

Peel Community Legal Services Inc. submission to Commonwealth Risk Management Inquiry based on Auditor-General's report 18 (2015-16)

Auditor-General Reports 11-37 (2015-16) and 1-19 (2016-17) on 13 October 2016, the Joint Committee of Public Accounts and Audit resolved to conduct an inquiry based on any items, matters or circumstances connected with the following Auditor-General report:

- [No. 18 \(2015-16\) *Qualifying for the Disability Support Pension*](#)

Submission

Three case studies have been identified by Peel Community Legal Services Inc. for the purpose of the above enquiry. The case studies are all regarding people who have significant disabilities that exclude them from participating in work. Peel Community Legal Services Inc. has seen a recent increase in people requiring advice regarding Disability Support Pension (DSP) applications, refusals and appeals.

Two case studies provided with names included are happy to provide personal details, the third was not happy for his personal information sharing hence XY.

Three case studies are provided:

1. The first case study is a man at the end of his life suffering from cancer and chronic heart disease who is under palliative care. (Page 3)
2. The second case study is a woman with cerebral palsy who uses a wheel chair and whose disability affects her speech and cognitive thought processes. All three have been refused a disability support pension (DSP) due to either not qualifying under the points system or not completing a program of support. (Page 4)
3. The third case study is a man who is a double leg amputee with one arm and in chronic pain. (Page 5)

All three cases have:

- Provided relevant medical evidence or reports that clearly stated they could not work.
- Appealed the decision and were unsuccessful.
- The Job Capacity Assessor appearing to have more weight in the decision for DSP than an expert in that person's field of disability.
- Have been unemployed for significant time periods,

The purpose of the submission is to question:

1. The complexity of the DSP process.
2. The training and medical expertise of Job Capacity Assessors (JCA).
3. The expertise of JCA's in a medical area which is not their vocation.
4. The ability of JCA's in awarding points in a correct and fair manner.
5. The ability of JCA's to assess cases over the phone with no face to face meeting.
6. Why medical evidence presented by a qualified specialist for the applicant is not given the merit it should be.
7. The weighting of the JCA's report in rejecting claims.

8. The points system that is not flexible enough for a common-sense approach.
9. Procedural fairness that excludes the most vulnerable members of society from DSP.
10. The cost to Centrelink due to the system's complexity, including numerous communications to individuals, documentation and engagement of allied health specialists
11. The time and cost to applicants in gaining medical evidence that is often rejected due to the specialist not being sufficiently aware the required structure of the report.
12. The time and cost of medical experts is unjustified by it having little impact on the final decision.