

Brain Injury Australia

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Senator Troeth
Chair, Senate Standing Committee on Employment, Workplace Relations
and Education
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Via email to: EET.Sen@aph.gov.au

Inquiry into the *Social Security Amendment (2007 Measures No. 2) Bill 2007*

Dear Senator Troeth,

Brain Injury Australia (BIA) is the national peak body representing the rights, interests and needs of people with an acquired brain injury (ABI) in Australia. BIA works to ensure that all people living with an ABI have access to the supports and resources required to optimise each person's social and economic participation in the community. BIA is funded by the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people with ABI and their families and carers.

Statistical data analysis undertaken on behalf of BIA by the Australian Institute of Health and Welfare (AIHW) indicated that in 2003 there were at minimum, just under half a million people identified as having an ABI. However, ABI is commonly called 'the invisible disability' as it can often go undiagnosed, even in situations of high risk and/or crisis. It is likely that the actual prevalence is significantly higher than that captured in the data of the Australian Bureau of Statistics. Further analysis of disability service user profile by the AIHW found high levels of unmet need, and, when compared with all disability groups, that people with an ABI are far more likely to have multiple conditions including mental health problems and substance abuse issues. People with an ABI are a particularly vulnerable group because of the far reaching and lifelong impacts associated with this disability such as short term memory loss and difficulties with processing and ordering information and problem solving.

BIA is a member of the Australian Federation of Disability Organisations (AFDO) and endorses AFDO's response to this Inquiry.

BIA has actively advocated for the rights and interests of people with ABI in a number of national forums including its role as an ongoing member of the Centrelink Disability Customer Reference Group (a national disability advisory group for Centrelink). BIA has consistently raised a number of concerns in relation to aspects of the Welfare to Work strategy, and more particular in regard to Job Capacity Assessors and Job Capacity Assessments.

Unfortunately the very hurried consultation timelines do not allow for a detailed response to the *Social Security Amendment (2007 Measures No. 2) Bill 2007* at this time. However the brief comments which follow do highlight a number of the concerns BIA has about the Bill.

1) *Impairment Tables Assessments*

As indicated previously, ABI is a complex, multi-faceted disability and some impacts, such as cognitive impairment, are generally poorly understood, confused with intellectual disability or mental illness, or in the worst case scenario, not acknowledged at all. Currently there is no ABI training provided to Job Capacity Assessors, and despite this matter being raised by BIA several times over the past eighteen months, there is no intention to introduce ABI specific training and education in the foreseeable future.

BIA is already aware of the impact this is having on our disability population when they are required to participate in a Job Capacity Assessment. Difficulties with concentration, memory, comprehension, literacy and communication have at times been assessed as a lack of interest or motivation. Further, some individuals who have no physically visible component of their ABI run the risk of being assessed at a level far beyond their true capacity. Without a professional understanding of ABI and its impacts the Job Capacity Assessor is not in a position to firstly assess the level of capacity, and secondly identify the barriers and supports which may impact on the success or otherwise of the individual's endeavours.

There will also be a group amongst this population whose ABI has not yet been identified, and the Job Capacity Assessor needs to be in a position to identify the potential disability and to know what further clinical/diagnostic assessments may be required and where to get them.

BIA is concerned that the amendment proposes removing the role of medical officers completely from the determination of impairment ratings. General Practitioners and specialist neuropsychiatrists, dual disability psychiatrists and psychologists play a significant role in identifying the existence of ABI and details the impacts at the individual level, given the diversity of impact.

BIA recognizes that the Secretary currently reserves the final decision relating a work capacity assessment (and thus does not require the authorization of a medical officer). However BIA is concerned that the proposed change, if implemented, will remove *any* possibility of a more comprehensive assessment that might include the view of a medical officer, and thus may compromise the effectiveness of the assessment process for some people with disability, particularly individuals with an ABI.

Unfortunately time does not permit comment on the *Use of Legislative Instrument for Work Capacity Agreement Guidelines*.

BIA asks that you give serious consideration to the issues and concerns we raise when redrafting the *Social Security Amendment (2007 Measures No. 2) Bill 2007*. If you require further information, please contact Lyndall Grimshaw, Executive Officer, Brain Injury Australia on 03 9497 8074 or 0417 373 622 or via email at lyndallg@bia.net.au.

Yours sincerely

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