

Submission to the National Disability Insurance Scheme Bill 2012

NDIS and Future Accommodation Needs

A fully implemented NDIS will see unprecedented demand for accommodation. As funding for support becomes a right and not a privilege all levels of accommodation from group homes to independent living with support will be in demand.

With the knowledge that this will bring increased pressure on an already failing Public Housing sector, many parents will plan ahead to make private provision for their family member.

Of those who will be able to live independently some will be capable of managing their own affairs, i.e. they are able to read, understand monetary values and enter into legal contracts. However, many whom are capable of living independently with support will, due to their disability be incapable of managing their own affairs.

Unfortunately, as Commonwealth and State Laws currently stand the recipients of NDIS support who are unable to manage their own affairs will be financially penalised in many situations when it comes to property purchase.

As their disability may make it illegal and unwise (due to their vulnerability) to title THEIR OWN HOME in their own name, parents or carers may elect to hold the property in their names or use a Special Disability Trust (SDT) for this purpose.

First Home Owner Grant and Stamp Duty.

If the property is not titled in the name of the person with the disability, entitlement to First Home Owners Grant and relief from payment of Stamp Duty may be denied. They may be achievable if it can be demonstrated that the property has been purchased in Trust for the family member but it is not a straight forward easy path.

If the purchase is made in a SDT, First Home Owner Grant is denied, this is despite a recommendation from a previous Senate Committee into SDT matters that such benefit should apply. (In Western Australia the benefit may apply).

Recommendations:

- If a property is being purchased for someone who is in receipt of NDIS support funding and that person is unable due to their disability to have the property titled in their name, First Home Owner Grant and relief of Stamp Duty should apply to that purchase.
- That a property purchased as a place of residence for the Beneficiary of a SDT be entitled to receive First Home Owners Grant and be given relief of payment of Stamp Duty.

Contributing financially to the purchase of THEIR OWN HOME.

It is not uncommon for a family member with a disability living at home for many years to have substantial personal savings, it would be a natural pathway to follow to utilise those savings towards the purchase of THEIR OWN HOME.

However, if the property is not titled in the name of the family member any monetary contribution they make will be treated by Centrelink under the Gifting Rules and if the amount is substantial they will be penalised by having their pension reduced accordingly.

If the property is purchased by a Special Disability Trust it is currently illegal for the beneficiary of that Trust to contribute their personal savings to their Trust for the purpose of assisting to purchase THEIR OWN HOME.

All of this will occur because they are unable to manage their own affairs. To treat them this way can only raise **the discrimination word**.

Recommendations:

- If it can be clearly demonstrated that a property is being purchased for someone with a disability who is in receipt of NDIS support and is unable to have that property titled in their name, their personal savings can be utilised towards the purchase of that property without incurring Centrelink Gifting penalties.
- That if a Special Disability Trust is purchasing a property in which the Beneficiary is to reside the Beneficiary be given the right to contribute their personal savings to the Trust towards the purchase of that property. This contribution would be made without incurring Centrelink Gifting penalties.

I agree for my Submission to be made public.

Regards, Ray Walter.