

## Senate Standing Committee on Community Affairs

### Department of Social Services Responses to Questions on Notice

**Question: 1**

**Hansard page reference: 36**

**Hansard extract:**

**Senator SIEWERT:** That is where I wanted to go next. When was the decision made to pursue this?

**Ms Halbert:** The decision was announced in MYEFO.

**Senator SIEWERT:** I know when it was announced. Were you working on this previous to the MYEFO process?

**Ms Halbert:** Clearly there would have been work undertaken before the announcement of the measure, but I cannot tell you when. We provided advice to ministers, obviously.

**Senator SIEWERT:** Can you take that on notice then, please. Was this something that was generated because of looking at cost-saving measures, or was this something that DSS had been working on for some time?

**Ms Halbert:** These are matters that would have been considered by cabinet et cetera. We cannot go into the detail—

**Senator SIEWERT:** You can tell me when the department was starting—

**Ms Halbert:** I can take it on notice.

**Senator SIEWERT:** You can take on notice factual questions about whether DSS or, indeed, FaHCSIA has been looking at this and what the timing of that was.

**CHAIR:** That question has been taken on notice.

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**Answer:**

The issue of social security payments being essentially made to everyone in psychiatric confinement, who is confined as a result of criminal charges, has been considered a number of times since the Franks case in 2002.

**Question: 2**

**Hansard page reference: 37**

**Hansard extract:**

**Senator SIEWERT:** There is a specific question that particularly came up out of WA to do with the disability justice centres. I think you will have seen that comment and perhaps heard the comment made by Alison Xamon this morning.

**Ms Halbert:** I saw much of this morning's hearing but not all of it; could you point me to the specific comment?

**Senator SIEWERT:** It was on the transition to community. We have a new centre in WA. The comment was about whether it would apply to people residing in the disability justice service under the Declared Places (Mentally Impaired Accused) Act who are neither in prison nor in psychiatric confinement. This is a new centre that has only just opened in WA. Would it apply there?

**Ms Halbert:** The current Social Security Act—and I will stress current—defines psychiatric confinement very broadly as anywhere that a person might be confined. I do not recall whether we had specific discussions around that particular centre, but we certainly have been talking with states and territories to try to sift through when a person is in a situation that could be called a confinement. And, if they are, it does not matter what the facility is. If they have been charged and are unable to plead et cetera due to mental impairment, then that will be captured, and that is because of the current definition in the Social Security Act.

**Senator SIEWERT:** My understanding is that they are not considered in psychiatric confinement, but that may be just the way it is termed.

**Ms Halbert:** It would go to the nature of the order.

**Senator SIEWERT:** Could you take it on notice to check?

**Ms Halbert:** Certainly.

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**Answer:**

Where a person has been charged with a serious crime and as a result confined in the WA disability justice service under the Declared Places (Mentally Impaired Accused) ACT, they would be captured by this measure.

The Guide to the *Social Security Act 1991* gives instruction that 'people with Psychiatric disabilities' should not be narrowly interpreted and is to include people with intellectual disability, acquired brain injury and other impairments affecting mental health function.

**Question: 3**

**Hansard page reference: 39**

**Hansard extract:**

**Senator CAROL BROWN:** I am not sure I agree with you there but I would like to know again the answer to my question. I am from Tasmania, so are the Tasmanian government supportive of this move?

**Ms Halbert:** We have consulted the Tasmanian health department. I would have to take on notice exactly what comments we got from them.

**Senator CAROL BROWN:** If you could take that on notice and I will include the other states and territories in that question.

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**Answer:**

The views expressed by most states and territories during consultations were generally consistent with the views reflected in the various submissions lodged with the Committee by state departments and agencies. The Department of Social Services has not received an opinion on the measure from the Tasmanian Government.

**Question: 4**

**Hansard page reference: 39**

**Hansard extract:**

**Senator CAROL BROWN:** ... The chair asked you a question about how many people were going to be affected by this measure. I want to find out where that information came from. I know you said in your submission it was 350 and you expect another 50 per year. Where did you get those figures?

**Ms Halbert:** That was based on the best available knowledge which was Department of Human Services data, but through our consultations we have been trying to get a better handle. We still think it is probably around that but states and territories themselves have been trying to work through who exactly they think is going to be captured by this measure. We do have some possible numbers but we have not pinned that down yet.

**Senator CAROL BROWN:** Can you provide some more information on where that data is coming from?

**Ms Halbert:** Certainly.

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**Answer:**

The original MYEFO figures were estimates based on the number of recipients who would have their payments cancelled on implementation and the number of new grants that would be rejected. These estimates were established following consultation with the Department of Human Services.

The department has consulted with departments of health and/or corrections in each state and territory to gather further data to better define those numbers. This data has been received from:

- Northern Territory Department of Health
- Australian Capital Territory Justice Health Services
- Victoria Department of Health and Human Services
- Western Australia Department of Corrective Services
- Queensland Department of Health
- South Australia Health
- New South Wales Ministry of Health

**Question: 5**

**Hansard page reference: 40**

**Hansard extract:**

**Senator SIEWERT:** One is: of the 350 people affected and the 50 per year, what percentage of those are Aboriginal and Torres Strait Islanders?

**Ms Halbert:** I have not got that detail. I would have to take that on notice.

**Senator SIEWERT:** Could you take that on notice?

**Ms Halbert:** I am not sure that we will be able to get it for you, but we will certainly try. We would have to get that direct from the states; that is all.

**Senator SIEWERT:** If you could. Also, given that we have had evidence to suggest that a high proportion of the people that may be affected are Aboriginal and Torres Strait Islanders, I would like to know if you have taken that into consideration

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**Answer:**

The department does not have data on the percentage of people who will be affected by the measure who are Aboriginal or Torres Strait Islanders.

The department has taken into consideration that the number of people affected by this measure may include a high proportion of people who are Aboriginal and Torres Strait Islanders.