



Australian Government

Department of Families, Housing,  
Community Services and Indigenous Affairs

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Inquiry into the migration treatment of people with disability

Department of Families, Housing, Community Services and  
Indigenous Affairs

Submission to the Joint Standing Committee on Migration

November 2009

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) welcomes the opportunity to provide a submission into the Joint Standing Committee on Migration's inquiry into the migration treatment of people with disability.

This submission addresses the second term of reference:

- *Report on the impact on funding for, and availability of, community services for people with a disability moving to Australia either temporarily or permanently.*

FaHCSIA works in partnership with other government and non-government organisations managing a diverse range of programs and services designed to support and improve the lives of Australians by creating opportunities for economic and social participation by individuals, families and communities.

The provision of disability services in Australia occurs within a context of legislation and policy statements at the international, national and state and territory levels.

Through the National Disability Agreement the Australian Government provides funding to the state and territory governments for the provision of specialist disability services, however significant additional funding is provided by the state and territory governments to provide all the services and supports required by people with disability, their families and carers.

## **FaHCSIA's policies and programs**

FaHCSIA is working with the States to reform and improve the delivery of all disability services, including those covered by the National Disability Agreement (NDA) and to establish an overarching National Disability Strategy (NDS). The NDS will serve as an overarching policy statement that sets the national view, direction and priorities to address the barriers that are faced by Australians with disability and increase the social, economic and cultural participation of people with disability and their carers.

### **National Disability Strategy**

#### **Background**

A NDS was one of the key recommendations of the 2007 Senate Inquiry into the Commonwealth, State and Territory Disability Agreement (CSTDA). It was also a 2007 election commitment of the Rudd Labor Government. The NDS is being developed in close consultation with the Australian community, disability and carer peak bodies, employers, and industry experts. A 28-member National People with Disabilities and Carer Council (NPWDACC) has been established to provide expert advice to Government on the development and implementation of the Strategy and includes people with disability and their families, carers, industry and union representatives and academics.

The NDS consultation report, *Shut Out: The Experience of People with Disabilities and their Families in Australia*, was launched by the NPWDACC and presented to the Australian Government on 5 August 2009.

## **Scope**

The Strategy will provide a whole-of-government, whole-of-life organising framework that will address both the performance of the disability service system and other mainstream systems for people with disability, their families and carers.

The Government's ratification of the *United Nations Convention on the Rights of Persons with Disabilities* in July 2008 and accession to the *Optional Protocol* to the Convention in September 2009, reflects the Government's commitment to the rights of people with disability. The NDS will be an important mechanism to ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers.

## **Timing**

The National Disability Strategy is expected to be released in 2010.

## **Migration Issues arising from the NDS Consultation Process**

Migration/immigration and disability issues (in particular, the *Migration Act 1958* exclusion from *Disability Discrimination Act 1992* (DDA)) were mentioned in nine (9) NDS submissions (or 1.3 per cent of the total number of submissions received). Organisations commenting on this issue included: the National Council on Intellectual Disability, National Ethnic Disability Alliance, Deafness Forum of Australia, Down Syndrome Victoria, NCOSS (NSW Council of Social Services) and the Federation of Ethnic Communities' Councils of Australia.

Suggested solutions included a review of the Migration Act so that it is no longer exempt from the provisions under the DDA.

## **National Disability Agreement**

The NDA replaced the third Commonwealth State Territory Disability Agreement (CSTDA3) as of 1 January 2009. The objective of the agreement is that people with disability and their carers have an enhanced quality of life and participate as valued members of the community.

The new agreement affirms the commitment of all Governments to work in partnership and with stakeholders, including people with disability, their families and carers, to improve outcomes for people with disability and provides the framework for the provision of government support for people with disabilities.

The NDA is designed specifically to assist people with disability to live as independently as possible, by helping them to establish stable and sustainable living arrangements, increasing their choices, and improving their health and wellbeing. At the same time, the agreement focuses on supporting families and carers in their caring roles.

Under the new Agreement, the Commonwealth will provide more than \$5 billion in funding over five years to the States for specialist disability services.

## Other FaHCSIA programs

The following table provides a summary of FaHCSIA's administered expenditure for income support and services for people with disability and carers.

<b>Program</b>	<b>2008-09 actual expenses \$'000</b> FaHCSIA Annual Report 2008-09	<b>2009-10 Estimated expenses \$'000</b>
Disability Support Pension	10,918,088	11,565,597
Payments to carers of older people, children and people with a disability	4,290,648	4,118,074
Services and support for people with disability	275,667	313,907
Services and support for Carers	12,928	14,396

### **Disability Support Pension**

Disability Support Pension (DSP) is a payment made to people with disability who are unable to work for at least 15 hours per week at or above the relevant minimum wage, or be re-skilled for any work, for more than two years because of their disability. DSP claimants must be aged 16 or over but under the qualifying age for Age Pension (currently 65 years for men and 64 years for women) at date of claim lodgement.

Most Australian social security payments have a waiting period for newly arrived migrants. In relation to DSP, the qualifying residence period is 10 years from the date the person took up permanent residency in Australia. The ten year qualifying residency period can be waived if the disability occurred while the person was in Australia as an Australian resident.

#### *Exemptions*

Refugees and former refugees are exempt from all waiting periods for social security pensions and benefits (other than Special Benefit) and therefore have immediate access. They are exempt from the ten year residence requirement for DSP and Age Pension. Family members of refugees and former refugees (at the time the refugee or former refugee arrived in Australia) are also exempt from the two year residence requirement for Carer Payment.

### **Financial assistance for carers**

Financial assistance for carers consist of payments and allowances to financially assist, eligible carers of people with disability, a severe medical condition or who are frail aged.

FaHCSIA has responsibility for Australia's income support payments and allowances for carers – Carer Payment, Carer Allowance. The Department of Veterans Affairs is responsible for income support payments made to carers of veterans, war widows and widowers.

#### Carer Payment

Carer Payment is an income support payment for people who, because of their caring responsibilities, are unable to support themselves through substantial paid employment.

### Carer Allowance

Carer Allowance is an income supplement available to people who provide daily care and attention in a private home to a person who has a disability or severe medical condition or who is frail aged.

The waiting period for Carer payment is 2 years. There is no waiting period for Carer Allowance. For both Carer Payment and Carer Allowance the care giver and the carer receiver are required to be permanent residents.

### **Services and support for people with disability**

Services consist of social support and community-based care for people with disability, their carers and their families, to promote independence, self reliance and participation in the community. This is achieved through providing supported employment services, improving access to information and advocacy (including through peak bodies), and assistance with access to practical services.

Activities include the National Disability Advocacy Program, Helping Children with Autism package, the National Mental Health and Disability Employment Strategy, Australian Disability Enterprises, the Disability Support Pension – better and fairer assessments 2009-10 Budget measure, the National Auslan Interpreter booking service, National Information and Captioning Services, Postal Concessions for the Blind, Print Disability Services, the National Companion Card Scheme, the Australian Disability Parking Scheme, and Outside School Hours Care for Teenagers with Disability.

### National Disability Advocacy Program

The National Disability Advocacy Program (NDAP) assists people with disability to overcome barriers (i.e. physical access, discriminatory attitudes, abuse, neglect etc) that impact on their daily life and their ability to participate in the community.

In 2009-10 approximately \$14.5 million in program funding will be offered under the NDAP to 63 organisations operating across Australia. There is no residency requirement for this program.

### Helping Children with Autism

The Australian Government has committed \$190 million for the four years up to June 2012 to deliver the Helping Children with Autism package. The package will help address the need for support and services for children with Autism Spectrum Disorders (ASDs).

All initiatives include support for parents, families, carers and children from diverse cultural, linguistic and Indigenous backgrounds and those living in rural and remote areas. There is no eligibility waiting period but you must be a permanent resident to access Helping Children with Autism package programs.

### National Mental Health and Disability Employment Strategy

As part of the Social Inclusion Agenda, the Australian Government has developed a National Mental Health and Disability Employment Strategy (the Strategy). The Strategy aims to address the barriers that are faced by people with a disability and/or mental illness that make it harder for them to gain and keep work.

The Department of Education, Employment and Workplace Relations (DEEWR) has primary carriage for the Strategy.

Strategy elements include:

- \$1.2 billion in employment services for people with disability. These Disability Employment Services will provide more personalised services for job seekers and more support to employers (DEEWR);
- The 2009/10 Budget committed \$6.8 million for a pilot program to assist 1000 people with disability in receipt of the DSP to demonstrate their skills (DEEWR);
- The Australian Public Service Commission has been tasked with developing appropriate training and best practice for Australian Public Service agencies and managers (APSC);
- A new Employment Assistance Fund brings together resources from the Workplace Modifications Scheme and the Auslan for Employment program, making it easier for employers, people with disability, and employment providers to access assistance (DEEWR);
- An Innovation fund will help more people with disability into jobs by funding innovative projects that remove barriers to employment (DEEWR); and
- Australian Disability Enterprises provide supported employment for people with disability. Each year the Australian Government invests approximately \$200 million into the sector which employs more than 20,000 people with disability in approximately 610 different Disability Enterprises (FaHCSIA).

#### Australian Disability Enterprises

Australian Disability Enterprises (previously called Business Services) are funded by FaHCSIA to deliver training, assistance and support to job seekers and workers with a disability. Australian Disability Enterprises are commercial businesses that provide employment for people with a disability.

There are approximately 206 organisations with 337 Australian Disability Enterprise outlets across Australia, providing supported employment assistance to approximately 20,000 people with moderate to severe disability who need substantial ongoing support to maintain their employment. There is no residency requirement for this program.

#### Disability Support Pension – better and fairer assessments 2009-10 Budget measure

From 1 July 2010, DSP assessment will be simplified to fast-track more claimants who are clearly or manifestly eligible due to a catastrophic, congenital disability or cancer, enabling them to receive financial support more quickly. In cases which are not clear cut, people will now have their eligibility for DSP assessed by Senior Job Capacity Assessors.

To assist Senior Job Capacity Assessors, the measure will:

- introduce new, clearer guidelines on the assessment of work capacity, including explicit consideration of prior work history in determining current capacity to work; and
- establish a new Health Professional Advice Unit within Centrelink to give Assessors advice on medical issues including treatment, to complement the claimant's doctor's report.

The measure will also provide new payments for claimants' treating doctors when they provide additional diagnostic or further information on the claimant (with the claimant's consent) at the request of the Health Professional Advice Unit. The fee will be set at \$80 for telephone advice, or \$150 for a face to face consultation or the provision of a written report.

The measure will also update the Impairment Tables used for DSP assessments, to make

sure they are consistent with contemporary medical and rehabilitation practice. The new Impairment Tables will be developed in consultation with the medical profession and disability stakeholders and are expected to be introduced by 1 January 2012.

The measure will see Centrelink providing advice about disability employment and related services to 40,000 Disability Support Pension recipients taking up employment each year, outlining the services and assistance available if it becomes difficult to maintain employment.

The measure will also pilot workforce re-engagement contacts for 16,000 new entrants to the Disability Support Pension to determine the best timing and method for encouraging people to re-engage in the workforce and to clarify the assistance and incentives available to Disability Support Pension recipients to help with workforce participation.

#### National Auslan Interpreter Booking Service

The National Auslan Interpreter Booking Service provides Auslan interpreters on a fee-free basis to deaf Auslan users attending private medical consultations (ie for consultations that attract a Medicare rebate, provided in a private medical practice), including general practitioners, specialists and a range of other private health care providers. FaHCSIA funding for this service is estimated to be approximately \$5 million for 2009-10. There is no residency requirement for this program.

#### National Information and Captioning Services

Media Access Australia and NICAN are expected to fund an estimated \$352,109 for 2009-10 by FaHCSIA under the *Disability Services Act 1986* to provide National Information and Captioning Services for people with disabilities.

The Information Service funds the captioning of normally uncaptioned educational and community DVDs. The Captioning Service is directed at captioning (subtitling) of video cassettes and DVDs. As many producers of DVD movies now include captioning at the time of release, the service focuses on the captioning of normally uncaptioned educational and community DVDs. There is no residency requirement for this program.

#### Postal Concessions for the Blind

Under the Postal Concessions for the Blind Program, FaHCSIA reimburses Australia Post for the postal charges associated with posting Braille, audio recordings and other material (defined as 'eligible items') for people who are blind. The estimated expenditure for 2009-10 is \$7.5 million. There is no residency requirement for this program.

#### Print Disability Services

The Print Disability Services Program provides funding for print disability services to produce printed material in alternative communication formats for people who, by reason of their disability, are unable to access information provided in a standard print medium. People with print disability are those who are unable to read standard print with ease due to vision impairment, a physical disability or a learning disability. FaHCSIA currently funds nine not-for-profit NGOs, and estimated expenditure for 2009-10 is \$1.4 million. There is no residency requirement for this program.

#### The National Companion Card Scheme

The National Companion Card Scheme brings together state and territory programs that enable eligible people with disability to participate at venues and activities without incurring the cost of a single ticket for their attendant carer. A Companion Card is an identification card which identifies the bearer as a person who, due to their disability, requires lifelong attendant care to participate at most community facilities and events.

State and Territory Governments fund the delivery of this program. FaHCSIA has developed a national website which is [www.companioncard.gov.au](http://www.companioncard.gov.au). FaHCSIA funding for this initiative is \$1.78 million over three years to 2012. There is no residency requirement for this program.

Harmonisation of disability parking permit schemes

On 7 November 2008, Disability, Roads Transport and Local Government Ministers endorsed a national framework for the Australian Disability Parking Scheme. FaHCSIA has the responsibility for facilitating the implementation of the new scheme. The national scheme will include the development of a national permit and nationally consistent eligibility criteria and minimum standards for concessions.

The new national permit will allow improved recognition by other countries and will receive reciprocal recognition by each state and territory.

The national scheme will recognise permits held by eligible people travelling to Australia from other countries. Disability parking permits will continue to be funded and provided through state and territory transport departments. FaHCSIA will fund the cost of new permits for 900,000 permit holders, estimated at \$1.6 million in 2009-2010. There is no residency requirement for this program.

Outside School Hours Care for Teenagers with Disability

Outside School Hours Care for Teenagers with Disability is an Australian Government initiative supporting teenagers with disability, aged 12 to 18 years to access appropriate outside school hours care. Outside schools hours care includes before, after and holiday care. In the 2009 Budget, the Australian Government announced a total of \$5.1 million in additional funding over four years to the 2012-13 financial year, to extend Outside School Hours Care for Teenagers with Disability, bringing total funding to \$27.629 million over four years (2009-13). There is no residency requirement for this program.

**Services and support for Carers**

Services and support to carers includes providing peer support, respite and information services for carers to help them balance their care responsibilities with social participation and, in the case of young carers, completion of their education.

The eligibility criteria for these services do not contain a residency requirement.

**Support for Seniors**

Support for seniors makes payments to senior Australians to assist them financially in a manner that encourages them to productively manage resources and life-transitions.

The primary income support payment for seniors is the Age Pension. Seniors not eligible for Age Pension may receive a Commonwealth Seniors Health Card (subject to an income test). Age Pension has a qualifying residence period of 10 years from the date the person takes up permanent residence.

<b>Program</b>	<b>2008-09 actual expenses \$'000</b>	<b>2009-10 Estimated expenses \$'000</b>
Age Pension	28,098,263	29,193,728
Seniors Concession Allowance	465,352*	31,875
Telephone Allowance for Commonwealth Seniors Health Card holders	18,185	3,973
Seniors Supplement	0	122,398

\*includes value of Economic Security Strategy payments made to Commonwealth Seniors Health Card holders



From 20 September 2009, Commonwealth Seniors Health Card holders will receive the value of Seniors Concession Allowance and Telephone Allowance in a new single supplement called Seniors Supplement. The first instalment of Seniors Supplement will be paid from 20 December 2009. The last instalments of Seniors Concession Allowance and Telephone Allowance were paid soon after 20 September 2009.

**Other Assistance for Seniors, Carers and People with Disability**

The Utilities Allowance was paid to all Age Pensioners, Disability Support Pensioners and Carer Payment recipients to assist with the costs of utilities bills. From 20 September 2009, the value of Utilities Allowance has been incorporated into the new Pension Supplement for most pensioners. Actual and estimated expenditure on the Utilities Allowance is as follows:

<b>Program</b>	<b>2008-09 actual expenses \$'000</b>	<b>2009-10 Estimated expenses \$'000</b>
Utilities Allowance	1,146,530	283,204

Seniors, carers and people with disability are also assisted through concessions they receive on Great Southern Rail services. Reimbursement to Great Southern Rail for concessions provided to seniors, carers and people with disability, including veterans, is as follows:

<b>Program</b>	<b>2008-09 actual expenses \$'000</b>	<b>2009-10 Estimated expenses \$'000</b>
Reimbursement to Great Southern Rail for concessional Fares	6,914	8,148

Payments are also made to States and Territories under a National Partnership Agreement (from 1 January 2009). This agreement has two elements:

- Reciprocal Public Transport Concessions for Seniors Card holders (commenced from 1 January 2009); and
- Compensation to the States and Territories for extending concessions to all part-rate Pensioner Concession Card holders. Under this component, States and Territories agree to provide certain 'core' concessions (municipal and water rates, utilities, motor vehicle registration and public transport) (former Extension of Fringe Benefits Specific Purpose Payment).

<b>Program</b>	<b>2008-09 actual expenses \$'000</b>	<b>2009-10 Estimated expenses \$'000</b>
Compensation for Extension of Fringe benefits to pensioners and older long-term allowees and beneficiaries (until 31 December 2008)	109,869	0
National Partnership for Certain Concessions (from 1 January 2009)	118,038**	242,971**

\*\* Note: Funding for National Partnerships is through the Treasury portfolio.