



Australian Federation of Disability Organisations

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Senator Gary Humphries
Chair
Senate Community Affairs
Legislation Committee
Via email to: community.affairs.sen@aph.gov.au

Dear Senator Humphries

***Inquiry into the *Employment And Workplace Relations
Legislation Amendment (Welfare To Work And Other
Measures) Bill 2005* and the *Family And Community Services
Legislation Amendment (Welfare To Work) Bill 2005****

When the Australian Federation of Disability Organisations (AFDO) appeared before the Inquiry on 22 November, Senator Siewert asked a question which we took on notice.

Attached is an answer to the Senator's question. Also attached are specific recommendations which supplement our original submission. We request that the Committee give them consideration.

Yours sincerely

Maurice Corcoran
President

Question: *what would happen to a person who had a degenerative illness who wanted to spend quality time with their family.*

Response: A person who develops a terminal illness (or category 4 HIV/AIDS) is considered to be manifestly eligible for the Disability Support Pension and therefore would not be subject to an activity test or mutual obligation activities.

A person applying for income support as a result of acquiring a disability that is not terminal and is not considered manifest would have their work capacity assessed. Under the proposed Bill, if the person was assessed as being able to work at least 15 hours a week, they would be placed on Newstart (or Youth Allowance) and would be immediately required to comply with the activity test.

Rehabilitation can form part or all of an activity agreement.

If the person was suffering anxiety, trauma and/or stress as a result of acquiring the disability, and this could be supported by a medical certificate, the person could apply for a temporary exemption from the activity test. However, if the person did not have a medical certificate, was not doing a rehabilitation activity and was simply seeking some time to adjust to acquiring their disability, they would not be automatically eligible for an exemption. In this case, whether or not the person got an exemption would depend on the discretion of the Centrelink staff member they were dealing with.

Additional Recommendations

That s544B(4) and s606(4) be amended to include specific reference to the impact of disability on costs (financial, time and energy) and to the effects of direct and indirect discrimination.

That the proposed amendment to Schedule 22 of the *Social Security Administration Act* to remove reference to notice having to be written be rejected.

That the current s606(1) be retained.

That the current references throughout the Bill to 'reasonable steps' be retained.