



people with disability

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People with Disability Australia (PWDA)

Senate Standing Committee on Community Affairs

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

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Disabled
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About People with Disability Australia

1. People with Disability Australia ([PWDA](#)) is a national disability rights, advocacy and representative organisation of and for all people with disability. We are a cross-disability organisation, representing the interests of people with all kinds of disability. We are a non-profit, non-government organisation.
2. PWDA's primary membership is made up of people with disability and organisations primarily constituted by people with disability. PWDA also has a large associate membership of other individuals and organisations committed to the disability rights movement.
3. We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are recognised, respected and celebrated. PWDA was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own.
4. PWDA is also a founding member of Disabled People's Organisations Australia ([DPO Australia](#)) along with Women with Disabilities Australia, First Peoples Disability Network Australia, and National Ethnic Disability Alliance. DPO's are organisations that are led by, and constituted of, people with disability.
5. The key purpose of DPO Australia is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes, strategic priorities and opportunities. DPO Australia has been funded by the Australian Government to be the recognised coordinating point between Government/s and other stakeholders, for consultation and engagement with people with disability in Australia.

Introduction

6. People with Disability Australia (PWDA) welcomes the opportunity to provide feedback to the Senate inquiry into the transition of the Mobility Allowance to the National Disability Insurance Scheme (NDIS) as proposed under the *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016*.
7. PWDA has undertaken substantial consultation with people with disability on transport and income support related issues, which we draw upon for our submissions and input to policy and legislation. This submission and our position on barriers to economic participation, is informed by input provided over a number of years via member forums, online surveys, social media and one-on-one conversations with PWDA members, clients of our advocacy services and other stakeholders.

8. We have been contacted by members and clients who are very concerned about the proposal to transition the Mobility Allowance to the NDIS, and we write to you to voice these concerns.
9. Income support payments (including the Mobility Allowance), and specialist disability services provided through the NDIS are different, but complementary, aspects of support for people with disability to be able to participate fully in the economic, social, cultural, civil and political life of Australia.
10. Income support and specialist disability support are critical measures, with distinct roles, to progress rights for people with disability as outlined in the Convention on the Rights of Person's with Disabilities (CRPD), and committed to through the National Disability Strategy.
11. PWDA believes that the changes to the Mobility Allowance in the proposed legislation, undermine and contradict the purpose of these payments, and will result in further barriers to economic and community participation for people with disability.
12. PWDA does not support the transition of the Mobility Allowance to the NDIS.

Recommendations

- 13. The Mobility Allowance be maintained as an income support payment administered through the social security system as a key component of the Disability Employment Framework.**
- 14. The Mobility Allowance be available to all people with disability who require substantial assistance to access public or alternative transport for economic participation, including NDIS participants.**

Barriers to transport for people with disability and the role of the Mobility Allowance

15. A lack of accessible and appropriate public transport presents considerable barriers to economic participation for people with disability. For example: train stations without lift access, lack of accessible parking spaces in close proximity to the workplace and uneven or steep path of travel between transport and the workplace.
16. There are numerous costs involved for any person entering or re-entering the workforce, and these costs are exacerbated for a person with disability. The additional expense of private transport to work for many people with disability can often result in them actually being worse off financially, particularly if moving into casual employment or a low wage position. These additional costs can outweigh the economic benefits of having a job, and be a disincentive to looking for work.

17. The National Disability Strategy (NDS) is the mechanism through which Australia delivers its commitments under the CRPD. Area 1 covers *Inclusive and Accessible Communities* and recognises that access and affordability of transport is critical to enable participation in areas such as education and employment. The NDS also recognizes the relationship between improved access to transport, buildings, information and telecommunications and economic security and employment.
18. Further, the NDS recognises that, 'income support remains an important safety net to ensure an acceptable standard of living for many Australians with disability. These payments should allow people to live with dignity and be geared so that, where possible, they encourage people who choose to seek employment do so, rather than creating new barriers'¹.
19. In addition, the International Labour Organisation (ILO) has advocated the importance of accessible transport and the need for reasonable accommodation to facilitate employment of people with disability. Failure to provide such support "is not merely a bad employment practice but is increasingly perceived as an unacceptable form of employment discrimination".² However, many people with disability remain marginalised from the workforce solely because buses are inaccessible, train stations don't have lifts and reliance on private vehicle or taxi transport is unaffordable.
20. Mobility Allowance is an important income support payment designed to assist people with disability to access the transport they need to undertake work (including voluntary work), training or job-seeking. Mobility Allowance is a transport subsidy within the income support system; it is not a disability support service.
21. As the current Mobility Allowance provides funding that addresses significant barriers, including financial barriers, to economic participation, PWDA believes the payment is best placed within disability employment programs, as one of a number of incentives and supports that a person may need to obtain and retain employment.
22. The Commonwealth Government is currently introducing major reforms across the disability employment services and income support systems, including the development of a 'New Disability Employment Framework'³, which is due for implementation in 2018. The Government has been working closely with the disability sector and other key stakeholders to ensure that these reforms address the range of barriers to economic participation for people with disability. Key elements agreed as part of this new framework are

¹ Australian National Disability Strategy p. 43 <http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

² ILO, *The International Labour Organisation and Disability*, 2012, 30. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/relconf/documents/meetingdocument/wcms_191384.pdf

³ Department of Social Services (DSS) Discussion Paper on 'New Disability Employment Services from 2018/ can be found at: <https://engage.dss.gov.au/wp-content/uploads/2016/11/DES-Reform-Discussion-Paper-November-2016.pdf>

designed to complement the roll out of the NDIS to ensure that such reforms will lead to overall increased participation for all people with disability.

23. It is critical that the range of employment incentives and supports are made available to all jobseekers with disability, including those not participating in the NDIS. This is particularly important as it is estimated that the majority of jobseekers with disability who currently require job search and employment support through Disability Employment Services (DES), will not be eligible for the NDIS, but who will still need substantial support to access employment.
24. Minister Porter stated in his second reading speech that Mobility Allowance is “a very broad program, which is not particularly well targeted. The payment has not led to any significant increase in the workforce participation of recipients”.
25. We are concerned that appropriate and adequate research has not been undertaken as yet to substantiate this statement. In addition, we are not aware that there has been any consultation with people with disability, or their representative organisations in terms of the role of Mobility Allowance in facilitating economic participation.
26. Contrary to this position, feedback from PWDA members is that transport costs are a significant barrier to their economic participation and any financial assistance with covering those costs needs to be maintained, if not increased.
27. Our members have expressed concern that the full cost of transport for many people with disability far exceeds the current assistance available through the Mobility Allowance, particularly for those reliant on taxis or private vehicle for transport.

Barriers to transport for people with disability and the role of the NDIS

28. The NDIS⁴ aims to provide people with permanent and significant disability (estimated to be approximately 460,000 Australians under the age of 65), with the necessary and reasonable support services to enable them to participate in the community on an equal basis as people without disability.
29. It is our understanding that in the initial stages of the roll out of the NDIS, participants will have a ‘First Plan’, which should be in place for approximately twelve months⁵. This plan will be a continuity of the disability support services that the person was receiving at the time they transferred to the NDIS.
30. For those people in receipt of Mobility Allowance at the time they transition, it is expected that they will receive transport funding through their plan at the same or a similar rate as they did when receiving the Mobility Allowance.

⁴ <https://ndis.gov.au>

⁵ Whilst the first plans were initially meant to be for 12 months, we understand that the NDIA has recently advised many participants that the review of their plans will be delayed for an additional six months

31. The NDIS provides three levels of funding for participant transport, which will be used as a guide to develop a transport budget⁶. The highest level of funding for transport under the NDIS is in line with the highest level currently available under the Mobility Allowance and provides up to \$3,456 per year for participants who are working, looking for work, or studying, at least 15 hours a week, and are unable to use public transport because of their disability.
32. Under exceptional circumstances, NDIS participants can receive higher funding if the participant has supports identified in their plan that 'enables their participation in employment'.
33. The NDIS is designed to enable participants to be aspirational. By providing sufficient funding for appropriate and adequate disability support services, participants should now be able to pursue activities that may in the past have been out of reach, which for some people may include looking for work for the first time.
34. However, it is not clear how transport needs will be assessed in participants' future plans, including for those people who may not have had access to the Mobility Allowance previously. Participants may be forced to choose between funding transport for economic participation, and other essential areas of life, such as to access medical and health services, or to participate in social and community activities.

The impacts of Mobility Allowance changes

35. The proposed changes will impact on the following groups of individuals:
 - a. People with disability who are under 65, who require support with additional costs of transport for economic participation, are not current recipients of Mobility Allowance, and who do not fall within the NDIS criteria
36. There are many people with disability who are high functioning and may be actively participating in the community, undertaking study or who are in full-or part -time employment, but who cannot use public transport without substantial assistance due to disability. The majority of these individuals will not meet NDIS eligibility criteria.
37. For those people who are not currently in receipt of Mobility Allowance (and therefore will not benefit from continuity of services arrangements) the proposed changes leave a significant gap in financial support for transport.

⁶ For further details see: <https://www.ndis.gov.au/document/participant-transport-funding-information>

38. The lack of funding for alternative transport presents substantial barriers to economic participation for people with disability who are unable to use public transport.
39. The following case examples highlight the situation faced by people with disability who require support with additional costs of transport for economic participation, but who would not be eligible access supports through the NDIS:
- a. Mary is a young woman who has a physical disability and uses a wheelchair. Mary has been working for the past eight years as a Secretary at a community legal centre. Mary can use public transport when it is wheelchair accessible and has usually travelled to work by train. However, recently the legal centre relocated its office and the closest train station is not wheelchair accessible and there is no accessible bus route between her home and the workplace. Although Mary drives a modified vehicle, travel to work using her car isn't an option as there is very limited parking in close proximity to her workplace. As a result, Mary has needed to rely on using taxis to commute to work each day, resulting in substantial increased transport costs. Mary cannot afford to continue to use taxis to commute to work and may need to resign from her position as a result.
 - b. Jenny, who has a psycho-social disability, has recently been offered a full time position at her local library, which she is very happy about having been unemployed for several years. Although Jenny is very happy to have been offered the position, she's worried about the costs of transport to commute to work. Jenny's disability directly impacts on her capacity to use public transport as she experiences anxiety and panic attacks when she is in large crowds. This is particularly problematic commuting during peak hours when public transport is most crowded. Because of the difficulty that Jenny has in using public transport, she will need to rely on private vehicle to commute to work, which will result in considerable increased transport costs. As a result, Jenny will likely be worse off financially than when she was unemployed and may mean she is unable to maintain employment.
40. The assistance programs outlined by Minister Porter in his second reading speech⁷ (GST exemption on car purchases, workplace modifications, Disability Employment Services, apprenticeships and state vehicle modification and parking subsidies) do not perform the same function as the Mobility Allowance and do not address the direct costs of transport.
- b. People with disability who have been in receipt of Mobility Allowance but whose circumstances change

⁷ Transcript of Minister Porters 2nd reading speech can be found here
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=ld%3A%22chamber%2Fhansard%2F2541705-5a09-4607-bf3f-1d6fd9b611ff%2F0026%22>

41. For those people who currently receive the Mobility Allowance, but whose circumstances change in future (such as losing their job, or discontinuation of voluntary position) will, under the proposed legislation, only retain the payment for 4 weeks, as opposed to the current 12 week period. In addition, if these individuals are not NDIS eligible, they would not be eligible in future to receive any financial support for transport.
42. For any individual without disability, it can take a significant period of time to find work. In the current job market, it is all the more challenging for people with disability, given that they often need part time and flexible work, and other societal barriers that persist. An individual with disability may not find a new position within the four week period, and the loss of transport subsidy will make job search in future much more challenging and costly.
43. In addition, if they do find a new position, either paid or unpaid, but do not meet NDIS eligibility criteria, there will be no ongoing financial support available to them.
44. The Government is currently undertaking broad reforms across the social welfare system with increased mutual obligation and participation requirements for people with disability. Tightening eligibility for Mobility Allowance and integrating the payment within the NDIS will lock many people with disability out of receiving this important payment. This will create additional barriers to employment, at the same time as increased expectations are placed upon them to find and keep work.
 - c. People with disability who are over the age of 65 years
45. The NDIS only provides disability support funding for those under the age of 65 years of age, while the Mobility Allowance does not have an age limit. PWDA is highly concerned for those people with disability who are aging and will not be eligible for Mobility Allowance in the future.
46. Many people with disability over the age of 65 are still working, and this number is likely to increase in the future. The benefits of this ongoing economic participation is well documented, and encouraged and promoted by Government.
47. People with disability over the age of 65 are not eligible for the NDIS, and will access their support services through the aged care system. It is unclear how the Government will ensure the continuity of transport support for people with disability over the age of 65 once the Mobility Allowance aligns with the NDIS.
 - d. People with disability who are eligible for support under the NDIS, but who may not receive sufficient transport funding once they transition
48. Currently NDIS participants are being signed up to a 'First Plan', which is usually a direct transition of disability services that the person currently receives. The first plan process does not generally provide the scope to look in depth at a person's goals and aspirations and what they may want to achieve in future, and to factor their transport needs into this.

49. NDIS participants will need to predict what level of support they will require for future economic participation needs in order to include appropriate funding for transport in an NDIS plan.
50. However, a person's transport requirements may fluctuate over time and on the reason for travel. For example, travel to regular employment is likely to be more predictable than travel for job-search and study purposes.
51. PWDA's key concern is the lack of consistency in how transport supports seem to be provided to participants under the NDIS. Feedback we have received is that during the planning process, planners are not encouraging participants to include transport assistance or do not adequately calculate the level of transport support needed.
52. If an individual is not supported and encouraged to consider all potential transport needs across all aspects of their lives, then they may receive transport funding well below what they require, leaving them with the difficult choice of how and when to travel.
53. The NDIS has the potential to provide a range of essential transport support to people needing additional assistance, such as assistance with travel training and funding for transport for social and community participation. However, PWDA believes transport assistance for economic participation needs to remain outside of the NDIS.
54. For those NDIS participants who are currently, or in future, engaged in paid or voluntary work or study, access to the Mobility Allowance should be part of the range of disability employment incentives and support programs that are available to all people with disability, within the Disability Employment Framework.

Conclusion

55. The proposed changes to the Mobility Allowance indicate a concerning overlap and blurring of the fundamental principles and role of the NDIS, and the commitment by all levels of Government to ensure that no person with disability is worse off.
56. All people with disability have the right to equal access to transport for participation in all aspects of life, community, social and economic. The Mobility Allowance is required because the public transport system in Australia remains inaccessible to many people with disability, for numerous reasons.
57. Whilst the NDIS has an essential role to play in ensuring that people with disability can access the disability support services they require for economic participation, transport should not be considered one of these services.

58. The NDIS ‘Principles to determine the Responsibilities of the NDIS and Other Service Systems,’ specifies how “the interactions of the NDIS with other service systems will reinforce the obligations of other service delivery systems to improve the lives of people with disability, in line with the National Disability Strategy”.

59. The Principles⁸ state:

- People with disability have the same right of access to services as all Australians, consistent with the goals of the National Disability Strategy which aims to maximise the potential and participation of people with disability.
- The NDIS will fund personalised supports related to people’s disability support needs, unless those supports are part of another service system’s universal service obligation (for example, meeting the health, education, housing, or safety needs of all Australians) or covered by reasonable adjustment (as required under the Commonwealth Disability Discrimination Act or similar legislation in jurisdictions).

60. Access to transport support is a universal service obligation for all people with disability. It should not fall under the NDIS as a disability support, or be restricted to NDIS participants.

61. PWDA believes that Mobility Allowance is more appropriately placed within the new National Disability Employment Framework, as part of the broader National Disability Strategy. Positioning the Mobility Allowance within the Employment Support Framework, aligns the payment more closely with economic participation outcomes, retaining the key purpose of the payment, and ensures that no one is worse off.

62. PWDA that the Committee once again for accepting our submission and would value the opportunity to speak further on the issues raised should the opportunity arise.

⁸ COAG Principles to determine the Responsibilities of the NDIS and Other Service Systems, 27 November 2015
<https://www.coag.gov.au/node/497>