

10 March 2006

Senator G Humphries
Committee Chair
Community Affairs Legislation Committee
Australian Senate

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Dear Sen. Humphries

Family Assistance, Social Security and Veterans' Affairs Legislation Amendment (2005 Budget and Other Measures) Bill 2006

The National Council on Intellectual Disability (NCID) was established over 30 years ago by parents and friends in an endeavour to improve the quality of life of people with intellectual disability and to fill the need for national unity and information.

The Council is the recognised national peak body with the single focus on intellectual disability, ie, our actions and priorities centre on issues that affect the lives of people with intellectual disability and their families. Our mission is to work to make the Australian community one in which people with intellectual disability are involved and accepted as equal participating members.

NCID has over 5,000 members representing all 8 States and Territories. In addition to having people with intellectual disability on its Board, NCID receives policy advice from Our Voice. Our Voice is a committee the membership of which is exclusively people with intellectual disability representing all States and Territories.

Introduction

NCID's submission is in relation to the backdating provisions for Carer Allowance; in particular the reduction of the backdating provision for a child who is under the age of 16 years from the current 52 weeks to 12 weeks.

NCID strongly opposes the reduction in the number of weeks that families can backdate their claim for Carer Allowance.

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It is important to remind ourselves that the Carer Allowance is “paid to someone who provides daily care and attention at home to a person with a disability or medical condition who is a dependent child aged under 16 years:

- for a Health Care Card Only, the child must require ‘substantially more care and attention’ compared to a child of the same age without a disability;
- for Carer Allowance and Health Care Card, the child’s disability must appear on a list of disabilities/conditions which result in automatic qualification or must cause the child to function below the standard for his or her age level.”

Why decrease the backdating provisions for Carer Allowance?

If the intention of the Carer Allowance is to assist families who provide care to their son or daughter with disability then it is a legitimate question to ask, ‘why are there backdating provisions at all? What has time got to do with providing care?’

The obvious answer is that time has no relationship to providing care. Just because a person does not apply for the Carer Allowance at a particular time does not mean that they are not eligible for it, nor that they do not need the financial assistance. It merely means that they are unaware of the Carer Allowance, or unaware of their eligibility or are caught up in a hundred and one other things and applying for the Carer Allowance is a lower priority, than say, obtaining medical care that means life or death for their son or daughter.

The current backdating provisions have nothing to do with eligibility, financial hardship or the amount of care that a child needs they are merely an administrative convenience.

The referral of this Bill and this measure in particular to the Community Affairs Legislation Committee is welcome as the referral, at the very least, demonstrates that the Senate is concerned about the impact of this measure of families with daughters and sons with disability.

Who benefits from this measure?

The question remains, why is this measure being put forward? Who benefits from this measure? Families? Treasury? Centrelink officers (less work)?

Carer Allowance is supposed to benefit families with a daughter or son with a significant disability, therefore any measure that affects Carer Allowance will be measured against this standard and on this standard this Bill clearly fails.

NCID has been contacted by families, in relation to this change, who have stated, “surely we do not have to tell politicians about the difficulties that families have in supporting their son or daughter with disability? Don’t they know about the additional financial, time and emotional costs? Do politicians care?” The answers to these questions lie with the Community Affairs Committee.

Why are families not being told of their entitlements?

The reason provided for the change in the Bill’s explanatory memorandum is:

... assessment methods are based on functional ability or care needs. As a result, qualification can generally be established quickly, which removes the need for long backdating periods.

While qualification may be quickly established the above statement is misleading. The main reason for the delay in applying for the Carer Allowance is that people do not know it exists! The backdated period starts from the date of the application so it does not matter how quick the ‘qualification is established’ only how quickly a family comes to know that the Carer Allowance exists and applies for it. The principle reason for having a long backdating provision is because families are not informed that the Carer Allowance is available and that they may be eligible. The only way they find out is when they come into contact with other families or stumble onto it. This will not change no matter how efficient the assessment methods are.

It is important to remember that the Budget papers indicated a ‘saving’ of \$34 million in 2006- 2007 from this measure. Firstly, this small saving may benefit the government but it is at a huge cost to families doing their best for their daughters and sons with disability with limited support and assistance from their government.

Such a ‘saving’ demonstrates that the reason why backdating provisions are necessary is not because of assessment methods that establish qualification quickly. If this were the case then there would be no saving/costs as the efficient assessment would ensure that families gained eligibility within the timeframe. But, to be assessed families have to apply and to apply families have to know that the Carer Allowance exists and for families to know this Centrelink has had to inform them of its existence!

NCID will leave it to others to point out the self-evident reasons why the backdating provisions are important for families with daughters and sons with disability. NCID will take the opportunity of this submission to discuss a point that has been raised by a number of families and which NCID considers is important in considering the role and responsibilities of governments and their public servants.

What is the responsibility of government and Centrelink?

A question posed by a number of families is: why are we being penalised for not knowing something? Whose responsibility is it to provide us with information, and why are they not being penalised?

It is the role of Centrelink to provide information to people about their eligibility for benefits and so the 12 week requirement should be placed on them? Centrelink staff know about the Allowance and they know the eligibility criteria, so what is the penalty on Centrelink if they do not inform all families who are eligible for the Allowance within 12 weeks of their becoming eligible? If this was the way in which the Bill was framed, then and only then could the government say to families, 'you knew about the backdating provisions but did not apply within a (limited) timeframe therefore for administrative reason we are unable to backdate the Carer Allowance for a period greater than 12 weeks.

This of course will be unacceptable to bureaucrats and no doubt to politicians. They will say, 'how can we inform families about the Carer Allowance when we do not know who they are or where they are?'

But, the question is, why? Imagine for a moment a world where governments have a genuine commitment to provide support and assistance to families living with disability. Where instead of chasing everywhere to get information and support families are approached and asked if they would like support and assistance. A world where families are not penalised for not knowing what they do not know, but where public servants make it their business to ensure that everyone who is eligible for support and assistance gets it. And, where if someone approaches Centrelink outside of the 12 week period it is taken as a failure by Centrelink of the service they offer families! Imagine a world where Ministers set this as a performance indicator for their departments.

For families it is a much better world than the one they live in where politicians talk about how much they care and how much they do but act to undermine and disadvantage families at every turn. The world would be a different place if politicians had to suffer the consequences of their actions!

NCID recommends that:

- 1. That the backdating provisions of the Carer Allowance remain as they currently are.**
- 2. That Centrelink be required to inform all eligible families of the availability of the Carer Allowance within 12 weeks of the family becoming eligible.**

Yours sincerely



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