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SUBMISSION TO THE SENATE COMMUNITY AFFAIRS COMMITTEE

Inquiry into Planning Options and Services for People Ageing with a Disability

Terms of reference

Access to planning options and services for people with a disability to ensure their continued quality of life as they and their carers age, and to identify any inadequacies in the choice and funding of planning options currently available to people ageing with a disability and their carers.

Who we are

Physical Disability Australia Ltd - PDA is a national disability peak organisation, funded by the Australian Government, through the Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA).

We are an organisation founded by people with physical disabilities in 1995, to act as a change agent for the rights, views and beliefs of all Australians with a physical disability.

We are run by and for people with physical disability. All Board members and where possible, staff are people with physical disability. The board is nominated and elected by individual members in their own state or territory.

Physical Disability Australia believes in the uniqueness and ability of people with physical disabilities and encourages people to become involved as active members.

Introduction

Physical Disability Australia (PDA) is pleased that the Senate Committee on Community Affairs is conducting this Inquiry and presented us with the opportunity to make this submission. The time is right for us to plan for the increasing numbers of people who are living longer and also living with disabilities. PDA hopes that the Government will be able to manage and develop more appropriate and affordable services for people with disabilities as they age. We hope that our submission will be a positive contribution to the Inquiry.

Summary of Recommendations

1. Recommendation: A right to Retirement

People with disability should be allowed to stop work or attending their state funded day activity when they reach 50 years of age. The services and funding that they need should be available to them whatever their age, where-ever they are.

2. Recommendation: Housing and Support

A person what-ever their age must have enough support hours to remain in their home and active in their community. Funding for this support needs to be provided whether you are under or over 65 years of age.

3. Recommendation: Aids, Equipment and Home Modifications

That the Aids and Equipment Schemes guidelines in each state and territory be amended to allow people with disabilities to access the scheme and all the necessary aids and equipment for life, where-ever they live.

4. Recommendation: Income support

That people with disabilities do not suffer financial disadvantage when they move from the Disability to the Age Pension.

That people moving from the Disability to the Age pension should not have an income or assets test.

5. Recommendation: Access to Premises

That new, national legislation be enacted to ensure that all new homes are at a minimum accessible from the street and are built to accommodate future adaptation and provision for people who may have mobility impairments.

6. Recommendation: Transition from Work to Retirement

That Personal Managers are employed, with additional funds, to support a person with disability to move into 'retirement'. This should include support to scope the options with the person, accessing the necessary funding and facilitating the transition process.

Our context

As Australia has now signed The United Nations Convention on the Rights of Persons with Disabilities we would like to draw the attention of this Inquiry to the following two Articles of the convention as they are pertinent to our main comments in this submission:

“Article 19 - Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;*
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;*
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.*

Article 20 - Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;*
- b. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;*
- c. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;*
- d. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.*

The Inquiry’s Context – PDA Comment

We presume that the work of this Inquiry will become an integral part of the Productivity Commission’s Report on ‘Caring for Older Australians’ and in particular will provide informed comment and recommendations about “*the interests of special needs groups*”- one group being older people with disabilities.

During the research for this submission, it is noted that the recent agreement of the Council of Australian Governments (2010) exempts the State of Victoria and Western Australia. PDA is unsure

about how the recommendations of this Inquiry and that of the Productivity Commission will impact on these states. **We are keen that people across the Country should have the same entitlements and access to services, where-ever they live.**

Issues of Particular Interest and Concern to PDA and it's Members

1. The Right to Retirement

Services offered to people with disabilities often are 'age related' (young people, adults) and the States and Territories stop funding certain services to people once they become a 'federal person' at 65 years of age.

- If a person for instance, attends a day centre or a sheltered workshop they may be asked to leave when they turn 65 but many people with high support needs, because of their physical disability, may also live in a state funded group home.
- The state funded group homes do not usually pay for staff to be present in their houses during the day. Therefore, the 'retired person' has no-where to go. They must leave the house when the staff finish their 'breakfast shift' and not return until after 3.30pm when the staff resume their duties.
- If a person with disability is not at a 'program' during the day and needs assistance to prepare a meal, or visit the toilet, they are forced 'out of their home' to find a place to go to during the day where they can get the assistance they need.
- People with disability, are known to die younger than people without disability and it could be argued that the right to the aged pension and aged services should be accessed at an earlier age – such as 50.
- People who are over 50 should be able to take the State funding (allocated to them but given to the day centre or sheltered workshop) and use it for their own 'community access' costs for as long as they choose to use it. The source of funding is only relevant to the funder not the person. Funding should remain with the person irrespective of their age.

Recommendation: A right to Retirement

People with disability should be allowed to stop work or attending their state funded day activity when they reach 50 years of age. The services and funding that they need should be available to them whatever their age, where-ever they are.

2. Housing and Support

People with disability, like everyone else, would like to remain in their home for as long as they are able.

Supported Housing

If however you are living in a group home (supported housing) as mentioned above, there must be staff on duty at the house if you have no 'program' or 'activity' to attend. Today, in Victoria,

people with disabilities are forced out of their homes with a sandwich for lunch and a drink. If you live in Melbourne they often attend 'Travellers Aid' where they will find someone to assist them to eat their lunch and assist them to visit the loo. This is outrageous and undignified. It is because the State government does not provide the funds to staff houses through the day unless someone is ill.

Independent Living

If you live independently in your own home and have a physical disability which needs the assistance of another person, the state government may have paid for a 'package' of support for you. This package can only be applied for, prior to someone turning 65 years of age. If however, your body develops a disability after this age, you have to apply to the Federal government for assistance. Most of these packages of funding are small in comparison with those funded by the state. They are not sufficient for people with support needs of over 15 hours per week (nominated maximum for an EACH package. Unless the Federal Government immediately releases more funds to care in the home, many people who need more than 15 hours support will be forced into supported accommodation services. These are already over-subscribed and have long waiting lists.

Recommendation: Housing and Support

A person what-ever their age must have enough support hours to remain in their home and active in their community. Funding for this support needs to be provided whether you are under or over 65 years of age.

3. Aids, equipment and home modifications

People with physical disabilities are likely to need access to appropriate aids and equipment throughout their lives. They also need to access funds to modify their homes and as we age, we will probably wish to move to smaller homes which are closer to our networks and services. There are some worrying issues PDA wish to draw to the Inquiry's attention:

- Nursing homes provide continence aids and basic aids and equipment. **Residents are not allowed to apply for the state based Aids and Equipment fund.** This can mean that a person on entering a nursing home will be required to give up their motorised wheelchair or scooter. The service does not have to maintain or provide such mobility aids. The impact of such a severe policy is immeasurable for some people – it is worse than having a driving licence withdrawn. People should have the right to mobility.

Some people need to communicate by using communication aids, these aids should also be maintained and updated for a person where-ever they live.

- Continence Aids – if you move into a nursing home, you are no longer able to access the State or Federal Schemes. You have to accept the continence aids provided by the service running your accommodation service. You cannot choose which products to use.
- Home modifications – in some states a person is only allowed to apply for funds to modify their homes once in a lifetime. This is a restrictive and unfair policy which has been

developed to protect the fund. It is however not reflective of the number of times a person is likely to move / or has to move. If you are elderly and have a disability you are likely to want to move to a smaller and easier to manage home. Funds should be made available to anyone who needs them to get into their own house and have access to their bathroom or any other room. Some funds can sometimes be found through the HACC program but it is most dependent on which state you live in, and who is administering the guidelines from that organisation.

Recommendations: Aids, Equipment and home modifications

That the Aids and Equipment Schemes guidelines in each state and territory be amended to allow people with disabilities to access the scheme and all the necessary aids and equipment for life, where-ever they live.

4. Income support

People with disability are encouraged by Centrelink to transfer from the Disability Support Pension to the Age Pension. PDA is most concerned that the existing extra benefits of receiving the DSP are not lost when transferring to the aged pension. Of particular concern is the need to retain the mobility allowance and the state based taxi card.

Another concern of PDA is that currently the Age Pension (Blind) has different eligibility rules for those of the Aged Pension and PDA does not understand why this is the case. Centrelink Website information states,

“To qualify for *Age Pension*, you must first satisfy the age and residence requirements. Centrelink then works out how much Age Pension is payable. This depends on your income and assets and other circumstances.

If you are legally blind, you may be eligible for Age Pension (Blind), which usually has no income or assets test.”

Recommendation: Income support

That people with disabilities do not suffer financial disadvantage when they move from the Disability to the Age Pension.

That people moving from the Disability to the Age pension should not have an income or assets test.

5. Access to Premises

PDA is very relieved to know that the new, Australia wide legislation *Access to Premises Standards* is about to be declared into law. However, the standards do not yet include the Wayfinding guidelines for people who are blind or have a vision impairment, nor have they included ‘fit out’ regulations for the inside design of public buildings.

A few states in Australia are currently considering new laws to make housing accessible. Victoria for example is today considering new regulations to make all new housing easy to make accessible

and visitable and the Hon. Bill Shorten with the support of Theresa Rein, are having national discussions about such a voluntary code.

PDA believes that the provision of accessible homes should be law across the country and will not only benefit people with disabilities but also people who are ageing and beginning to find steps and baths difficult to manoeuvre.

Recommendation: Access to Premises

That new, national legislation be enacted to ensure that all new homes are at a minimum accessible from the street and are built to accommodate future adaptation and provision for people who may have mobility impairments.

6. Transition from Work to Retirement

There are many people with physical disabilities who are not aware of the potential opportunities for them to participate in their local communities, especially as a newly retired person. This is especially true for people who have attended supported employment services and day centres all their lives.

To facilitate a smooth transition PDA believes that some people will need to access a **Personal Manager** to assist them to decide, what they would like to do with their new 'spare time' in their retirement and also to ensure that funding is available.

Recommendation: Transition from Work to Retirement

That Personal Managers are employed, with additional funds, to support a person with disability to move into 'retirement'. This should include support to scope the options with the person, accessing the necessary funding and facilitating the transition process.