

that no allowance would be sufficient to enable them to seek entry into the workforce'.¹⁵⁴

7.146 The study states that additional issues, such as extra effort, discomfort and inconvenience faced by people with disabilities who undertake LFRA activities was not costed and that, if it were, this might support the introduction of an allowance as this could be seen as a means of recognising the disadvantage of people with disabilities as opposed to costs actually incurred.¹⁵⁵ However, the report suggests that the adoption of this approval 'would . . . sit uncomfortably alongside the carefully targeted nature of social security payments that has evolved in Australia . . .'.¹⁵⁶

The Committee has made a recommendation on a Disability Allowance at Paragraph 7.17.

Transport

7.147 Transport must be recognised as the *major barrier to accessibility* that it is: all programs/services should include *realistic* funding to provide for transport arrangements *appropriate to the clients and the geography* of the area.

- for some people in isolated areas, accommodation near the place of work or training may be an appropriate alternative to long distance travel;
- also for regions with low population density it may be appropriate in some cases to provide sufficient funding for the staff/supervisors *to travel to the workers*.¹⁵⁷

7.148 Referring to the results of a 1986 survey, the Social Security Review's Background Paper Number 15 stated that 'it was in the area of transport that there was most evidence of extra costs for people with disabilities'.¹⁵⁸ As the Ronalds report noted, one of the most useful and valued fringe benefits of the invalid pension was the provision for concessional taxis, which represented a real saving for people with disabilities. Those who are able to move into employment and lose the fringe benefits because of their level of income may be required to pay the full costs of

154. *ibid.*

155. *ibid.*, p. xi.

156. *ibid.*

157. *Transcript of Evidence*, p. 5041 (Southern Regional Planning Groups for People with Disabilities). See also p. 5053.

158. The Social Security Review Background Paper No. 15: *An Examination of Invalid Pensioners in Transition to the Labour Force*, Department of Social Security, February 1987, p. 33.

transport to and from work which are considerable.¹⁵⁹ Evidence taken in this inquiry confirms that the availability and cost of transportation is a major source of difficulty for people with disabilities. A submission from the Western Australian Society for Crippled Children, for example, referred to a 1989 survey which showed that, of those people surveyed who wanted open employment, over one half nominated transport as the most significant barrier to employment.¹⁶⁰ One organisation claimed that . . . 'The public transport system is totally inaccessible and inadequate'.¹⁶¹ Issues repeatedly raised during the course of the inquiry concerned the expense and difficulty associated with the use of several transport modes including public transportation, private cars, and taxis.¹⁶²

7.149 While there is no doubt that the nature of some disabilities is such that it will rule out public transportation as a viable transport option, it is apparent that there is much that could be done to improve the accessibility of public transport. The simple provision of extra steps onto buses, carriage space for wheelchairs, and extra ramps and assistance at train and bus stations, which have become standard in some States, go some way towards making the public transport system more accessible for people with disabilities, particularly those with severe physical disabilities.

7.150 Even if transport is available, there are many factors which may make access less easy for some people with disabilities.

Almost 100 of Westwork's clients rely on public transport. In Melbourne's western and north western suburbs, public transport is often unreliable. Many suburbs are inaccessible or accessible only by circuitous, time-consuming routes.

New bus routes are needed to connect existing train/tram/bus routes with industrial areas where jobs are available. A simple, uniform ticketing system must be implemented. Public transport employees must be educated about what (if any), how much and when support should be offered to people with disabilities.¹⁶³

7.151 There are other difficulties associated with utilising public transport. Such facilities are limited or even non-existent in certain areas, for example, in rural areas¹⁶⁴, and the location of appropriate employment and educational agencies is

159. *Ronalds Report*, p. 48. See *Senate Hansard*, 6 November 1991, p. 2522 when it was stated that Tasmania had withdrawn subsidised transport services for people with disabilities who were in employment.

160. Submission No. 75, p. 3 (The Western Australian Society for Crippled Children (Inc)).

161. See *Transcript of Evidence*, pp. 430-1 (The Spastic Centre of New South Wales).

162. *ibid.*

163. *Transcript of Evidence*, p. 5636 (Westwork Industries (Wesley Central Mission)).

164. Submission No. 1, pp. 1-2 (Mr W.H. Griffiths).

not always convenient to public transport. As the Disabled Peoples International submission stated, 'public and special transport services to some centres for the disabled are inadequate',¹⁶⁵ Furthermore, 'public transport becomes infrequent after peak hours . . .'.¹⁶⁶ Clearly, as is the case for many people without disabilities, there are many occasions when public transport is unavailable, inconvenient or undesirable, and when other modes of transportation would be preferable. Safety, and in particular, the fear of assault, is a concern for able-bodied members of the public, but it is a major issue for some people with disabilities, especially those with intellectual disabilities, who may suffer emotional and physical abuse when travelling on public transport.

One major issue for people with an intellectual disability is the amount of verbal abuse and harassment they suffer when travelling on public transport. Many reported abusive fellow travellers, usually young men, who in some instances assaulted them. A number reported only using public transport when they can travel in a group to provide safety and back-up support.¹⁶⁷

7.152 People with disabilities who are unable to use public transport because of certain physical disabilities and who are 'gainfully employed' are eligible for a sales tax exemption on the purchase of a new motor vehicle, according to the provisions of Item 135A(1) of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*.¹⁶⁸ The sales tax exemption on the purchase of a new car relates to the use of the vehicle (this being for the transport of a person with a disability to and from work) and is therefore available to people without disabilities who claim they will use the vehicle for the work related transport of people with disabilities.¹⁶⁹

7.153 Item 42C of this same Act provides for sales tax exemptions on goods used to modify either new or second-hand motor vehicles. ACROD has argued that the eligibility criteria for sales tax exemption on the purchase of a new car is discriminatory, because such criteria 'do not cover all impairments which result in a person being unable to use public transport'.¹⁷⁰ Recent amendments have

165. *Transcript of Evidence*, p. 4157 (Dr M. Steinberg).

166. Submission No. 23, p. 2 (Ms M. Stern).

167. *Ronalds 2*, p. 12.

168. Industry Commission, *Aids and Appliances for People with Disabilities: Report No. 3*, AGPS, Canberra, 18 July 1990, p. 135. Item 135(A) is now Item S.135A(1). The Act was amended by the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991*.

169. Industry Commission, *Aids and Appliances for People with Disabilities*, p. 137. The point was also raised as an issue in *Transcript of Evidence*, pp. 5811-5812, p. 5818 (Australian Taxation Office).

170. *Transcript of Evidence*, p. 1381 (ACROD Limited).

extended exemptions to include goods used in the modification of a vehicle solely for transporting a person with a physical disability.¹⁷¹

7.154 In October 1991 the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991* introduced changes effective from 20 August 1991 which should improve the access of people with disabilities to less expensive cars. As far as goods used in the modification of motor vehicles is concerned, the second reading speech noted:

Under the current sales tax law, exemption is only available for goods used to modify a motor vehicle to adapt it for driving by a person suffering from a physical disability. The Bill will significantly widen this exemption to include goods used to modify new or second-hand motor vehicles to transport a person suffering from a physical disability.

This exemption will assist those who are required to modify their vehicles solely for the purpose of transporting a family member, relative or friend who is suffering from a physical disability.¹⁷²

7.155 It was argued in evidence presented to the Committee that the then existing sales tax exemption provisions relating to new motor vehicles favoured people with disabilities who were relatively well off (employed, and able to afford a new vehicle) and that they were 'of no assistance to those not able to work, to those who work but cannot afford a new vehicle, or to those who use other forms of transport.'¹⁷³ This view was echoed in several submissions put to the Committee in its inquiry.¹⁷⁴ The Queensland Spastic Welfare League, for example, said that most people could not avail themselves of the sales tax exemption for the purchase of a new car, and argued that 'financial assistance should be provided to people with disabilities who cannot use public transport and who buy a used car in order to get to and from their workplace'.¹⁷⁵ While no sales tax is payable on second-hand goods, second-hand goods nevertheless reflect the cost of new goods (including sales tax); it is argued that it is inconsistent that purchasers of new goods can avail themselves of a sizeable deduction which is not passed on to purchasers of second-hand goods.¹⁷⁶ Because it is difficult to access the sales tax component of older vehicles, an alternative way of assisting people with disabilities who own second-hand vehicles could be to provide concessional rates on registration and insurance.

171. See Senate *Hansard*, 9 September 1991, p. 1297.

172. *ibid.*

173. Industry Commission, *op. cit.*, p. 137.

174. For example, in Submission No. 27 (ACROD Limited), Submission No. 28 (Mr I. Dalwood), and Submission No. 44 (The Queensland Spastic Welfare League). The issue was raised in a public hearing also, *Transcript of Evidence*, pp. 5813-4 (Australian Taxation Office).

175. *Transcript of Evidence*, p. 4283 (The Queensland Spastic Welfare League).

176. Industry Commission, *op. cit.*, p. 136.

Recommendations

The Committee RECOMMENDS:

13. That the eligibility criteria for sales tax exemptions relating to cars for transporting people with disabilities should be reviewed regularly so as not to disadvantage some people with disabilities.
14. That employed people with disabilities and those people with disabilities undertaking approved training be eligible for means-tested concessions in compulsory car registration and insurance.

7.156 Even if a person with disabilities has been able to purchase a new vehicle, or adapt a second-hand one, parking remains a major hurdle to workplace access. Parking is an occasional problem for most people, but for people with disabilities it is of real importance. People with severe physical disabilities, who are those most likely to be driving private, specially adapted motor vehicles, require parking places near to their places of employment. Submissions indicated, however, that 'many offices do not have, or do not wish to provide, off street parking for private vehicles¹⁷⁷', and private car parking is generally scarce and expensive¹⁷⁸. Several submissions¹⁷⁹ suggested that people with disabilities should be reimbursed for the cost of parking fees; the South Australian government provides this service.¹⁸⁰ It should also be possible to introduce more reserved parking spaces, and to allow people with disabilities to park their cars for longer periods of time.

Recommendation

The Committee RECOMMENDS:

15. That relevant authorities make more reserved parking spaces available for people with disabilities. That these spaces be level and of sufficient size to cater for wheelchairs. That longer time periods be available to people with disabilities using reserved parking spaces.

7.157 Many people with disabilities cannot use public transportation because of the specific nature of their disability; people with severe physical disabilities may not be able to manage getting on and off buses and trains, and people with severe intellectual disabilities, or with brain injury, may not have the ability required to make use of public transportation, if it involves more than one simple journey. People with such disabilities will be restricted to using more expensive means of

177. Submission No. 154, p. 9 (Ms M. Duckworth & Ms L. Pettersson).

178. *Transcript of Evidence* p. 5863 (Human Rights and Equal Opportunity Commission).

179. Submission No. 44 (The Queensland Spastic Welfare League).

180. Submission No. 155, p. 14 (South Australian Government).

transportation, which in most cases means taxis. Some people with disabilities are able to access taxi subsidy schemes, and all States and Territories have some form of this scheme although it is not available in all areas. There is also some variation in what is offered and in the eligibility criteria. Generally the schemes are available to people with disabilities who cannot use public transportation, and offer clients concessional fares (usually half-price), sometimes up to a maximum fare, and up to a certain number of trips per annum; however, some States offer an unlimited number of concessional taxi trips.

7.158 Despite the praise which such taxi schemes received¹⁸¹, there were numerous criticisms of them. It was noted by some people with disabilities responding to the first Ronalds report, that the subsidised taxi system 'continues the alienation and isolation of people with a disability from the mainstream community and reduces opportunities for interaction'.¹⁸² It was said that the taxis are often unreliable, resulting in unwanted variation in arrival and departure times.¹⁸³ The resourcing of the schemes was also thought to be inadequate¹⁸⁴, with some areas having far too few cabs available. Darwin for instance has only one modified taxi, and Alice Springs has none. People in smaller cities and in rural and isolated areas can therefore be at an additional disadvantage.

7.159 The ceiling imposed on the number of concessional trips was a problem for some people, particularly those who used taxis to get to work. These people are eligible to receive the Commonwealth Mobility Allowance (previously \$11 per week and now \$20), but, despite this, many people with disabilities still expend large amounts of money (between \$70-\$100 per week) on transportation, and this is after concessions and the Mobility Allowance are taken into account.¹⁸⁵

Travelling to and from work in special transport is prohibitive. For example, to travel 10 kms to and from work for one working week (5 days) costs approximately \$175.00 per week.¹⁸⁶

7.160 These high travel expenses are partly attributable to the long distances that some people with disabilities have to travel in order to get to work, and this can be related to the small number of employment opportunities available to people with

181. *Transcript of Evidence*, pp. 5104-5 (The Paraplegic and Quadriplegic Association of South Australia Inc.). See also *Transcript of Evidence*, p. 5748 (Epilepsy Foundation of Victoria).

182. *Ronalds 2*, p. 12.

183. *ibid.*, p. 11.

184. Submission No. 79 (Ethnic Child Care Development Unit) and Submission No. 147 (Mr D. Gribble) and *Ronalds 2*, p. 11.

185. *Transcript of Evidence*, p. 4292 (The Queensland Spastic Welfare League). See also *Transcript of Evidence*, p. 5599 (DEAC - Disability Employment Action Centre).

186. *Transcript of Evidence*, p. 5097 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

disabilities.¹⁸⁷ But a portion of the expense and inconvenience associated with some taxi cab travel can also be indirectly related to the cost of obtaining and maintaining the specialised taxi cab vehicles which are utilised by some working people with disabilities. It was pointed out in evidence to the Committee that taxes on these imported vehicles can amount to as much as \$25,000.¹⁸⁸ While the Government has reduced the amount of sales tax which is applied to such vehicles to 20 per cent¹⁸⁹, those bought as commercial vehicles may still be subjected to high rates (close to 40 per cent) of import tariff.¹⁹⁰

7.161 Many submissions referred to the inadequacies of the Mobility Allowance¹⁹¹, and argued both for an increase in the amount of the allowance, and a change in the eligibility criteria which apply for receipt of the allowance. Witnesses argued that the \$11 amount then provided for in the allowance was inadequate, and that it was not even sufficient to cover a one-way fare in a half-price cab.¹⁹² The Government announced in the August 1990 budget statement that the Mobility Allowance would be increased to \$20 per week¹⁹³, and this will go some way towards improving the transport cost situation. From 12 November 1991 this higher rate has been available to people with disabilities who are undertaking at least 8 hours per week training, or employment.

7.162 The Mobility Allowance was available to people with disabilities who were gainfully employed and who could not use public transportation, and also who had not bought a new car (and therefore received a sales tax exemption) in the past two years.¹⁹⁴ Witnesses argued that all people with disabilities with restricted mobility should be entitled to the Mobility Allowance¹⁹⁵, in recognition of the special mobility difficulties they experience. This suggestion includes people with disabilities

187. *Transcript of Evidence*, p. 4323 (Department of Family Services, Queensland).

188. *Transcript of Evidence*, p. 5819 (Australian Taxation Office).

189. Second reading speech on the *Sales Tax Laws Amendment Bill 1990*, 15 May, 1990, House of Representatives, *Hansard*, p. 567.

190. These issues were considered in the context of the Florence agreement, which is discussed in Paragraph 7.170.

191. Submission No. 44 (The Queensland Spastic Welfare League, Submission No. 28 (Mr I. Dalwood), Submission No. 168 (Disabled Peoples' International), Submission No. 169 (Office of Disability, Department of Health, Housing and Community Services), and Submission No. 206 (Human Rights and Equal Opportunity Commission).

192. Submission No. 28, p. 5 (Mr I. Dalwood).

193. DSS, *New Opportunities for People with Disabilities*, August, 1990, p. 2.

194. The Industry Commission recommended that the two year limit be increased to four years, but this has not been accepted. This matter was raised in oral evidence, *Transcript of Evidence*, pp. 5816-7 (Australian Taxation Office).

195. Submission No. 210, p. 7 (National Women's Consultative Council).

who are not in paid employment and who may be especially dependent on others (family, friends) for transport or for money for transport.¹⁹⁶ The Allowance, it is considered, would also partially offset the additional costs people with disabilities bear which are directly associated with their disabilities. In relation to this argument, transport-related expenses are not allowable work-related tax deductions for any workers, although the Commissioner for Taxation has been lobbied on this subject by disability groups such as ACROD for some time¹⁹⁷, as it has by others who do not have access to business-related travel deductions.

7.163 The Committee notes that much has been done to address some problems of transportation. For example, some States have increased access to public transport through the provision of ramps and buses/trains which can take wheelchairs and other appliances; these changes are not resource-intensive. It may be that public transport routes could be adjusted, without much difficulty, to improve the accessibility of particular venues to people with disabilities.

7.164 The Committee urges State and Territory governments to engage in relevant consultative processes, and to take action to facilitate access to local transportation systems, and improve the service that is delivered to people with disabilities. Such improvements would benefit the wider community as well.

7.165 While changes have recently been introduced enabling access to the Mobility Allowance for those undertaking eight or more hours of training per week, it would be desirable to extend access to people who are able to undertake other types of 'employment' or 'training', such as the mixtures of leisure, work and education previously referred to.

Recommendations

The Committee RECOMMENDS:

16. That public transportation systems should be made more accessible to people with disabilities, and States and Territories where this has not yet been done should consider the changes that can be made.
17. That eligibility criteria applying to receipt of the Mobility Allowance should be reviewed regularly to ensure that groups of people with disabilities are not relatively disadvantaged, as was suggested by some of the evidence put to the Committee.

196. *Transcript of Evidence*, pp. 4807-8, 4810 (Disability Advisory Council of Australia).

197. *Transcript of Evidence*, pp. 4900-4903, 4923-29. Obviously, most work-related travel is not deductible for non-disabled people; however, the very high costs for some people with disabilities is a serious disincentive to employment.

Aids and appliances

7.166 As a part of its consideration of the current and future employment prospects of people with disabilities, it is necessary for the Committee to examine other factors which may increase access to employment, such as the usefulness, the availability and the cost of aids and appliances. Technological devices form an integral part of most of our lives, but assume particular importance for people with disabilities, many of whom must rely on special or expensive equipment for the conduct of everyday functions that are not a problem for others. Certainly the availability of necessary equipment is a significant factor which determines the quality of life, including the working life, of people with disabilities.

7.167 Because some appliances are indispensable aids to life for people with disabilities, a discussion of the costs of technology in the employment of people with disabilities should not be restricted to a consideration of those appliances which may be visible, or at least directly associated with, the workplace, such as telephone typewriters, computers, special desks and chairs. People with physical or sensory disabilities need to use on a daily basis a wide variety of personal-medical appliances in order to be able to come in to work. This is most obvious in the case of people with physical disabilities, who may use artificial limbs, or require a wheelchair, surgical boots, callipers, or leg braces, but it is also of great relevance to people with sensory disabilities, for whom the use of a variety of communication and vision aids is an unavoidable cost and a pre-requisite of employment.

7.168 Many of the goods which are useful to people with disabilities are manufactured overseas and, as imports, subject to tariffs which make them particularly expensive to buy in Australia. Because of this, some submissions argued that local manufacturers of relevant products should be encouraged to produce these goods.¹⁹⁸

7.169 Another way to lessen the cost of imports is to reduce the tariffs imposed on them; this course, with respect to certain goods, was recommended to the Government in the Industry Commission report, *Aids and Appliances for People with Disabilities*.¹⁹⁹ In response to some of the report's recommendations, the Federal Government announced that tariffs on imported pacemakers, defibrillators and wheelchairs would be reduced from 15 per cent to zero from 1 January 1991.²⁰⁰ While this development is no doubt a welcome one to purchasers of particular imports, some concern has been expressed about the possible negative

198. Submission No. 193 (Australian Public Service, Deaf/Hearing Impaired Support Group), and Submission No. 210 (National Women's Consultative Council).

199. Industry Commission, *op. cit.*, p. 10.

200. House of Representatives, *Hansard*, 10 April 1991, p. 2287. Other recommendations of the report were addressed in the *Sales Tax (Exemptions and Classifications) Amendment Bill 1991*.

effects of this development on the local wheelchair industry.²⁰¹ It is possible that parts required for modifications would not be supplied by overseas manufacturers, and it is also important to note that it may be very difficult to modify wheelchairs once they are completed. One of the benefits of providing support to local manufacturers, therefore, would be the fact that changes required to meet individual needs could be met.

7.170 Complementing this development, certain other tariff reductions took effect on 1 July 1991. As a preliminary step to the Government's ratification of the Florence agreement, import tariffs on a wide range of aids and appliances for people with disabilities have been completely eliminated, and significant price reductions should be passed on as a consequence.²⁰²

7.171 Some minimisation of the costs of purchasing aids and appliances for people with disabilities is available through the mechanisms of sales tax exemptions. Under the provisions of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*, sales tax exemptions are available on a wide range of goods which are designed specifically for the benefit of people with disabilities, and also on some general purpose goods – motor vehicles and parts, and videotex systems and teletext decoders – which are used by people with disabilities. Therefore, goods and appliances which relate exclusively or principally to the treatment or alleviation of various kinds of impairments are exempted from sales tax, and these exemptions apply to any purchaser.

7.172 Some general purpose goods are also exempted, but these exemptions are conditional on purchase identity²⁰³ – that is, purchasers of these commodities must provide some proof, such as a medical certificate²⁰⁴ of their disability status. These exemptions reduce the cost of some goods and devices, and are of undoubted value.

7.173 The Committee received many submissions which argued that more could be done to reduce the cost of relevant technology via the mechanism of sales tax exemptions.²⁰⁵ These submissions called for the extension of the *Sales Tax (Exemptions and Classifications) Act's* exemption provisions to cover more general

201. Senate *Hansard*, 16 April 1991, p. 2533.

202. House of Representatives, *Hansard*, 10 April 1991, p. 2287.

203. Industry Commission, *op. cit.*, p. 136.

204. *Transcript of Evidence*, p. 5811 (Australian Taxation Office).

205. Submission No. 27 (ACROD Limited), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 93 (Mrs M. Carter), Submission No. 104 (National Federation of Blind Citizens of Australia Ltd), Submission No. 122 (Australian Down's Syndrome Association Incorporated), Submission No. 126 (AAMR-WA), Submission No. 160 (Queensland Foundation for Blind People Inc.), Submission No. 163 (Australian Deafness Council), Submission No. 185 (Australian National Council of and for the Blind), Submission No. 210 (National Women's Consultative Council).

purpose goods which, while not specifically designed for people with disabilities, are nevertheless considered necessary for the maintenance or enhancement of quality of life.

7.174 Some of the items referred to in evidence to the Committee include air conditioners (vital for temperature control for some paraplegics and all tetraplegics)²⁰⁶, typewriters, printers, dictation machines, computers, low vision aids (all of which are especially useful for people with communicative disabilities), and chairs with rising seats (which are useful for people with arthritic conditions). Other items referred to in the Industry Commission report, *Aids and Appliances for People with Disabilities*, include electric can-openers, electric beds and hoists, and microwave ovens. These goods are considered necessary by some people with disabilities, but they are not designed exclusively or principally for their benefit, and nor are they among the few general purpose items for which exemptions are provided in legislation of the First Schedule of the *Sales Tax (Exemptions and Classifications) Act*; therefore, sales tax, which can be as high as 20 per cent²⁰⁷, is charged on these items.

7.175 The possibility of extending sales tax exemption provisions to cover goods which might serve as special aids to people with disabilities has been debated for some time, and these arguments are set out in the Industry Commission report and also in ACROD's submission to this inquiry. However, the arguments against extending the sales tax exemption provisions in order to provide more conditional exemptions on general purpose goods are more concerned with matters of implementation than of principle. There appears to be agreement that it would be desirable for people with disabilities to be able to avail themselves of exemptions when these appear to be warranted. Nonetheless, it is considered that conditional sales tax exemptions are both difficult and costly to administer and easy to abuse. The Australian Taxation Office suggested that some administrative difficulties might be overcome by simply listing specific conditional exemption goods in the requisite item of the Sales Tax Act, and the Industry Commission report on *Aids and Appliances* recommended a limited extension of this sort to make computer equipment used as, or in conjunction with, electronic communications equipment, eligible for sales tax exemption, 'where certification is provided by a doctor or therapist'.²⁰⁸

7.176 While recent legislation had proposed changes which would have brought a number of general purpose items under sales tax exemption, these proposed amendments were withdrawn by the Government.²⁰⁹ The reason given was that there were too many loopholes in the proposed changes, and this would have led to exploitation of benefits. The issue of tax exemptions for computer hardware used to

206. *Transcript of Evidence*, p. 1405 (ACROD Limited).

207. Industry Commission, *op. cit.*, p. 141.

208. Industry Commission, *op. cit.*, pp. 144-6.

209. *Senate Hansard*, 8 October 1991, p. 1543.

operate communications equipment for people with disabilities has been referred to the Disability Task Force for further consideration.²¹⁰

7.177 One argument for not extending sales tax exemption provisions is the belief that sales tax exemption provisions are an inappropriate mechanism for dealing with the so-called extra costs of disability, which are considered by some to be a social welfare matter. This argument is also used in respect of the utilisation of income tax rebates/deductions as a way of recompensing for disability-related expenses.

7.178 The Committee does not consider that the administrative difficulties posed by such an extension are insurmountable; in fact, the method of specifying exempted general purpose goods suggested by the Australian Taxation Office (ATO) in Item 123A of the *Sales Tax (Exemptions and Classifications) Act* appears to be relatively straightforward and appropriate. It should be possible for people with disabilities who have a special need for certain general purpose goods to be able to claim a sales tax exemption when purchasing that commodity.

Recommendations

The Committee RECOMMENDS:

18. That the list of goods which could be exempted from sales tax should be broadened. Possible abuses of the exemption provisions could be dealt with to some extent by requiring the provision of authorising information at the point of sale. In particular, exemptions should be available in respect of those general purpose goods which are essential for people with disabilities.
19. That greater taxation deductions be available for the cost of purchasing or hiring 'medical' (for example wheelchairs, aids) and non-medical appliances (for example, computers, telephone typewriters) where these are indispensable aids to people with disabilities.
20. That businesses producing aids for people with disabilities be refunded the tax on components used in the production of, and equipment purchased for, such items.

Funding for special costs

7.179 People with disabilities are able to claim an income tax rebate for their medical and hospital expenses, and the costs of certain medical appliances and treatments. The tax rebate is calculated as roughly 30 cents on every dollar expended over \$1000 (after medical fund reimbursement)²¹¹ over the year. Employed people with disabilities, therefore, carry two-thirds of the costs of necessary medical appliances, a situation which is 'hardly generous', one

210. *ibid.*, p. 1555.

211. *Transcript of Evidence*, pp. 1424-26 (ACROD Limited).

submission stated.²¹² Those who do not have private health fund insurance would be at a further disadvantage. Even with the rebate for medical expenses, it is possible, then, to expend two to three thousand dollars per annum on necessary personal equipment. A person who is employed is disqualified from eligibility for assistance with the purchase of such appliances under schemes for which certain upper income limits apply.²¹³ In such cases, it may be necessary to consider that the limit should be raised.

7.180 Claiming for medical expenses is one of the few income tax deductions available to people with disabilities to defray some of the unavoidable costs of disability. Numerous submissions to the Committee expressed the view that there should be more avenues for income tax deduction claims for work-related expenses.²¹⁴ The arguments against the extension of claimable deductions are essentially the same as those which are employed in the case against the extension of sales tax exemption provisions, namely, that 'inevitably, problems such as misallocation of resources and inequities arise'.²¹⁵

Other medical/personal costs

7.181 There are a number of other sources of work-related expense and difficulty associated with employment for people with disabilities. Some people with disabilities, particularly those with physical disabilities, can require up to two hours of attendant care early in the morning to prepare for work; a similar amount of time may be necessary in the evening as well.²¹⁶

. . . our submission noted the difficulties of getting up in the morning for people with severe physical disability. Routinely, people who have a spinal cord injury and who need quite complicated medication regimes and so on, particularly in the bladder and bowel management area early in the morning, may often need to start to prepare for work

212. Submission No. 28, p. 4 (Mr I. Dalwood).

213. Submission No. 28, p. 4 (Mr I. Dalwood). This point is also made in the submission by the Queensland Government, *Transcript of Evidence*, p. 4339 (Minister for Employment, Training and Industrial Affairs).

214. Submission No. 27 (ACROD Limited), Submission No. 28 (Mr I. Dalwood), Submission No. 126 (AAMR-WA), Submission No. 163 (Australian Deafness Foundation), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian National Council of and for the Blind).

215. *Transcript of Evidence*, p. 1381 (ACROD, quoting a press release of the then Treasurer, Paul Keating, MP).

216. *Ronalds 2*, p. 17.

at about 5.00 in the morning. For a lot of people this is the biggest disincentive to work and the biggest problem in actually working.²¹⁷

7.182 Some employees also require the services of personal care attendants in the workplace, to assist with toileting, for example.²¹⁸

... the situation for attendant care is extremely poor. There is no existing way for people who require attendant care to get on the job attendant care to allow themselves to undertake full time employment. There are plenty of people around who could work successfully in open employment if they could secure that kind of attendant care.

It is an extremely difficult thing for an individual to negotiate with their employer: "Can you provide me with attendant care?" The attendant care program, the home and community care program and the attendant care scheme, as we have said, should be expanded significantly to deal with that. Again, work based attendant care is a very important issue.²¹⁹

7.183 Such need can involve considerable financial expenditure, the bulk of which is carried by the person with the disability; the cost of personal attendant care is claimable as a tax rebate but only at one-third of this personal expenditure.²²⁰

The cost at those hours of the morning of care, for example through a private home care service, may be as high as \$46 a morning. This is particularly difficult because in the case of a person with spinal cord injury, bowel management procedures may need to be attended to perhaps three to four times a week in the morning, so that represents a very significant cost.²²¹

7.184 Employer and employee may not always be able to negotiate their way around such difficulties, and the employment opportunities of people with disabilities may suffer as a result. When they can negotiate successfully, the employer's concerns may dissipate as the person requiring such assistance may also be able to demonstrate good time management.

217. *Transcript of Evidence*, p. 5099 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

218. *Ronalds 2*, p. 14.

219. *Transcript of Evidence*, p. 5605 (DEAC – Disability Employment Action Centre).

220. *Transcript of Evidence*, pp. 1424-1426 (ACROD Limited).

221. *Transcript of Evidence*, p. 5099 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

Employers then tend to have an appreciation of the degree of personal organisation that many people with a severe physical disability have to have achieved in order to get to a point where they can apply for a job.²²²

One of the things that employers really worry about is interruptions to productivity if a person with a disability needs assistance to use the toilet, to get a cup of tea, or something like that. Indeed, in some cases of physical disablement a person may need quite a deal of help – perhaps two or three hours in total of care – in order to get through a reasonably normally productive working day. Employers seem to be very worried about that, and I think that the extension of the existing Commonwealth attendant care scheme to include access to attendant care whilst on the job would be a big incentive not only to the people with disability but also as a way of alleviating the worries of employers about productivity losses because of personal care needs.²²³

7.185 Attendant care services are sometimes not available to cater adequately for the needs of employed people with disabilities. For example, a person with a disability may need attendant care service from five o'clock in the morning in order to be ready to start work at 7 o'clock, but attendant care services may not be available until after 6 a.m.

7.186 The DHH&CS funded a pilot work-based personal care service in two States (Queensland and Victoria) in 1991/92. Fifty people are provided with services in these pilots; care is provided either by organisations which are expanding through the provision of personal care, or by individual personal care attendants who work at an individual's place of employment as well as in the community. The pilot has been funded to the level of \$350,000 (including \$50,000 for evaluation). A maximum of 10 hours of support per week is provided. At present, the service is primarily in urban areas.

Recommendation

The Committee RECOMMENDS:

21. That, when personal care services are being developed and evaluated, priority should be given to ensuring that services that are being provided for those people who are employed are relevant to their special needs. This may include the availability of personal care at irregular hours.

222. *Transcript of Evidence*, p. 5100 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

223. *Transcript of Evidence*, pp. 5100-1 (The Paraplegic and Quadriplegic Association of South Australia Inc.).

Special leave

7.187 Employed people with disabilities may require the services of a variety of health and medical professionals in order to remain physically fit for work. Unfortunately, many such professionals are only available during normal working hours, and people with disabilities who have a need for their services must take time off work in order to be able to see them. This can create some difficulties at work, but, as the author of one submission argued, because maintenance of such medical appointments enables people with disabilities to keep working, a certain amount of absence from work should perhaps be accepted as legitimate²²⁴, or flexible work hours arranged.

7.188 Others have discussed the need for special leave to be available in order that necessary appointments can be met during working hours.

Very often people with disability need to be away from employment as a particular result of their disability. This could be problems with pressure sores, the fitting of an artificial limb or mechanical problems associated with aids and appliances, for example wheelchairs, hearing aids, et cetera.²²⁵

7.189 Another submission to the inquiry from the National Women's Consultative Committee recommended that workers with disabilities be granted more generous sick leave provisions to accommodate their particular need for 'enabling' therapeutic attention.²²⁶

Recommendation

The Committee RECOMMENDS:

22. That employers, including the Australian Public Service, should consider the granting of more generous special leave provisions for employed people with disabilities for medical or similar appointments that cannot be met within ordinary working hours. Appropriate certification should be supplied to authenticate any special leave taken. Employers should also be educated to accept the importance of accommodating particular needs of employees with disabilities in ways such as flexible hours, as in the Australian Public Service, and assistance from co-workers.

224. Submission No. 28, p. 6 (Mr I. Dalwood).

225. *Transcript of Evidence*, p. 4446 (Disabled Peoples' International (Queensland Branch)).

226. Submission No. 210, p. 5 (National Women's Consultative Council).

Workplace technology and modifications

7.190 While much of the technology which can be employed to improve the accessibility of workplaces to people with disabilities is very simple and inexpensive²²⁷, it is also true that much state-of-the-art technology available to modify workplaces is complex and costly. For workers with a visual impairment, for example, the main items which may need to be purchased for the workplace include closed-circuit television reading systems and adaptive equipment for computers, the combined costs of which have been estimated at between \$6000-\$8000.²²⁸ Unfortunately, partly because of this cost factor, much potentially valuable technology is not made available to people with disabilities in the workplace.

7.191 Numerous submissions²²⁹ referred to the inadequacies of previous funding mechanisms available to assist employers with the cost of modifying workplaces for people with disabilities. The amount of money available per claim (\$2000) was set in 1981, and this was seen as inadequate to cover the costs of necessary technology. The Government announced in the 1990-91 Budget Statement that it would be increasing the amount of money allocated to employers for workplace modification through programs such as Jobstart, to \$5000²³⁰, and this increased amount has been available from 12 November 1991.

7.192 Even where funding mechanisms for workplace modification are available, employers are often not aware of them. One submission pointed out, for example, that the Commonwealth Rehabilitation Service has a provision whereby it will (under certain conditions) provide aids where the employment of a person with disabilities is in jeopardy. However, as the submission stated, there is little awareness of the existence of this provision and 'the program is no doubt under-utilized'.²³¹ Such lack of awareness suggests a need to improve the publicity given to these schemes.

227. Submission No. 67, p. 1 (Technical Aid to the Disabled).

228. Submission No. 120, p. 4 (Competitive Employment Interagency of NSW).

229. Submission No. 27 (ACROD Limited), Submission No. 73 (Royal Victorian Institute for the Blind), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 93 (Mrs M. Carter), Submission No. 95 (Arthritis Foundation of Australia), Submission No. 120 (Competitive Employment Interagency of NSW), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian National Council of and for the Blind).

230. This level was recommended in Submission No. 27 (ACROD Limited), Submission No. 73 (Royal Victorian Institute for the Blind), Submission No. 74 (Royal Blind Society of New South Wales), Submission No. 120 (Competitive Employment Interagency of NSW), Submission No. 172 (Office of the Director of Equal Opportunity in Public Employment), Submission No. 185 (Australian Deafness Council of and for the Blind). See also DSS, *New Opportunities for People with Disabilities*, August, 1990, p. 9.

231. Submission No. 73, p. 14 (Royal Victorian Institute for the Blind).

7.193 Perhaps related to the lack of awareness of available schemes is the issue, raised earlier in this report, of the trend towards decentralisation in the Commonwealth Public Service. In an earlier chapter, the effect of the devolution of responsibility for EEO matters to individual departments was seen as having an effect with particular reference being made to the consequences of the demise of schemes such as TEDCEP.²³² This was a Commonwealth funding mechanism for the provision of relevant equipment to departments to facilitate the integration of people with disabilities into the public service.²³³ It was noted that work adjustment costs, previously borne by the Commonwealth through schemes such as TEDCEP, now had to be carried by individual departments, and that this would work against Departments making a positive effort to employ people with disabilities.²³⁴

7.194 Devolution of responsibility for arrangements concerning the purchase of specialised equipment has led to a situation where it is not always clear what can or should be done in order to secure relevant equipment or funds for appropriate equipment. As one submission stated:

While understanding the philosophy of devolution of responsibility for employment of disabled people to individual departments, the RVIB (Royal Victorian Institute for the Blind) views with concern the gap between the centralized TEDCEP Commonwealth scheme [and] the unpredictability of the current ad-hoc equipment supply arrangements. It is suggested that there is room for a more planned approach offering more hope and consistency for the disabled person . . .²³⁵

7.195 As recommended above²³⁶ a planned approach might include a centralised leasing funding system through which departments could lease equipment as required.²³⁷ Access to such a system would remove a financial barrier to departments' recruitment of people with disabilities, thereby promoting the reasonable accommodation of people with disabilities in the public sector workforce. Such a system might employ rehabilitation engineers to advise on modifications and equipment that might be appropriate in specific instances.²³⁸

232. TEDCEP – Technical Equipment for Disabled Commonwealth Employees Program.

233. See above, Paragraph 3.101.

234. *Transcript of Evidence*, p. 4807 (Disability Advisory Council of Australia). See Paragraph 3.101.

235. Submission No. 73, p. 19 (Royal Victorian Institute for the Blind).

236. See above, Paragraph 3.108.

237. See Submission No. 73, p. 20 (Royal Victorian Institute for the Blind).

238. The importance of such engineering services was highlighted in Submission No. 67, p. 1 (Technical Aid to the Disabled) and Submission No. 179 (The Crippled Children's Association of S.A. Inc., Regency Park Centre for the Young Disabled).

7.196 The development of such a centralised equipment system should also address the practical difficulties presently encountered by departments and people with disabilities in the supply of technical aids in the workplace. The difficulties that can arise include problems caused by the amount of time it can take to secure equipment after it has been ordered, and others relating to the ultimate ownership of special equipment.

7.197 Sometimes, as one submission pointed out²³⁹, people with disabilities miss out on jobs because employers are not able or willing to wait for funds to be approved for the purchase of needed equipment before they fill a position. Ownership of property creates problems which are critical for people with disabilities and could be contentious in a workplace. Where equipment has been extremely difficult to obtain and is indispensable to the work of a person with a disability, those who require it may feel pressured to stay in the position where their equipment is available, rather than move on to another position, even if this represents a promotion. If there is no special equipment in the new position and a prospect of a long delay in obtaining this, mobility is limited. Where an individual has already been the recipient of a grant for special equipment, he or she may not be eligible to receive another one.²⁴⁰ Where an employee has to leave a piece of equipment behind because the employer is deemed to be the rightful owner of the appliance, and the equipment is then left unused, this can be particularly wasteful.²⁴¹

7.198 The development of a centralised system for the leasing of specialised equipment could help ensure that delays in accessing necessary equipment do not contribute to indirect discrimination against people with disabilities in the workplace. Necessary specialised equipment could be more readily available thus assisting employers to hire people with disabilities and helping employees with disabilities to avail themselves of other employment opportunities.

7.199 At the recommendation following paragraph 3.108 the Committee recommended that the Australian Public Service develop (under the Department of Administrative Services if required) an equipment-lease system (such as that available to employers participating in labour-market programs) in order to provide the more expensive equipment required by people with disabilities wishing to undertake employment. The Committee strongly recommends that such a scheme should be extended to State and Territory government departments.

Funding initiatives

7.200 The issues considered above relate primarily to the provision of services to people with disabilities who are or who could be, in the paid workforce, often full-

239. Submission No. 74, p. 2 (Royal Blind Society of New South Wales).

240. *Ronalds 2*, p. 15.

241. Submission No. 185, p. 3 (Australian National Council of and for the Blind).

time. Some people with severe or multiple disabilities may never be able to enter the paid workforce, or may do so only to a minor degree. For those who are able to participate in more flexible employment schemes, part of the 'additional' costs of care required may be met by the service provider or may be purchased through funds provided to the individual.²⁴² This is no doubt an important step, but its extension to all persons with severe or multiple disabilities who *want* to be in paid employment is likely to be extremely gradual, partly because of the very high costs in cases where care recipients will continue to need such services.

When someone needs one-to-one support, that is a lot more expensive than someone who needs someone coming in for a couple of hours in the morning and in the evening. People with severe disabilities will always need support, and a lot of support, and they do not become independent so that service cannot withdraw. A lot of services are funded on the basis that they will eventually withdraw from one client and go on to another person and be able to provide that service. In reality that does not happen.²⁴³

Recommendation

The Committee RECOMMENDS:

23. That funding for support services for people with severe disabilities be increased annually in real terms in order gradually to increase the number of such people in employment. It will be necessary to provide such support in the public sector, for example, in order for increased employment opportunities in that area to be viable.

A. Olive Zakharov

Senator A. Olive Zakharov
Chairperson

April 1992

242. See Paragraphs 6.271-6.273.

243. *Transcript of Evidence*, p. 5070 (Southern Regional Planning Groups for People with Disabilities).