

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES – 2 MARCH 2017 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Medical exemptions

Question reference number: 24 (HS 24)

Senator: Siewert

Type of question: Hansard page 46

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Question:

Senator SIEWERT: I have one last one. I will put more on notice. It is about medical exemptions. How many times can a person on DSP have a medical exemption? Is there a limit?

Ms Campbell: Is this is a person on DSP—

Senator SIEWERT: This is about DSP but also Newstart.

Ms Campbell: Are you asking: if they are on Newstart and they have partial capacity for work—

Senator SIEWERT: Yes.

Ms Campbell: how often can they have a medical exemption?

Senator SIEWERT: I am looking at people on DSP who have gone onto Newstart, and there is an issue going on there.

Ms Pitt: If somebody is on Newstart and they have a medical condition and they are seeking an exemption from their mutual obligations, then, depending on what their medical certificate says in terms of whether they have a temporary condition or whether they have an ongoing partial capacity, we will look at that information and then work through.

Senator SIEWERT: What I was after was: is there a limit on the number of times you can get an exemption?

Ms Pitt: There is a limit to the length of the exemption—

Senator SIEWERT: I understand that, but I mean the number of times.

Ms Campbell: We will take it on notice. I do not think there is, but clearly if we saw someone constantly coming back with medical certificates then that would alert us to the fact that there was something happening, and we would need to look at that in more detail.

Answer:

Social Security legislation provides for a temporary incapacity exemption from Mutual Obligation Requirements for any job seeker who has a temporary inability to work for eight or more hours per week due to a medical condition, and who is unable to undertake any program of assistance or suitable activity. A medical condition is considered to be temporary if it is likely to persist for less than two years.

To qualify for a temporary incapacity exemption, a job seeker must provide a medical certificate as evidence of their incapacity. The medical certificate must be signed by a medical practitioner and state the medical practitioner's diagnosis, prognosis, that the person is temporarily incapacitated from all work (of at least eight hours per week), and the period for which the person is incapacitated. When considering the assessment of a medical certificate, the Department is required to make decisions in accordance with legislation and policy guidelines.

Job seekers are not subject to any Mutual Obligation Requirements once they have been granted a temporary incapacity exemption. A temporary incapacity exemption can generally only be granted for up to three months at a time, although if the job seeker has a serious illness they may receive the exemption for up to 12 months.

Each decision to grant an exemption will follow an individual assessment of all relevant evidence by a service officer from the Department of Human Services. The service officer will consider:

- the job seeker's medical certificate;
- any current and valid assessment of the customer's work capacity by a Department of Human Services' Allied Health Professional in an Employment Services Assessment or Job Capacity Assessment;
- the impact of any conditions on the medical certificate that have not been assessed by an Employment Services Assessment or Job Capacity Assessment;
- the history of medical certificates lodged by the job seeker; and
- the job seeker's reported earnings, particularly where the job seeker is currently working 8 hours per week or more.

In addition to assessing the medical certificate and granting a temporary incapacity exemption, service officers from the Department of Human Services may refer the job seeker for a further medical assessment (that is, as Employment Services Assessment or Job Capacity Assessment) to determine the job seeker's work capacity.

There is no limit on the number of temporary incapacity exemptions a recipient of income support with mutual obligation requirements can have.