



Inclusion Australia

acting locally - representing nationally - connecting globally

Stranded in my home

all funded up but

no way to get out and about

Inclusion Australia

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Inclusion Australia has over 5,000 members representing all 8 states and territories. In addition to having people with intellectual disability on our Board, Inclusion Australia receives policy advice from Our Voice. Our Voice is a committee of Inclusion Australia's Board, the membership of which is exclusively people with intellectual disability representing all states and territories.

Inclusion Australia is the recognised national peak body with the single focus on intellectual disability, i.e., our actions and priorities centre on issues that affect the lives of people with intellectual disability and their families.

Inclusion Australia's mission is to work to make the Australian community one in which people with intellectual disability are involved and accepted as equal participating members. We do this by:

- listening to people with intellectual disability and their families
- promoting and upholding the UN Convention on the Rights of Persons with Disabilities
- developing and promoting creative policies and practices
- speaking to politicians, public servants, business and community leaders about the lives of people with intellectual disability and their right to have equality of opportunity

Inclusion Australia is a social profit organisation and was created in 1971 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.

Statement of Principles

- All people have inherent dignity and worth and equal and inalienable rights.
- All people are valued members of the Australian Community.
- People with intellectual disability as equal participating members of the Australian Community have the same rights:
 - to respect for their individual autonomy and independence
 - to make their own choices
 - to participate in decisions which affect their lives
 - to pursue any grievance which affects their lives
 - to diversity of choice for housing, education, work, recreation and leisure
 - to equity and justice
 - to be empowered to take their full place in the Australian Community
 - to dignity and privacy in all aspects of their lives

Introduction

Inclusion Australia would like to thank the Senate Standing Committee on Community Affairs for the opportunity to make this submission in response to the Social Services Legislation Amendment Act (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 (Mobility Allowance Bill).

Transport access, training, and ongoing support have an enormous impact on the capacity of people with intellectual disability to participate in the workforce and in the community.

Many people with intellectual disability rely on the current Mobility Allowance to cover the additional cost due to their disability in travelling to work, looking for work, and engaging with training to build work skills.

This submission addresses Inclusion Australia's concerns regarding the Mobility Allowance Bill (Part One) and the related consequences that have occurred in regions that have rolled out the NDIS (Part Two).

Part One

Inclusion Australia does not support the discontinuation of the mobility allowance.

Access to support for additional transport costs due to disability is critical for the full inclusion of people with disability in the Australian community and is a key element of the National Disability Strategy (NDS).

The ending of the Mobility Allowance, and the limitation of transport support only for people who are eligible for the NDIS, undermines the NDS and Australia's commitment to the United Nations' Convention on the Rights of Persons with Disabilities (UNCRPD).

It is Inclusion Australia's preferred position that:

- ***the Mobility Allowance remain, with the current criteria, for people with disability who are not deemed to be eligible for the NDIS; and that,***
- ***the NDIS fully fund the 'reasonable and necessary' transport needs of NDIS participants; which,***
 - ***is consistent with the current Mobility Allowance criteria, and,***
 - ***ensures that current Mobility Allowance recipients are not disadvantaged by the transition of this funding support to the NDIS***

If the Senate considers passing the Mobility Allowance Bill then Inclusion Australia has the following comments.

The Continuity of Supports “arrangements”

There is a lack of clarity in the Bill with regard to the arrangements for the *continuity of supports* for individuals not registering, or eligible, or exiting the National Disability Insurance Scheme (NDIS).

The Bill needs to clarify and define what meant by a “continuity of supports” to provide certainty and confidence for people with disabilities that need transport support but who are not eligible for the NDIS.

This lack of clarity is causing great concern for people with intellectual disability and their families with the real fear that they will ‘fall between the cracks’ with the Commonwealth and States each expecting each other to provide the necessary transport support funding.

It must be a requirement of that the ‘continuity of supports’ arrangements are finalised between the jurisdictions before the Senate pass the Mobility Allowance Bill.

The Mobility Allowance ‘grace’ period.

Currently, Mobility Allowance recipients may continue to keep their Mobility Allowance payments for twelve weeks after they stop participating in an approved activity. The Bill is proposing to reduce this grace period to 4 weeks.

The current twelve week ‘grace’ period must remain to give people with disability the maximum opportunity to change their transport support arrangements following periods of work, looking for work, or completing training. A twelve week period ensures that people with intellectual disability and their families have sufficient support and time to address changes to their transport needs.

Job Search and Job related activities

We are concerned that the proposed changes to the eligibility criteria would limit qualification to gainful employment or vocational training. The current qualification includes independent living skills training, voluntary employment, and job search activities as part of a program of support such as the Disability Employment Services program.

The proposed changes will make it more difficult for people with disability to find a job and is contrary to the expressed intention of the National Disability Strategy and the UNCRPD aimed at providing necessary supports to assist people with disability to have an equal opportunity to participate in employment.

For the Mobility Allowance and the 'continuity of supports' to be consistent with the NDS and the UNCRPD the current criteria must be maintained.

Community Transport

In NSW,, Community Transport will not be provided to people with a disability as that funding has been handed to the Federal government as part of the NSW contribution to the NDIS.

For people with a disability, particularly those living in regional areas where Community Transport is often the only means of transport, the removal of this support without any alternative will profoundly diminish the capacity of people with disabilities to be included in employment and their community.

Therefore, when community transport ceases to be provided for people with disability, it will significantly hinder access to the community. Although it is clear that State and Territory Governments have primary responsibility for transport, the Commonwealth has a significant role to play in ensuring that funding is available to ensure people with disability can access their communities and participate, particularly in regional and rural areas. Without transport as a core part of the NDIS and mobility allowance being retained, the NDIS will fail to achieve the purpose of the NDIS of full participation.

Our Recommendation

The scope of the Mobility Allowance Bill must be restricted to those people with disability who are deemed to be eligible for the NDIS and who have transport funded as part of their funding package.

The current Mobility Allowance payment and criteria should remain in place for people with disability who require this support to assist with the additional transport costs with employment participation and employment preparation activities.

Community Transport and Taxi Subsidy Schemes must not be 'sacrificed' to pay for the NDIS at the expense of people with disability who are not eligible to be NDIS participants and need transport support to be able to socially and economically participate in their community.

Part Two

The Transition of the Mobility Allowance to the NDIS

The Mobility Allowance is currently paid directly to an eligible recipient from Centrelink. When Mobility Allowance recipients register with the NDIS, NDIS plans will include any reasonable and necessary transport related funded supports. You cannot receive Mobility Allowance once you have a plan with the NDIS. This transition of the Mobility Allowance to “transport related funded supports” in NDIS plans has already commenced in locations that have transitioned to the NDIS.

The current qualification for the Mobility Allowance is for people with disability who are “unable to use public transport without substantial assistance because of disability, illness or injury”, “to travel to and from home to paid work, voluntary work, study or training, or to look for work”.

Similarly, an NDIS participant can access transport assistance if they “cannot use public transport without substantial difficulty due their disability”. The transport payment has three levels of payment each with separate criteria attached, and one higher level for those with exceptional circumstances.

Inclusion Australia would like to see the NDIS use the same assessment of “inability to use public transport” as currently used by Centrelink to determine NDIS transport funding. This will ensure that Mobility Assistance recipients moving to the NDIS will receive an equivalent level of transport funding. It will also ensure that new NDIS participants who are not currently receiving Mobility Assistance will not be treated differently.

The current Centrelink assessment of an inability to use public transport is based on a treating doctor’s report against a scale of 1 through to 5. An inability to use public transport is generally satisfied if the report rates an applicant at 4 or above.

The assessment is about a person’s ability to use public transport without assistance at ANY place and time. For example, “A person with an intellectual disability may learn to catch the same bus at the same time each day, but would not be able to use public transport on an unfamiliar route.”

Our experience to date with NDIS plans is that the level of transport assistance that participants with intellectual disability receive has become unclear, inconsistent, and reliant on the interpretation, knowledge and experience of NDIS planners. As a result we have receive the following concerns from NDIS participants and their families;

- persons with intellectual disability incorrectly assessed as being able to travel on public transport without “substantial difficulty” and either declined payment or allocated the Transport Payment at the lowest level.
- people with a significant intellectual disability, who are employed, assessed for the Transport Payment at the lowest or incorrect level of funding

The impact of these changes in payment eligibility and levels will reduce an individual’s ability to participate in employment activities.

It is important that the shift of the Mobility Allowance payment from Centrelink to the NDIS results in current recipients receiving similar levels of payment based on the same qualification criteria. This will ensure that there is no disadvantage for current Mobility Allowance recipients and that future NDIS participants are treated the same as older participants.

Families transporting their family members.

Families who transport their own family member are finding some inflexibility in having this cost recognised as a reasonable and necessary cost to be included in NDIS transport assistance.

In NDIS planning meeting families are having to strongly argue their case for transport costs. This is especially distressing for those families facing limited public transport options and additional costs due to their family member’s needs and location.

It is the view of Inclusion Australia that transport support provided by family members that goes beyond what would be typically experienced by family members, due to disability and available public transport options, should be considered a reasonable and necessary part of NDIS transport funding assistance plans.

Clarity and consistency in applying NDIS Transport Payment levels

There is inconsistency in the application of the NDIS Transport Payment levels leading some families to be disadvantaged.

This situation is occurring where the Transport Payment level allocated does not reflect the real transportation costs. People living in rural and regional areas are especially impacted by this process.

The Transport Payment criteria also favours participants who use formal services compared with participants who organise their own employment or community participation frequently being given the lowest level of funding.

In conclusion

We recommend that;

1. The Mobility Allowance remains in place
2. The current criteria for the Mobility Allowance be the same criteria used for
 - a. the NDIS Transport Payments, and,
 - b. the 'Continuity of Supports' arrangements.
3. That the "arrangements" for Continuity of Supports be more clearly defined.
4. A person who exits the NDIS should remain eligible for Mobility Allowance or the Continuity of Supports.
5. A clearer and more equitable definition for each Transport Payment level be described particularly for those Self managing or under Plan Management where the current criteria results in the family receiving the lowest rate.
6. Where families take on the role of transport provider this should be acknowledged as a reasonable and necessary transport support to be included in the consideration of the NDIS plan for transport assistance.
7. That the new policy should ensure that the current positive employment outcomes and practices are not harmed.