

**Senate inquiry into the Social Security and Other Legislation Amendment Bill 2011  
(DSP impairment tables)**

Chairperson  
Claire Moore  
Senate Community Affairs Legislation Committee

Dear Ms Moore

I am writing to clarify an issue that was discussed during evidence given to the Committee by the National Welfare Rights Network on 6 September 2011.

The Committee asked whether there were any other Centrelink payments which used legislative instruments to determine eligibility for the payment.

We responded that we could not think of any payments at that time but have since reviewed the issue. Eligibility for Carer Payment and Carer Allowance is, in part, determined by a medical assessment under disability assessment tools that are contained in legislative instruments. Carer Payment is for carers who provide full-time care in the home of the person(s) being cared for, and who, because of the demands of their caring role, are unable to support themselves by participating substantially in the workforce.

There are two relevant instruments, depending on whether the person being cared for is an adult or a child:

- The Adult Disability Assessment Tool (ADAT); and
- The Disability Care Load Assessment (found in the [\*Disability Care Load Assessment \(Child\) Determination 2010\*](#))

Certain scores must be attained under these assessment tools in determining eligibility for the payments.

It is noted that in 2010, 168,913 people received Carer Payment. This compares with 792,581 people on Disability Support Pension (carer allowance numbers have not been cited as it is a supplementary payment rather than a living payment)

(Source: *Statistical Paper no. 9: Income support customers: a statistical overview 2010*, Department of Families, Housing, Community Services and Indigenous Affairs, 2011.

Accessed 7 September 2011 at

[http://www.fahcsia.gov.au/about/publicationsarticles/research/statistical/Pages/stp\\_9.aspx](http://www.fahcsia.gov.au/about/publicationsarticles/research/statistical/Pages/stp_9.aspx) )

Given the much larger numbers of people who are on DSP, we maintain the objections to the DSP Impairment Tables being located in a legislative instrument.

Thank you for your attention.

Bill Gerogiannis  
Solicitor  
Legal Aid NSW