

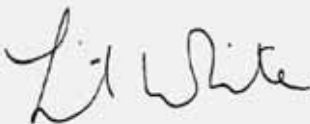
On behalf of the Australian Services Union:

Linda White

Assistant National Secretary, Australian Services Union

Signed:

Date: 30.10.2009



Australia-wide. Branch updates

QUEENSLAND

Pay Equity – We Do It For Love & Money!

The ASU – Queensland Service Branch has been successful in its Pay Equity case in the QIRC. This case, which was run in conjunction with our application for a new state Award, sought to remedy the vast disparity in pay between government workers and their counterparts employed in non-government organisations.

The QIRC released its decision on 6 May 2009 which will see increases ranging from 18% – 38%, implemented over a 3 year period. State Wage Case increases will also be applied to the Award on the 1 September each year.

Who Does The Increase Apply To?

Technically, the increases apply to workers whose Organisations are covered by the new Queensland Community Services and Crisis Assistance Award –State 2008. These are the Organisations that are not respondent to the Federal SACS or CASH Awards or consider themselves Constitutional Corporations.

But we say that everyone should receive the increases even if the State Award doesn't apply to their Organisation. The State Government also supports the decision and intends it to apply to everyone. This is recognition that the work is being valued, not the Organisation.

The campaign continues to achieve full funding for these increases at the State and Federal level.

WESTERN AUSTRALIA

The Western Australian ASU branch has been working toward equal pay for our members.

On the 19th June a forum was held to discussing the process and outcomes from the Queensland equal pay case, and to commemorate one year since we served a notice to the WA Parliament that Social and Community Services workers in Western Australia deserved recognition in the form of salary justice.

On 4th September, we met with our campaign team and then some employers to discuss the next stage of our campaign. With a Coalition in power we need to act somewhat differently and we are having difficulty. The Western Australian government is reluctant to meet with us

and continues to refuse to cede any power.

We will, however, act. We plan to succeed.

Work continues with our agencies and members toward our end goal of equal pay. We are directing all discussions and activities toward that end. For some of our members this has meant making agreements with decent salaries but for others, it has been a task to persuade employers to move employees from common law contracts at a low fixed rate back to the relevant Award so that those members are positioned to have easy eligibility when we achieve equal pay. This has meant that a couple of recalcitrant refuge employers have needed some prolonged re-education. Our members stood fast and succeeded.

SOUTH AUSTRALIA & NORTHERN TERRITORY

Strong Community Healthy State and Strong Community Healthy Territory Campaigns – Delivering our Message to Ministers

Delegations to both State and Territory Ministers responsible for Community Services sought support for the setting up of a community sector workforce taskforce in South Australia and the Northern Territory. This taskforce would investigate how conditions in the sector can be improved including access to long service leave, job security, redundancy entitlements and paid parental leave.

The initial response from both the State and Territory governments has been positive with agreement from both to progress this matter. We are currently working through details in relation to scope and operation of each taskforce.

Congratulations again to active members and employers in the community sector for all of the work done to date on collecting campaign support letters, organising workplace

meetings and asking other workers to join their Union and their campaign.

As we begin to work more closely as a national Union towards securing real wage increases which will begin to address urgent workforce development issues threatening the sector's ability to provide high quality services into the future, there are many ways you will be able to participate in and support our campaigns.

In SA on 10 November a state day of community sector action was held to highlight the issues threatening the sector's future and launch a petition in relation to these. During September and November further workplace and sector meetings were held in the Northern Territory to do the same.

For more details contact Katrine Hildyard at khildyard@asu-sant.asn.au

The Australian Services Union has branches in every Australian state and territory. Members in these branches have been actively campaigning for better wages and conditions for workers in the SACS industry. The following is a run down of their most recent campaign activities.

VICTORIA

In Victoria the 'Respect the Worker Sustain the Services campaign' continues at a cracking pace for improved wages and conditions in the not-for-profit community sector. ASU members held a state-wide rally on 10th November. This rally was supported by many peak organisations and employers, and called on the State Government to fund SACS workers properly, in the lead up to the 2010 budget. Several not-for-profit community services have also started the process to commence Enterprise Bargaining Agreements with their employers. Matters up for negotiation include wage equity with the public sector, paid parental leave, portability of long service leave and improved OH&S conditions. The ASU has

continued to meet with relevant stakeholders and in the past couple of weeks has met with the State Treasurer, the Industrial Relations Minister, as well as maintaining an ongoing dialogue with the Minister of Community Services. The Victorian Government is acutely aware of the magnificent wage equity decision that occurred in Queensland in May. The ASU and its ever growing number of members from the community sector will pressure the government to step up to this mark and to also provide wage parity with the public sector. For more information on the 'Respect Campaign' in Victoria go to www.asu.vic.asn.au and click on the Respect Campaign icon.

NEW SOUTH WALES & AUSTRALIAN CAPITAL TERRITORY

The NSW/ACT Branch of the ASU is assisting Mission Employment Workers to build their union and negotiate an Enterprise Agreement with their employer.

Mission Australia is one of the larger providers of Employment Services in the country. Employment Services have, this year, been fundamentally changed by the Federal Government with the introduction of a new way of providing services, new expectations and a new name 'Jobs Services Australia' (JSA). The policy and contract changes brought with them significant changes to Mission Australia's 'market share' and 'geographical footprint'. The changes saw many staff made redundant and their jobs and locations changed. Mission Australia had decided to enterprise bargain earlier in the year. They began in earnest post the introduction of JSA. Mission Australia Employment

Service workers had, until this point, been employed under the Award.

Like many Employment Services – The Mission Employment ASU had very few union members. The ASU, using intensive visits and communications has helped workers to more than triple the size of their Union strength – bringing their membership in line with and above National averages.

Elected Union Reps are concurrently negotiating for their colleagues at the same time building their Union. It is the hope of the members that their efforts, despite their employer's inadequate offer and tendency not to move on it, will see improvements for all in the agreement and a strong union in their workplace.

TASMANIA

Tasmania - Anglicare Agreement

The ASU (& HACSU) has just concluded its first negotiation of a social and community services agreement under the Fair Work Australia legislation.

The Anglicare agreement covers some 650 employees (74% who are women), and replaces 8 Awards and 7 Agreements.

The agreement incorporates a comprehensive classification and salary structure, but at the same time, provides for the incorporation into the agreement of any

salary improvements that may occur federally in the social and community services sector.

It recognises the benefits of professional development of staff and facilitates the development of the skills and capabilities of employees. Additionally, the Agreement recognises and rewards employee qualifications by paying a graduate allowance of 7%.

Following the demise of WorkChoices, the Agreement confers extensive and far reaching employee and trade union rights.



Skilling Up for Oral Health
WORKFORCE FORUM

2 December 2009
Stamford Plaza Adelaide
9am – 4.30pm

Are you a Health or Community Services Professional? Are You Interested in the Future of the Oral Health Workforce?

Yes? Then you need to join us on December 2, for 'Skilling up for Oral Health' to explore and discuss effective promotion of oral health in the community and the importance of education and training to achieve a skilled workforce.

An outstanding range of speakers will explore the challenges and opportunities for growing our workforce.

Themes to be discussed and debated include:

- A population health approach, with a strong focus on promoting health and prevention
- Education and training for oral health skills
- Strategies to extend oral health skills to the broader oral health community services and health workforce

This free one day forum represents a unique opportunity for Health Professionals, Workforce Policy Makers, Training Providers, Community Services Workers (*including aged care and disability*) and Employers to meet and discuss the opportunities for improved oral health outcomes across the community through workforce development.

For more information and to register for this FREE event, visit: www.cshisc.com.au and follow the prompts to the Events page.

Contact: lisa.woodward@cshisc.com.au on 02 9270 6626 or bronwyn.walker@cshisc.com.au on 02 9270 6635



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The Social Inclusion Board

by **Linda White**

Since our last CP the Australian Social Inclusion Board has met twice; once in flood ravaged Kempsey in May 2009 and then most recently in August 2009 at the ASU's office in Redfern, Sydney.

At our Kempsey meeting we resolved to ensure that the Board members met with local community leaders and groups to get an insight into the work to further social inclusion being done at the frontline. The night before our Redfern meeting an informal gathering was held at the Factory Community Centre where Social Inclusion Board members discussed challenges facing the community.

Our Redfern meeting, hosted by the ASU's NSW & ACT Services Branch, covered a range of topics but also noted the release of three major publications which had significant input from the Board.

The first, *The Compendium of Social Inclusion Indicators*, is a significant first step towards the comprehensive performance measurement and evaluation of social inclusion in Australia. This compendium is designed to generate discussion and debate about how to measure disadvantage and social inclusion and draws heavily on measures utilised by the EU but also focuses on some Australian measures as well.

Secondly, the Board released a brochure on how to build inclusive and resilient communities drawing on both local and overseas examples.

Finally, the Board contributed to *The Australian Public Service Social Inclusion Policy Design and Delivery Toolkit* which was launched by the Deputy Prime Minister in July 2009.

The Compendium, in particular, received some press coverage and feedback from a number of groups. Copies can be obtained through the ASU or downloaded from the www.socialinclusion.gov.au website.



Senator Ursula Stephens, Labor Senator for NSW and Linda White, ASU Assistant National Secretary, at the Social Inclusion meeting held at the ASU NSW & ACT Services Branch. Photograph courtesy of the Department of Education, Employment and Workplace Relations.

The next major publication for the Board is the *Annual Report on Social Inclusion* which is to be finalised at the November meeting and the Board will continue to contribute to the Government's National Social Inclusion Policy Statement.

Board work continues on the target areas of jobless families with new work being undertaken on a paper about welfare conditionality. Work on social procurement, social enterprise and intermediate labour market research continues with further research being commissioned.

Locational disadvantage has been a particular Board focus. The work done by the Board has been used by the Government in place based approaches that address social exclusion in the most disadvantaged suburbs within the 20 priority employment regions announced as part of the Jobs Fund.

Children at risk of disadvantage also continues as a focus. New work centres on the youth allowance changes and the Government's early childhood development strategy.

The Board also noted that the first meeting of Social Inclusion Ministers was to be held on 18th September 2009 and we requested that the Chair be able to attend on behalf of the Board.

Finally, planning is underway for the Government's Social Inclusion Conference in January 2010 which will have a range of speakers and topics, and will involve members of the Board.

The next meeting of the Social Inclusion Board is scheduled for 18th November 2009 in Bridgewater, Tasmania.

Linda White is the Assistant National Secretary of the Australian Services Union.

A Fair Society

Social Inclusion & Workforce Participation

At its 2009 Congress, the Australian Council of Trade Unions endorsed a national policy on Social Inclusion for the first time. This article highlights the main issues addressed by this resolution.

A Social Inclusion Framework will:

- a) Recognise that disadvantage extends beyond poverty and material deprivation and includes the inability to participate in economic, social, cultural and political life;
- b) Acknowledge multiple and often cumulative barriers to participation;
- c) Address the processes that lead to disadvantage not just the symptoms
- d) Include the active involvement of communities so people have a say about what services they need and have a responsibility to make use of the opportunities provided.

The priorities for social inclusion are: homelessness, indigenous disadvantage, children and families at risk, employment of people with mental health and disability concerns, and support for people with disabilities and their carers.

This framework will be achieved by addressing the following categories:

1. Promoting Labour Force Participation

- Participation in decent work is the primary means by which people of working age can avoid social exclusion.
- Disadvantaged workers are often discriminated in the workforce and can face inflexible and unsupportive working arrangements.
- Greater focus on disadvantaged job seekers, employer servicing and local labour markets is needed.
- Services should be tailored to assist individuals throughout the stages of their life.
- If an individual is outside the labour force, a single, adequate income support payment should be available regardless of the reason that an individual is outside the labour force.

2. Young people

- Flexible learning opportunities for young people in education and training, and access to accredited training while at school.
- Targeted assistance for young people who have left the education and training system.
- Unions will bargain for study and examination leave for working students, and will guard against indirect discrimination practices.

3. Older workers

- Actively oppose discrimination on the basis of age, including in relation to older workers.
- Support the right of workers to retire at 55 or older. Financial security is critical to the exercise of this choice.

4. Aboriginal and Torres Strait Islander peoples

- Comprehensive measures to assist Aboriginal and Torres Strait Islander peoples into meaningful work.

5. Lesbian, Gay, Bisexual and Transgender (LGBT) people

- Move toward full legislative equality for LGBT workers.
- Eliminate discrimination and homophobia in all workplaces.

6. Workers with disability

- Workers with disability are entitled to decent, safe and secure work opportunities.
- This will be done by removing all service caps; supporting employers; engaging with people with disability regarding barriers such as transport and equipment; direct employment by government of people with disability; and improved access to training.

7. Workers with caring responsibilities

- Carers report that the barriers to employment include: the lack or cost of alternative available care; the disruption to the person to whom they provide care; loss of skills and the lack of suitable hours of work.
- Adequate resources are needed to allow persons who are provided care the ability to make appropriate choices about their needs that may also facilitate carers participating in paid employment.
- The carer income support system should not act as a disincentive to work.

8. The Provision of Care

- Improved access to affordable housing, transport, justice, and programmes to prevent family violence, resettle refugees and build communities. This is integral to addressing disadvantage regardless of whether individuals are in work, seeking work, or are not seeking paid employment.



PHOTOGRAPH COURTESY OF ERIN SMITH

- Access to early childhood education and care, disability care, aged care, and support for those providing the care.

9. Early childhood

- Access to quality maternal and child health and early childhood education is the starting point of our commitment to equal opportunity for all Australians.
- The development of national quality standards, provided they do not result in a lowering of standards.

10. A National Social Entitlement Scheme for People with Disabilities

- Thorough examination of a fully funded, no-fault, national disability insurance scheme. There is a major unmet demand for services and a growing unmet liability to deliver those service entitlements.

11. Housing and Homelessness

- A significant financial commitment to increase the supply of social and public housing is needed to address social exclusion.

- Partnerships between public, community and private sectors that encourage investment in affordable rental housing and first home ownership;
- Debt for equity swaps to assist older Australians remain in their homes with dignity; and,
- New financing arrangements to support home buyers, such as, shared equity, subject to appropriate consumer protection regulation.

12. The Provision of Services

- The use of competitive tendering in the provision of social and community services is inimical to high quality services for the most disadvantaged and marginalised in our community.
- Calls for social and community services to be funded on “cost basis” models such as those used to fund health and education. **CP**

For the complete version visit the ACTU website:
www.actu.org.au

National Disability Insurance Scheme

Australia lags many countries in its failure to establish a national disability insurance scheme. CP examines the arguments for such a scheme which have come from Disability Services Australia and have the strong endorsement of the ACTU.

Disability Services Australia argues that Australia can no longer afford not to have a National Disability Insurance Scheme. Almost every Australian has cared, or is caring, for a family member with a disability, or knows of a family doing so. Many of these families fall through a huge gap in Australia's social services network. It urges governments to close this ongoing gap in our social security system.

In Australia, those who acquire a disability through a workplace or a motor vehicle accident generally receive financial support. However, for those who acquire permanent disabilities in other accidents, are born with a permanent disability, acquire a permanent disability through a medical condition or have a permanent mental illness, there is no automatic support to meet their needs.

"This is a national disgrace and an issue for every Australian," argues DSA. "Governments are already spending billions of dollars on disability services. A national insurance approach with its inbuilt focus on lifetime needs and claims management would be much more effective and efficient, as well as fair. Australia's approach to disability services is crisis-driven and welfare-based. A National Disability Insurance Scheme (NDIS) would change this. The Scheme would provide funding for essential care, support, therapy, aids, equipment, home modifications and access to the community, education and training."


Support for the scheme is now coming from a broad range of significant groups in Australia, and one of those is the Australian Council of Trade Unions. At its 2009 National Congress the ACTU passed a motion on Social Inclusion in Australia that included a call for a: "Fully funded, no-fault, national disability insurance scheme. Such a scheme should not displace workers' compensation or transport accident schemes. It should go further than the current proposal, agreed to by Community and Disability Services Ministers in 2008, for nationally consistent outcomes for motor vehicle accident victims and development of a no-fault catastrophic injury scheme."

The congress noted that:

"There is a major unmet demand for services and a growing unmet liability to deliver those service entitlements. Congress believes that now is the time to examine the feasibility of introducing a national social entitlement scheme. Such a scheme should provide a life long entitlement, disabled person-centered support and care, and could sit alongside compulsory superannuation and Medicare as a visionary economic and social reform.



ASU member, Robyn Karoubas, from Riverwood Community Centre, with a member of their frail aged group.



The congress also pledged that the “ ACTU and unions will work closely with disability organisations, the private sector and State and Commonwealth Governments to campaign for a national social insurance scheme for people with disabilities.”

With the number of Australians with a severe physical, intellectual and/or behavioral disability increasing, and the community's capacity to provide informal care declining, it's time to start planning properly for the future, as Australia did in the 1980's when compulsory superannuation was introduced. It's time to cement a National Disability Insurance Scheme as a central plank of Australia's social and economic policy framework.

The plan outlined by DSA includes the following key features:

Eligibility

- Principal beneficiaries would be people with profound and severe disabilities (in Australia, approximately 700,000 people) who need assistance with daily living tasks (self care, communication and mobility) while people with more moderate disabilities could also be eligible for some assistance based on their lesser needs.
- People with permanent disabilities acquired before age 65 would be eligible for life, without reference to cause and treated equally based on needs.
- People born with a disability or who acquire a permanent disability through an accident, injury or as a result of a medical condition, including mental illness, would be eligible.
- No fault; the provision of support and care for people with disabilities would be separated from legal action for negligence/culpable behaviour.

Benefits for people with disabilities

- Care, support, therapy, access (although not income support or housing), based on functional impairment.
- Person-centred services and support based on the needs and choices of each person with a disability and their family.
- Case management to facilitate independence, maximise potential and plan transitions over the life course, when required.
- Early intervention a top priority.
- Aids, equipment and home modification needs met on a timely basis.

- Training, development and access to work to build self-esteem and reduce long term costs.
- New competitive market place for service provision likely to develop, helping to drive efficiency and innovation.

Benefits for families/carers

- Families expected to fulfill normal age-appropriate caring roles.
- Tailored support for carers, through respite, information, counselling, training and education based on family structure and disability.
- Families able to choose to work or provide informal care, as for families without disabled members.
- Part-time work and labour force engagement facilitated.

Governance and scheme management

- Pooling of individual risks.
- Mix of Commonwealth and State schemes (including catastrophic injury schemes) with Commonwealth coordination to ensure a consistent national framework.
- Coordinated approach to funding, including Commonwealth, States and Territories.
- National standards of assessment, care, support and case management.
- Governance framework to manage scheme assets, liabilities and data collections to optimise scheme performance and monitor usage.
- Active claims management.
- Independent review/appeals process.

Because an NDIS would be a major social and economic reform, on a par with the introduction of Medicare and compulsory superannuation, the first necessary step towards implementation is a detailed feasibility study that would allow for careful, thorough planning and consultations with the States and all stakeholders.

It's estimated that only some 3% of the population would be the primary beneficiaries of an NDIS. But all Australians would benefit from the peace of mind of knowing that a Medicare-type safety net was in place, should they or someone they love be affected by disability, either from birth or as the result of accident or illness.

Without a comprehensive funding plan to meet future need, Australia faces social catastrophe as an entire generation of ageing carers die, other carers and people with disabilities become increasingly isolated from the labour force and the community, and many more families collapse under the strain. **CP**



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2 SuperRatings Pty Ltd ABN 95 100 192 283. The SuperRatings Fund Crediting Rate Survey uses crediting rate returns that are net of investment fees, tax and implicit asset-based administration fees. Explicit fees such as fixed dollar administration fees, exit fees, contribution fees and switching fees are excluded. All net return information is sourced directly by the super funds. It is assumed net return calculations are based on hard close exit prices or comparable prices where a super fund does not calculate a hard close exit price. Results refer to annual returns to 30 June 2009 for First State Super's High Growth, Diversified, Balanced, Capital Guarded, Australian Equities, International Equities, Property and Cash investment options. Past performance is not a reliable indicator of future performance.

3 Money Magazine's award covers funds with the lowest annual fees that receive employer contributions on behalf of members, and an account balance of \$50,000. Funds are selected from SuperRatings' rated Platinum and gold funds, must be public offer with more than \$3 million in assets and have a minimum 5-year track record. First State Super winner 2008 and 2009.

4 SelectingSuper's ranking of the Biggest Funds. First State Super was ranked 8th as at July 2009 in the categories 'Super funds with the most members' and 'Super funds managing the most money'.