

**SUBMISSION TO PRODUCTIVITY COMMISSION INQUIRY INTO
MIGRANT INTAKE.**

Once again the most vulnerable in our society are the targets of the Australian Federal Government because they cannot fight for themselves. I make reference to a newspaper article that appeared recently in the Melbourne Herald Sun.

I quote- " Migrant jobs Plan.

CHEAP migrants could be imported by the Federal Government to help look after ageing Australians, the disabled and infants in daycare. Worried the nation may not have enough workers or families to look after vulnerable Australian, policymakers are now canvassing turning to migrants.

Treasurer Joe Hockey has tasked the Productivity Commission to look into the benefits and costs of permanent and temporary migrants including charging migrants entrance fees"

That request is evident by Section 2 in Scope of the Productivity Commission Inquiry Terms of Reference. It states-

An examination of the scope to use alternative methods for determining intakes- including through payment- and the effects these would have. This should include examination of a specific scenario in which entry charges for migrants are the primary basis for selection of migrants such that:

(a) there would be no requirements relating to skills and family connections.

1.THE CARE OF PEOPLE WITH DISABILITIES, AGED CITIZENS AND INFANTS IS NOT A COMMODITY THE AUSTRALIAN GOVERNMENT HAS THE RIGHT TO AUCTION OFF TO WORKERS, WHO WILL PAY TO ENTER THIS COUNTRY, AND WORK FOR THE CHEAPEST PRICE.

As a parent of a person with disabilities, who was born, raised, and is living in Australia, I am appalled the Federal Government would even consider that people with disabilities, the aged, or infants are good candidates to be cared for by any cheap unskilled migrant worker who enters this country on any scheme, let alone a person who pays to enter.

Not only does this proposal devalue the status of people with disabilities, the aged and infants living in Australia, it devalues what it means to have the privilege of being a citizen living in this country.

If this proposal is accepted it will lower the level of values that Australians who live in this country cherish and want to uphold. The proposed minimum entry requirements to Australia will mean the privilege of residing in this country will be lowered to being nothing more than a commodity attainable by those with the means to pay.

My late father fought for Australia in World War 2 so that Australia would be a free country where all citizens would be treated equally.

He did not fight for Australia so the values of this country could be so degraded by any Federal Government allowing a cheap migrant workforce to buy their way into Australia, to care for the country's most vulnerable citizens- the disabled, the aged and infants- including one of his own descendants.

The terms of reference under which the Governments' application to seek to allow unskilled migrant workers to pay their way into Australia to care for the disabled, aged and infants, makes no reference to the Productivity Commission investigating what minimum requirements would be required to work in the disability, aged care, and infant care sectors. It should.

That fact that the Federal Government is canvassing importing unskilled workers, including those with the means to pay for entry, into Australia specifically to care for the country's most vulnerable citizens is abhorrent.

It is an indication of how lowly the Federal Government value their most vulnerable citizens and how little knowledge they have of the responsibilities and requirements of caring for people with complex needs.

A nation is judged by the level of humanity it gives to its most vulnerable citizens. Is this proposal is accepted Australia will be judged harshly.

2. THE MINIMUM QUALIFICATION REQUIREMENTS FOR PEOPLE EMPLOYED TO CARE FOR THE DISABLED ARE ALREADY TOO LOW IN AUSTRALIA.

Australia should be raising the minimum qualification standards required for all persons who are already employed in this country to work with people with disabilities.

The Federal Government has made no effort to raise or standardize the minimum qualification standards for current workers in the disability field.

The poor standard of the level of care many disabled citizens receive, and the abuse they suffer, are an indication the system is not working now.

The proposed introduction of much larger immigrant workforce under the NDIS will only exacerbate the situation.

Importing a cheap labour force of migrant workers- including allowing them to pay their way to enter Australia- to work with the disabled is not the answer and the proposal should be rejected by the Productivity Commission.

The government should be working to raise the minimum qualification standards in place now, not importing more workers who will not be able to meet the poor minimum standards currently in operation.

Further lowering the standards, as proposed by the Federal government, will leave the disabled open to a further diminished level of care and more abuse than they already receive.

Australia as a country is a signatory to the United Nations Convention on the rights of Persons with Disabilities.

Article 4 of that United Nations Convention states-

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

The proposal currently before the Productivity Commission will do the exact opposite.

Nowhere in the Terms of reference does there appear to be any requirement for the Productivity Commission to investigate, how and if, the Federal Government intends to raise the level of skills, qualifications and professional development of the unskilled workers they are proposing to import in line with Article 4 of the UN Convention. There should be. 3.

The reality is the Federal and state governments haven't even raised the levels for people already employed in the disability field in this country.

In Australia the current level of qualifications required to be employed as a carer in the disability/aged care sector are already alarming too low. Anyone without skills- including a newly arrived unskilled migrant- can enter the workforce as a disability worker. They start work first, then learn and train on the job.

The disability and aged care sector is increasingly being flooded with unskilled immigrant workers. The very reason these fields have become attractive industries for them to enter the workforce by, is because the level qualifications required to start working as a carer are so low.

Many non government agencies will employ the newly arrived immigrants provided they agree to complete the minimum training course.

These immigrants are caring for the most vulnerable people in our society, often unsupervised, with little or no accountability and somehow these vulnerable citizens are just supposed to accept this lowered level of care as reasonable.

3. THE CURRENT LEVELS OF ABUSE OF THE AGED & PEOPLE WITH DISABILITIES LIVING IN AUSTRALIA.

Current inquiries being conducted into disability abuse- one by the Victorian Ombudsman, one by the Victorian state government and another by the Federal Senate have all revealed abuse, neglect and violence is rife in disability homes and institutions. Almost every day there a newspaper reports of abuse of people with disabilities yet governments at every level allow it to continue.

An article published in the Melbourne Age newspaper on the 25th August 2015 under the heading-

Disability sector. Claims abuse by staff is rife-
reported-

The survey by the Health and Community Services Union of more than 500 disability workers in Victoria and Tasmania has shed new light on the extent of resident mistreatment in group homes and institutions sector-wide.

Nearly half of all Victoria's disability sector employees have witnessed their co-workers perpetrate acts of abuse, violence or neglect on people with disabilities living in their care, a survey reveals.

The findings have raised new concerns about the lack of qualifications needed to work in the industry, and warnings that abuse will only increase without reforms to "professionalise" the sector before it doubles in size under the National Disability Scheme.

Mr. Lloyd Williams- Secretary of the HACSU said-

"The occurrence of abuse, neglect and sometimes violence against clients is because of the current staff accreditation and registration system is totally flawed, there are no minimum qualifications or training requirements and there's a complete lack of on-going professional development. "

"If I want to be a security guard at a casino or pub, I have to have minimum qualifications, be put on a register and be a 'fit and proper' person, but if I want to work in disability, all I need to do is pass the police check" he said.

To introduce the NDIS in these circumstances without better accreditation and without funding for minimum standards and professional development constitutes criminal neglect by government."

Item 2(c) of the Government's proposal to the Productivity Commission states-

"All residents would have the right to work"

Nowhere in the Terms of Reference does there appear to be any requirement for the Productivity Commission to investigate how the government is going to ensure how the most vulnerable people in our society- the aged, people with disabilities, or infants - are going to be safe from violence, abuse or neglect by the unskilled migrants the government is proposing to let into this country specifically to work with them. There should be.

The Federal Government has already failed to address the issue of no national disability employment standards in this country and the "rife" abuse of people with disabilities is the result.

So far they have further failed to address the same issue under the proposed NDIS scheme, despite the fact the scheme is operating in roll-out mode in some places, and will eventually become the national scheme for this country.

The level of abuse suffered by the disabled at the hands of those paid to care for them is already a disgrace in Australia.

The government's proposal to introduce cheap migrant workers to work in the care sector means it will only get worse, and should be rejected.

3.THE LACK OF A NATIONAL REGISTER IN AUSTRALIA FOR BACKGROUND CHECKS ON DISABILITY/AGED/INFANT CARE WORKERS.

There is no National accountability register in Australia for background checks on people working in the disability/aged care fields.

Australia as a country has no national register of the details of people working in the disability/aged field and no national authority for the mandatory reporting of the abuse of people with disabilities, the aged or infant care. Not all abuse results in convictions, but the abuse still happens, allowing the perpetrator to go undetected, moving from one workplace to another, accessing more victims on the way.

Some states operate a register of people who have been removed and barred from further work in the above fields. Currently it is possible for a person to move from one state to another and recommence working in the above fields despite the fact they have already been barred in another state.

Under the Government's proposal that risk is further expanded. Migrants to this country come from many different countries. The legal systems and accountability systems in many countries are not as advanced as systems in Australia. Registers of person barred from working with the disabled are unheard of in many countries.

The potential will be there, for any migrant entering this country as a cheap worker, to hide their past history of abuse, and be accepted to work in the same field in Australia.

The Government can't vouch for the accuracy of the credentials and background checks of the people working as disability/aged /infant care workers employed in Australia now.

It will be impossible for them to vouch for the credentials of any migrant entering Australia specifically to work with our most vulnerable citizens, when many of their countries of origin have a more deficient reporting system than Australia, or worse still none at all.

The lives of people with disabilities, the aged and infants are already open to widely reported abuse. The proposed scheme will make things worse.

4. LACK OF ENGLISH. CULTURAL AND RELIGIOUS ISSUES.

The issue of unskilled migrants working in the disability and aged sector is already a problem that every government in Australia has failed to address.

Too many newly arrived migrant workers, already working with our most vulnerable citizens, have little or no command of the English language.

Many have little or no skills on how to communicate with an Australian citizen with disabilities or the aged.

Many have even less knowledge of Australian customs and workplace rules and ethics.

Many are unable to follow written instructions, including giving specific medications to residents putting the lives of those they are responsible for in danger.

People with a mental or physical deficiency, find it impossible to understand or communicate with someone paid to care for them, who has little or no command of the English language. Their lives are compromised as a result.

Increasingly there are problems because some migrants will not touch the people they are responsible for. They refuse to bathe or wash them or attend to their most personal needs for cultural reasons.

Many refuse to handle or serve certain foods to the people they are responsible for because of religious and cultural differences. This results in the freedom of choice being taken away from the vulnerable people in their care.

The lack of respect for women, by men in some cultures, raises problems for women living in care, potentially exposing them to sexual abuse by male workers.

Worse still many migrant workers have no idea of how to care for the people they are responsible for, and are only working in the field because it is so easy to get a job.

All these things occur because there are no standard minimum requirements in Australia to ensure people who are unable, or unwilling, to perform their duties properly can be removed.

The levels of accountability in Australia vary widely from state to state and once a person is employed as a disability/aged carer it is extremely difficult to have them removed.

5. AUSTRALIA'S OBLIGATIONS UNDER THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES.

It is a national disgrace that the lives of the most vulnerable people in our society- the disabled- are so poorly undervalued by the Federal Government that they would even consider cheap unskilled, paying, migrant workers to fill the vacancies to care for them.

Australia, as a signatory to the United Nations Conventions on the Rights of Persons with Disabilities, should be doing all in its power to uphold the human rights of its most vulnerable citizens and raise the level of care for people with disabilities, not proposing to subject them to a cheap migrant labour force.

Article 4 of the UN Convention on the rights of Persons with Disabilities states under General Obligations-

- 1. State Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons without discrimination of any kind on the basis of disability.**

Any proposal to allow a lower classification of worker into Australia to specifically care for people with disabilities *is* discrimination against those very people with disabilities..

The proposal being considered by the Productivity Commission to allow people to pay for that right makes the proposal even more abhorrent.

6. RESIDENTS LIVING IN AUSTRALIA, WHO HAVE OVERSTAYED THEIR VISAS AND FAILED TO RETURN TO THEIR COUNTRY OF ORIGIN.

The Immigration Department report *Migrant Trends 2012-2013* stated that *44,800 visitors and 10,720 students overstayed their visa.*

In 2014 the Immigration department estimated 62,100 people were unaccounted for in Australia during 2014.

All these people are now living in Australia illegally having overstayed their visas, and the Federal government don't even know where they are, let alone where they are working.

Immigration authorities openly admit they do not have the capacity to actively track and deport all of these now illegal immigrants. Yet the Federal government is asking the Productivity Commission to consider allowing more migrants into Australia.

Many illegal immigrants turn up working in the disability/aged sector because the entry qualifications are so low, it's easy to get a job, and easy to go undetected.

They are able to enter this country on a holiday or student visa, overstay that visa and enter the workforce. Authorities have no idea of their background, or if they have any history of sexual or physical abuse of people with disabilities/the aged in their homeland, because the visa they entered the country with did not require them to divulge that. When they start working as a disability/aged care worker, those in their care are at their mercy.

Many other countries do not have a safe, accountable and secure legal system like Australia. Not all abuse or crimes results in criminal convictions.

It is possible for any migrant entering Australia to not disclose they have a past history of abuse or convictions and nobody- including the Australian Government is aware. One such case is the case of Vinod Johnny Kumar.

The 2013 Court case in Victoria, of Kumar, a Yoralla employee, highlights the fact that authorities in Australia don't even know who some of these immigrants are, or what their past is before they enter this country. Yet those immigrants are able to slip through the cracks in the system and be employed as disability carers.

Indian national Vinod Johny Kumar was jailed for 18 years in the Victorian County Court. He pleaded guilty to eight counts of rape, two counts of sexual penetration, one count of committing a cognitive impairment committed by a worker at a facility designed to meet her needs.

The case of Kumar, arriving in Australia on a student visa then entering the workforce, where he committed his horrendous crimes, is an indication the Australian Government has no control over any person who enters Australia-irrespective of what visa they entered the country. They have even less knowledge of what their background history was before they arrived.

**In the transcripts of the County Court Case 6th November 2013
-Director of Public Prosecutions V Vinod Johnny Kumar before Her Honour
Judge Hampel,
In sentencing Kumar Judge Hampel states-**

“ You have no other convictions in this country. As your counsel acknowledged, it was in part the absence of convictions which enabled you to obtain the employment which you exploited so shamelessly.”

Her Honour further states- “ and at the age of 21 (you) were ordered to military service”

Her Honour further stated-
At the age of 25, I was told, you were dismissed after you were court martialled following an incident where you shot some terrorists.”

Yet Kumar was able to work at Yoralla without any investigation into him being court martialled and removed from the military in India for shooting terrorists- something that should have immediately barred him from employment in Australia caring for vulnerable women with disabilities. He should have been immediately barred from entering this country under any visa but wasn't.

In 2007 Kumar returned to India for two weeks, entering Australia again without being challenged by Immigration authorities. Kumar was able carry out his evil opportunistic assaults and rapes at Yoralla over a long period of time and remained working in Australia at Yoralla until his arrest.

7. UNEMPLOYMENT IS ALREADY TOO HIGH IN AUSTRALIA. THIS COUNTY DOES NOT NEED MORE UNSKILLED WORKERS.

If the Federal Government is so concerned there will not be enough workers when the NDIS is introduced then they should be doing something about it *now* by addressing unemployment in Australia. This country already has too many unemployed people. Australia should not be proposing importing more unskilled workers. There are too many unskilled workers here already.

The Australian Bureau of Statistics Media Release of the 6/8/2015 stated-

“Australia’s unemployment rate increased to 6.3 per cent in July 2015.

The seasonally adjusted number of people unemployed increased by 40,100 to 800,700 in July 2015. This was driven by females who looked for both full time work (up 18,200) and part-time work (up 14,600)”

The figure of 800,700 unemployed people in Australia could be addressed by the Federal Government introducing government assisted schemes to train some of the already unemployed to work in the disability/aged/child care sectors.

The Productivity Commission should be investigating the government training the unemployed citizens already living in Australia, to fill the vacancies in the disability sector, not investigating making the problem of unemployment worse by the Treasurer’s proposal to bring in more unskilled workers.

The lack of skilled, trained workers in the disability field could be overcome by the government introducing the following-

1.A scheme of government assistance through Government authorities –ie Centrelink, Department of Health and Human Services to train currently unemployed Australian citizens as disability workers. This will increase the intake of disability workers into the field in preparation for the NDIS and reduce the number of people receiving unemployment payments.

2.Reducing the number of immigrant workers entering Australia on 457 visas so Australian workers are not competing with them for jobs in the care sector.

3. Introducing a national mandatory register, so the history of every person applying to work with people with disabilities is open to a full and proper background check before they are employed.

4. Raising the status of the role of a disability carer with mandatory ongoing skills development requirements, so the job is viewed by potential workers as a professional role.

5. Raising the minimum level of qualifications, training and skills development required for all workers currently being employed in the disability care sector, as well as those entering.

6. Making *all* standards for *all* levels of care, accountability, and qualification requirements uniform throughout Australia, so the level of care people with disabilities receive is standard all over the country.

7. Increasing the salary of properly trained disability workers so their role is viewed as a position on a par with other health professionals.

All these requirements would be suitable for the aged and infant care sector workers as well.

It is up to the Government to raise the role of a disability worker to a more professional position. Already many Australian citizens believe the job of a disability worker doesn't pay well enough. Because of that the role is being viewed by many as an unattractive job, with little job satisfaction and career path.

The Federal and state governments in this country are already failing our most vulnerable citizens. There is much the Federal government could be doing now to address the lack of disability/aged care and infant workers, but they aren't.

The Federal government's proposal to the Productivity Commission indicates they view the only solution to the problem of insufficient numbers of care workers is to import more. They are willing to close their eyes to the level of abuse in all the care sectors, just as long as more migrants enter Australia to keep the economy flowing by buying washing machines, cars and houses.

Australia as a country has thrived with the contribution of millions of migrants who have settled here and contributed to making Australia the wonderful country it is.

They have been a valuable asset to the development of Australia as a nation, but Australia needs the right immigrants for the right reason. More unskilled workers entering Australia as a cheap workforce is to care for our most vulnerable citizens is not the right reason.

I urge the Productivity to reject the government's proposal.