

# **Senate Community Affairs Legislation Committee**

## **Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016**

**Children and Young People with Disability Australia  
Submission – November 2016**

## INTRODUCTION

Children and Young People with Disability Australia (CYDA) welcomes the opportunity to contribute to the Community Affairs Legislation Committee Inquiry into the *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016* (the Bill).

Australia has demonstrated a strong commitment to the inclusion of people with disability. This is recognised in the *National Disability Strategy 2010-2020*, a key policy framework which seeks to ensure the rights of people with disability are afforded across all life areas.<sup>1</sup> It is an important mechanism to support the development of inclusive communities, services and programs.

However, exclusion and social isolation shamefully remain frequent experiences of people with disability. It is commonly reported to CYDA that children and young people with disability are excluded from many opportunities routinely afforded to their peers without disability. Examples include access to quality early childhood or school education, participation in play and many typical childhood community events.

A critical element of progressing inclusion and social and economic participation of people with disability within our community is access to transport.<sup>2</sup> This is recognised by the United Nations in the *Convention on the Rights of Persons with Disabilities*.<sup>3</sup> Support for transport for people with disability in Australia has to date been made available through a range of initiatives including financial assistance, with a key support being the provision of the Mobility Allowance.

CYDA also acknowledges that there is considerable progress required to enhance existing public transport systems to ensure accessibility for people with disability. This is a focus within the National Disability Strategy which includes the policy direction to ensure a “public, private and community transport system that is accessible for the whole community.”<sup>4</sup>

The Bill contains provisions for the transition of the Mobility Allowance to the National Disability Insurance Scheme (NDIS). As proposed, it will result in people eligible for the NDIS accessing services and supports to assist with transport through the Scheme. However, some people will no longer be able to receive the Mobility Allowance due to tightened eligibility requirements and the eventual cessation of the payment. It is important to consider the impacts of the Bill on both cohorts of people.

For NDIS participants, it is crucial to ensure that appropriate transport support is provided through the Scheme that meets the specific needs of each person. For people who are ineligible for the Mobility Allowance as a result of this legislation, it is important to consider how services and supports will be provided outside of the NDIS.

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<sup>1</sup> Council of Australian Governments 2011, *National Disability Strategy 2010-2020*, Commonwealth of Australia, Canberra.

<sup>2</sup> *Ibid*, pp. 32-33.

<sup>3</sup> United Nations General Assembly 2006, *Convention on the Rights of Persons with Disabilities*, Article 9.

<sup>4</sup> Council of Australian Governments 2011, *National Disability Strategy 2010-2020*, p. 32.

## CHILDREN AND YOUNG PEOPLE WITH DISABILITY AUSTRALIA

CYDA is the national representative organisation for children and young people with disability, aged 0 to 25 years. The organisation is primarily funded through the Department of Social Services and is a not for profit organisation. CYDA has a national membership of 5500.

CYDA provides a link between the direct experiences of children and young people with disability to federal government and other key stakeholders. This link is essential for the creation of a true appreciation of the experiences and challenges faced by children and young people with disability.

CYDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CYDA's purpose is to advocate systemically at the national level for the rights and interests of all children and young people with disability living in Australia and it undertakes the following to achieve its purpose:

- **Listen and respond** to the voices and experiences of children and young people with disability;
- **Advocate** for children and young people with disability for equal opportunities, participation and inclusion in the Australian community;
- **Educate** national public policy makers and the broader community about the experiences of children and young people with disability;
- **Inform** children and young people with disability, their families and care givers about their citizenship rights and entitlements; and
- **Celebrate** the successes and achievements of children and young people with disability.

## MOBILITY ALLOWANCE

The Mobility Allowance is a Commonwealth payment that assists in meeting transport costs for people with disability, illness or injury who work, study, volunteer or are seeking employment.<sup>5</sup> To be eligible for the Allowance, people must: be aged over 16 years; meet residency requirements; "be unable to use public transport without substantial assistance because of disability, illness, or injury;" and travel to and from approved activities such as work or study.<sup>6</sup>

The Mobility Allowance has a standard payment rate of \$93.20 per fortnight and a higher rate of \$130.30 per fortnight.<sup>7</sup> This results in approximately \$2400 per annum for the standard rate and \$3400 per annum for the higher rate. Recipients can choose to receive an advance payment in a lump sum. There are no prescribed requirements as to how the Mobility Allowance is expended.<sup>8</sup>

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<sup>5</sup> Australian Government Department of Human Services 2016, *Mobility Allowance*, Commonwealth of Australia, Canberra, viewed 4 November 2016, <https://goo.gl/kNGZrl>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Australian Government Department of Human Services 2016, *Mobility Allowance*, House of Representatives 2016, *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 Second Reading Speech Thursday, 13 October 2016*, Commonwealth of Australia, Canberra, viewed 4 November 2016 <https://goo.gl/r5ce8l>.

The standard rate is available for people who: undertake approved activities for at least 32 hours on a four week basis; are seeking work under an agreement with an Employment Services Provider; participate in a Disability Management Service program with a Disability Employment Services provider; or access the Newstart Allowance, Youth Allowance or Austudy.<sup>9</sup>

The higher rate can be accessed by people who: receive the Disability Support Pension, Parenting Payment, Newstart Allowance or Youth Allowance as a job seeker; and work for 15 hours or more a week and receive remuneration at or above the relevant minimum wage or productivity based wages. People who are seeking work for 15 hours or more a week under an agreement with an Employment Services Provider can also access the higher rate.<sup>10</sup>

## **DIRECT EXPERIENCES**

Young people with disability and their families often incur a range of additional costs associated with transport to education, employment or other daily activities. Additional expenses are often incurred due to a need to use taxis frequently, exclusively travel by car, an inability to use public transport or limited or no availability of accessible public transport.

In many instances, time and travel length are significantly longer and trips are more frequent than is experienced by young people without disability. This leads to significant fuel costs and time spent driving. An example is if families must drive their child with disability to a different school to their other children.

The following direct experiences of children and young people with disability reported to CYDA highlight additional travel requirements:

*My daughter goes to school an hour away from our home because there is no school closer that can meet her needs. I love her school, but hate the 1-1.5 hour trip each way.*

*(It) would be great if (the government) would approve taxi travel for my son. I have to drive him 97km to school and back every day...Apparently we are outside of the eligibility requirements.*

*Our family is paying for petrol for me...to drive (my children) places...we also have to pay for taxis and thirdly we have to pay support services for more transport. Each week I pay around \$50 fuel. Then for one child only there is about another \$50 taxi fares, then support worker and agency transport fees and mileage are about another \$40 plus per week... Luckily I work...and can pay these costs, but next year when my (circumstances change) I am worried about how I will manage.*

It is also the case for many young people with disability and their families that expenses are higher in a range of areas other than transport. This may be due the need to fund access to therapies, medical or allied health services or incidental costs such as increased utility expenses or specific dietary requirements. Young people with disability and families therefore frequently contend with highly limited budgets. This is reflected in available data, which indicates that people with disability are more likely to experience poverty and financial stress than the general population.<sup>11</sup>

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<sup>9</sup> Australian Government Department of Human Services 2016, *Mobility Allowance*.

<sup>10</sup> Ibid.

<sup>11</sup> Australian Council of Social Service, Social Policy Research Centre 2016, *Poverty in Australia 2016*, Sydney, pp. 34-35.

It has been reported to CYDA that for many young people with disability and families, the Mobility Allowance does not cover all additional transport costs incurred. It is seen as an important supplementary payment for additional transport costs to participate in employment, study or volunteering. Some experiences reported to CYDA include:

*The Mobility Allowance has made a big difference to (my son's) quality of life, now he lives independently.*

*(My son) can't afford taxis everywhere even with mobility allowance and the state government taxi subsidy.*

Further, the Australian Human Rights Commission *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* report notes that additional costs associated with transport to work can form a key barrier to employment for people with disability.<sup>12</sup>

## **CHANGES INTRODUCED IN THE BILL**

The NDIS represents a significant shift from the previous model of block funding disability services to providing portable funding packages, with a focus on enabling people with disability to exercise choice and control in relation to supports received.<sup>13</sup> Each eligible person will have their own 'Individual Funding Package' (IFP) that will fund supports that meet their specific needs and goals.

If passed, the Bill would introduce the following changes to transition the Mobility Allowance to the NDIS:

- From 1 January 2017, the Mobility Allowance qualification criteria will be changed to include only people with "physical or mental disability" that is "either permanent or likely to last for at least 12 months."<sup>14</sup> People must be unable to use public transport without substantial assistance and undertake "gainful employment or vocational training."<sup>15</sup> This new eligibility criteria is being introduced to ensure that new Mobility Allowance applicants are likely to be eligible for an IFP through the NDIS;<sup>16</sup>
- The period for which the Mobility Allowance is continued when a person ceases to be qualified will be reduced from 12 to four weeks;
- The Mobility Allowance will no longer be available to people who transition to the NDIS but subsequently cease to be NDIS participants; and
- The Mobility Allowance will cease from 2020. It is intended that transport funding will be provided to people eligible for the NDIS through their IFP.

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<sup>12</sup> Australian Human Rights Commission 2016, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, Sydney, p. 186, 200.

<sup>13</sup> *National Disability Insurance Scheme Act 2013 (Cth)*, s. 2.3.

<sup>14</sup> *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016*.

<sup>15</sup> *Ibid*, s. 6, 11.

<sup>16</sup> House of Representatives 2016, *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 Second Reading Speech Thursday, 13 October 2016*.

Currently approximately 60 000 people receive the Mobility Allowance, 70 percent of whom are anticipated to be eligible for the NDIS.<sup>17</sup> People who currently receive the Mobility Allowance who are not eligible for the NDIS will continue to receive funding through ‘continuity of support arrangements,’ with the Commonwealth Government allocating \$46.5 million over four years from the 2016-17 Budget for this purpose.<sup>18</sup>

## COMMENTS ON THE BILL

### Transport Support Outside the NDIS

The Bill aligns the eligibility criteria for the Mobility Allowance to that of the NDIS from 2017 and ends the payment in 2020. 18 000 current recipients of the Mobility Allowance are expected to be ineligible for the NDIS, including 14 000 people under 65 years.<sup>19</sup> While CYDA understands that current Mobility Allowance recipients will continue to access support, the Bill raises critical questions about how transport support will be provided for people who do not meet the new eligibility criteria.

It has been indicated that people who are not eligible for the NDIS are able to access additional funding and support through other programs, including: GST exempt purchase of cars for work; the Employment Assistance Fund; Disability Employment Services; and state and territory subsidies.<sup>20</sup> However, many of these programs have specific purposes and eligibility criteria that differ from the Mobility Allowance. For example, GST exemptions for cars are only available to people who can drive and the Employment Assistance Fund specifically relates to work related modifications and services. They do not provide direct funding to assist in meeting additional costs incurred for travel to work or study.

CYDA is concerned that the Bill will create a gap in service provision for people who can no longer access the Mobility Allowance. It is therefore important that there is specific consideration of how support will be provided to people who are not eligible for the NDIS but cannot use public transport without substantial assistance due to disability, illness or injury.

### Continuity of Support Arrangements

There is a need for clarification regarding how the ‘continuity of support’ arrangements will be provided for people currently receiving the Mobility Allowance who will not be eligible for the NDIS.

### Volunteering and Job Search Activities

CYDA notes that the new eligibility criteria for the Mobility Allowance excludes people who are undertaking volunteering and job search activities.<sup>21</sup> However, these activities play a key role in supporting social and economic participation of young people with disability. For example, volunteering can often provide young people with key skills to support future employment and can provide highly valuable opportunities for community participation. Further, job search activities

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<sup>17</sup> House of Representatives 2016, *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 Second Reading Speech Thursday, 13 October 2016*.

<sup>18</sup> Australian Government 2016, *Budget 2016-17: Budget Paper No. 2*, Commonwealth of Australia, Canberra, p.142.

<sup>19</sup> House of Representatives 2016, *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 Second Reading Speech Thursday, 13 October 2016*.

<sup>20</sup> Ibid.

<sup>21</sup> *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016*, s. 6, 11.

frequently require travel, for example to attend interviews. It is the view of CYDA that it is important that people continue to be supported to travel to these activities.

### **NDIS Transport Funding**

While the Bill does not directly address provision of transport support through the NDIS, it is an important related consideration. The NDIS includes specific funding for transport for people who “cannot use public transport without substantial difficulty due to their disability.”<sup>22</sup> People can access three different levels of transport funding through their IFPs. These are:

*Level 1 - Up to \$1,750 per year for participants who are not working, studying or attending day programs but are seeking to enhance their community access.*

*Level 2 – Up to \$2,625 per year for participants who are currently working or studying part-time (up to 15 hours a week), participating in day programs and for other social, recreational or leisure activities.*

*Level 3 - Up to \$3,456 per year for participants who are currently working, looking for work, or studying, at least 15 hours a week, and are unable to use public transport because of their disability.<sup>23</sup>*

National Disability Insurance Agency information also states that “participants can receive higher funding if the participant has supports (mainstream, informal or funded) in their plan that enables their participation in employment.”<sup>24</sup>

CYDA has been informed by young people and families that at times, IFPs have been highly prescriptive and inflexible regarding the type and use of transport funded through the NDIS. It is critical to ensure that accurate identification of transport needs occurs through the NDIS planning process and that adequate resourcing is provided in IFPs.

A further concern relates to state based taxi subsidy schemes. Some state and territory taxi subsidy schemes are changing eligibility to exclude NDIS participants, with others being yet to finalise arrangements following the implementation of the NDIS.<sup>25</sup> Some people have raised concerns with CYDA around losing access to a taxi subsidy as a result of accessing the NDIS.

## **CONCLUSION**

Access to transport is critical to supporting the economic and social participation of people with disability. It is therefore very important to ensure that gaps in provision of services or supports in relation to transport are not created as a result of the proposed legislation.

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<sup>22</sup> National Disability Insurance Agency 2014, *Participant Transport Funding Information*, Geelong, viewed 4 November 2016, <https://goo.gl/LrbrF4>.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> See: C Rääbus 2016, ‘Concerns Tasmanians on the NDIS will be Left Out-of-Pocket when Taxi Subsidy Ends,’ *Australian Broadcasting Corporation*, viewed 4 November 2016, <https://goo.gl/Qp8vsE>, Queensland Government 2016, *Taxi Subsidy Scheme*, Brisbane, viewed 4 November 2016, <https://goo.gl/fYhCLE>, Taxi Services Commission 2016, *Multi Purpose Taxi Program*, Melbourne, viewed 4 November 2016, <https://goo.gl/MYhSx9>.

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