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Senate Inquiry Submission

For the Senate Inquiry into the:-

Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014
and Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill
2014

Honourable Committee Members,

This submission is in response to the following question without notice, primarily the section relating to exemptions, and Ms. S. Wilson's answer regarding it, where she stated, "**Somebody with a "very" severe impairment and no capacity to work has unlimited portability.**", though I respectfully suggest at this early juncture, this is only in certain, somewhat limiting circumstances and secondly to the question of the **proposed lowering of the portability period, down to four weeks in one calendar year.**

Through research I have personally identified a section of stock, who, though having the same qualifications as another, are not as easily exempted. Why? Put simply,(1) because they are not going to an agreement country and I fully understand in those cases there is no immediate monetary value to the government, however there should be more to governing than simple monetary gain. To give equality, fairness and compassion to Disabled Australians who have family, happiness, and peace of mind for instance, but because of disparity, many of these are being frightened away from applying for Indefinite/Unlimited Portability, thereby being denied their basic human needs by the government, frightened, (2), because of former legislation, which seems to have been deliberately designed to leave many behind, making it difficult if not impossible; with the very real possibility of losing their welfare, if they have a genuine need to apply, or, to be left eligible to receive payments indefinitely, if they do not.

<http://guides.dss.gov.au/guide-social-security-law/7/1/2/10>

Research shows:- For portion A of the stock there are generally two standard portability periods, an indefinite portability period without the need for a medical reassessment under the current post December 2002 manifest criteria, and the second portability period available to all recipients. Certain rules apply to recipients who are covered by an International Social Security Agreement and going to an Agreement Country, that are much different for Portion B. Therefore Portion B are being hobbled in regards to the same privilege, i.e. to spend necessary periods of time overseas, albeit in a non agreement country, without being castigated. For portion B of the stock to be eligible for Indefinite Portability, the rules state:- a DSP recipient must: have a severe impairment which will persist at this level for at least the next 5 years (i.e. no significant improvement is expected to the level of impairment within this period), and have no future work capacity, that is to be prevented by their impairment from performing any work independently of a program of support within the next 5 years, "**or**" be assessed as manifestly eligible for DSP **under the current** post December 2002 manifest criteria i.e. A person's impairment is a *severe impairment* if the person's

impairment is of 20 points or more under the Impairment Tables, of which 20 points or more are under a single Impairment Table.

Reading the descriptors is misleading. They indicate an "or" scenario, however individuals in the 5 years sphere have not qualified for IP in many instances, through not meeting the latter qualifications. I would like yourselves to have this clarified by the department and the numbers affected please, if they have them. The former must have the latter; because the department can, C'mon now!

Portion A of the stock, has to be reassessed here:- <http://guides.dss.gov.au/guide-social-security-law/6/2/5/03>, though, through explanations differing from office to office, perhaps it is sometimes only by ARO review, to be able to avail themselves of Indefinite Portability, without the need to go through the rigorous medical assessment pointed out previously. Please consider the disparity here, particularly against the Portion B applicants. A check reveals the agreement countries are closely aligned to our Allies; Europe, America, primarily Christian Countries, to better manage our National Security one would suspect, and quite rightly so too, in the current global climate. There are two sections of Part B stock, they are the "Terminally Ill," and the "Severely Disabled," and the post December 2002 manifest criteria is applied too these?. How can the two vastly different processes, be considered fair in any way, to the Group B stock?

If any merit is to be found in this submission I respectfully ask due consideration be given, to the drawing up and adding of a List of Approved Countries, as an adjunct to the Agreement Countries for the Unlimited Provisions. Perhaps aligned with the Asia/Pacific region, our Trading Partners and near neighbours in the ASEAN Community. It is one thing to be extremely alert to Jihadists, but quite another again, to feel a certain need to be overly concerned or overtly cautious toward Buddhists or Catholics from the Philippines. The Reds Under Beds scare was decades ago. Certain friends in our Medical Fraternity could very well consider such thinking, as bordering on Paranoia at the very least, if that is indeed what is behind the government's rationale in this matter, and it could be extremely concerning to the voting public, should stress be allowed to lead to a schizophrenic episode amongst the Hon. Members of the Lower House, although many in the community already consider this to be so. But I digress, so surely:-

There must be far better means in this day and age for keeping track of the stock; through electronic monitoring, for locating and bringing to heel those errants who would bring Australia and it's good name into disrepute, surely methods would be available; and far better options too, than through the former actions and the further limiting of portability to four weeks in a calendar year, further isolating the target group from any meaningful human interaction, in many instances.

The Particular Question in Question:-

Senator SIEWERT: I have one other question in this area, not on notice. **What is the justification for the cutting of the six weeks to four weeks for being away overseas?**

Ms S Wilson: There was a concern that people on disability support pension were accessing the payment when not resident in Australia and having excess portability. So the desire was to tighten the provision.

Senator SIEWERT: I thought it was tightened not long ago, to six weeks, wasn't it?

Ms S Wilson: It was tightened to six weeks from 13 in the year before last.

Senator SIEWERT: What evidence have you got that people are over there whooping it up for that extra two weeks, from four weeks to six weeks?

Ms S Wilson: We can tell you how many people we anticipate it will impact on.

Ms Foster: It is estimated that about 2,000 people will stay overseas longer than four weeks each year and will need to reapply for pension.

Mr Pratt: Also, it is not just two weeks. The difference is between a maximum of four weeks in a 12-month period versus someone having up to six weeks on multiple occasions across the year.

Senator SIEWERT: So you can only have four weeks at the most?

Mr Pratt: That is right.

Ms S Wilson: In any 12-month period. Unless there are exemptions and special provisions.

Senator FIFIELD: Are the previous exemptions maintained?

Ms S Wilson: Yes.

Senator SIEWERT: I will find it on the website. I cannot remember all the exemptions off the top of my head. I know some of them.

Ms S Wilson: There are some things. **Somebody with a very severe impairment and no capacity to work has unlimited portability.** People who have a family emergency or who need to travel for their own medical treatment are not affected by this measure. So there are a range of exemptions. We can take that on notice and provide it to you.

Senator SIEWERT: Thank you, yes, maybe an up-to-date one. In the interests of needing to move on, I will put the rest of the questions on notice.

I would like to ask the Committee, to now consider the following whilst examining the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014 in general and in particular, the proposed reduction of the Disability Support Pension Portability period of six weeks multiple times per year, down to a maximum period of four weeks in one calendar year, when it was only in 2012 the Indefinite Portability option was included in the Act.

A number of Australian Disability Support Pension recipients, by reason of health benefits, supported by their General Practitioners and Allied Health Professionals, like to spend as much time as possible overseas. Perhaps they now also have foreign families, or just find it cheaper there, than to have to struggle on the pension in Australia. The health benefits are perhaps the result of the constancy of a far more stable, hotter climate, in a friendlier, much less competitive environment. After all our American friends swear by it. Florida for the cashed up, Mexico for the not so well heeled. At Home and Abroad. A life in a climate devoid of not having expectations and hope built up, then knocked down, decade after decade, or they may just be exercising their Democratic Right as a Free Australian citizen, to come and go as they please. How can there be any possible value to the Australian Government, in making these people virtual prisoners at home, taking them hostage by stealth, with sometimes no immediate remaining family here, isolated, and in remote areas of the country.

And I suspect many recipients with overseas families would concur here, the fear to those affected overseas must be quite palpable, along with the recipient's. Families being left bewildered and frightened, as to why a Rich First World country like Australia, a Good Friend, Trading Partner with Anzac Heritage ties; the people there being left wondering as to why, "Why they do like that?" The that, would be the socio economic, political dismantling of family units, through the loss of a breadwinner who was giving them a hand up and leg over, a Lifter, some in marital situations in long term relationships and sometimes with parental obligations as well. My Family and I wouldn't find this a particular good look at all for Australia Internationally, after all the Nation spends vast amounts on Overseas Aid, on NGO's with their hit and miss attitude, in their flashy cars, running their tricked out programs, fly in fly out, as opposed to having people long term on the ground, integrated into real families; giving stability to everyone's life, sometimes for the first time in their lives, and into the overall community in general, for Life.

The Unlimited Portability provision added to the Act in 2012 does not reflect the Australian

Edict of a Fair Go and the Spirit I believe, in which it was originally proposed, before being passed into law. I ask these considerations for many thousands of recipients, placed on benefits by the former Howard Coalition Government, for their own political expediency and all others, this scenario applies too.

People on the DSP must be identified as such, on departmental files, as to primarily having a permanent severe impairment, some might have future work capacity, others do not, and yet of the others clearly identified, who have No Future Work Capacity, many do not meet the requirements of the current legislation for Unlimited Portability. This would seem to indicate a significant flaw somewhere in the system. I myself consider the whole matter thoroughly bizarre, but then again I am classified as severely disabled. In one of my former lives as a water and hygiene specialist, we were required, by legislation, to install ORGT's, (Overflow Relief Gully Traps) a device which relieves pressure on waste water management systems. I hope governments of all persuasions and bureaucrats both, have allowed for, or will be enabled to, install similar devices into our welfare system, to be better equipped to help eliminate the pressure the system is now under in this regard. Research indicates Indefinite Portability applications are now taking 6+ months to process.

Because of disparity, recipients are being stifled for the right to choose where to spend the majority of their time. Abroad with a better quality of life and with families who have considered them worthy enough to adopt or isolated in homes here in Australia, scattered all round our wide brown land, some living alone. Perhaps it would be fairer for portability in general to be based on need rather than an arbitrary limit, to consider first; reasons, the age of the pensioner in regard to savings and to perhaps also developing a new range of multiple add on type portability options with specific criteria, which could streamline the whole process. Most with families overseas simply cannot afford to bring them to Australia, though even if they could, can Australia afford to have them in our current economic malaise? Consider the cost of a family of four or more on welfare here, a recipient with all current addons, against a basic single pension for those overseas. Surely there must be much more reasonable and fairer options than the ones currently available and being proposed, to give terminally ill and severely impaired DSP pensioners needing portability of any duration, a stable, beneficial, better quality of life.

Some of these recipients spend their portability time in remote villages, sometimes spent over a number of years. The disbursement of their money can mean the difference between gaining university educations for some, who upon receiving their degrees, further their studies in a country of choice, in some cases Australia, or to be left languishing in a life better not to dwell upon here, through having funds withdrawn. And in the larger centres the same applies, the businesses and families in neighbourhoods benefit manifold. Remember when we had neighbourhoods and corner stores and you could walk everywhere that mattered in five or ten minutes to meet your daily needs? I can.

To allow portability of all types in a more, rather than a less generous manner I suggest, would give substantial savings to current and future Health & Aged Care budgets and be worthy of your consideration, as well as giving due credence to this following statement; when at this time, the then Minister Macklin told parliament:-

<http://www.formerministers.dss.gov.au/13585/second-reading-speech-social-security-and-other-legislation-amendment-disability-support-pension-participation-reforms-bill-2012-parliament-house-canberra/>

"In the third measure, the Government recognises that the disability support pension is an essential safety net for those who cannot work. New, more generous, rules will allow people receiving disability support pension who have a permanent disability and no future work

capacity, to travel overseas for more than 13 weeks, while retaining access to their pension."

In this speech there is no suggestion of receiving more generous portability only by determination through rigorous assessments, or any indication, suggestion or otherwise for the need for future reductions in portability. The Senate should correct this unfair legislation and enable amendments to better reflect the Intended Spirit of the Minister's Speech, against the mean spiritedness shown by the Former Rudd/Gillard/Rudd Labour Government in its implementation, during bitter infighting, which I can see quite clearly; being reflected in the current guidelines for portability assessment.

When first reading this at the time, can you imagine the hope it gave to the refugee pensioners of the former coalition government, many of whom have been deemed eligible via reviews and found to be still eligible over many many years. Manifestly eligible, through the fact of having only minimal contact with the department, with many already being determined as:- Severely Impaired/No Future Work Capacity.

I suggest there would be substantial savings to the department should policy be allowed to reflect the intended spirit of the legislation via screen checks of clients, when advising their intention to travel who have determinations of severe impairment with no future work capacity, along with clients who have not required medical reassessment for a number of years, these would fit into the intended spirit of the legislation quite easily. Surely there would also be significant savings through not having to deal with the Initial Reassessment, Failed Assessments, ARO Appeals, JCA Appeals & SSAT Appeals against failure to attain Indefinite Portability. Can we really afford these, for clients already known to be fully eligible already?

I'd like the Committee to consider the costs to the Australian taxpayer, the Client and their Families, when restricting the movements of these people, against the minimal cost of allowing them freedom of movement in line with other welfare recipients, as well as in agreement with International Law. From reading the proposed bill, I understand that many people now on the DSP will be required to undertake retraining schemes in an effort to get them back into the workforce at some level. Expecting people who can contribute to contribute, is totally acceptable, but disabled pensioners who are considered unemployable, deemed to be of no potential use to the workforce; these clients should be allowed to live their lives with dignity and the same rights, as their agreement country siblings and their older aged Australian brothers and sisters. They have made their contributions through quite often doing work practices, which if being used today would result in massive litigation against all employers from the federal government down. In many cases it is by these very same actions, they have become eligible and have qualified for, a Deed of Grant for the DSP.

If recipients are only to be allowed the same basic leave rights as people in the workforce, just how is the 4 week period arrived at and justified? Many professionals already receive 8+ weeks, teachers 12+ weeks and miners who receive possibly the most generous leave of all, at approximately 26 weeks of leave time in one fifty two week period and the many other employees as well, who receive 6+ weeks, through savings on RDO's and combining public holidays plus the odd sickie, if it works in for them. Four weeks, once a year; Australian Inmates are allowed more portability than that, proportionally. (Weekend/Work Release.)

Recently some Disability Support Clients have been portrayed as jetsetters with overseas holiday homes, able to fly for considerable periods, so therefore how can they possibly be classified as severely impaired with no future work capacity; and yet to fly similar times within Australia to go see the game mate, say from Townsville to Gold Coast, which is a

similar travel time and three times the price, clients who regularly do these domestic trips are never vilified by the media outlets or the general public. Aged pensioners can travel unrestricted as well as the heavily taxpayer supported, self funded retirees, many of whom are far, far from the proposed new aged pension age. Though I'm sure they will line up if they are insolvent when that time comes around, after whooping it up over the intervening period.

I am a member of and regular contributor to, an online support group for Old Age, Disability Support & Carers Pensioners, where many members have been on the DSP for years, even decades, and some have spent much of this time abroad. A lot have mental health issues as well as physical disabilities from the aforementioned poor work practices. These people should tell their stories, but most will not, they are afraid of their own government and the possibility of repercussions. This is often the result of decades of government manipulation of work practices, unethical investment dealings and departmental blunders, causing severe personal hardship for the client and their families. I'm sure Welfare Rights will confirm this.

Centrelink, as a Commonwealth Service Delivery Agency should be enabled to deliver their services in a more thoughtful, caring manner when considering portability for recipients, giving due regard to the Client's Needs. The Reason, for How Long, Age, ALWR, Pension Start Date, Last Day Worked, Schooling, Worker's Comp Claims, Marriage Breakdowns, Bankruptcies, Abandoned Businesses and the list goes on & on, etc. etc.

Please let the submissions you do speak on behalf of these people, they all deserve to enjoy their lives as much as possible, in a place of their choosing, wherever that may be, and not be restricted even further, by the proposed changes, from six weeks to four or to be left stifled by an overlooked set of Disparaging Rules.

I fully acknowledge the flippancy placed in parts of this submission and apologize for any offense it may have caused to the Hon. Committee Members. It was meant to do no more than inject a small amount of humour, in a light hearted vein into what should be, a very sombre debate indeed, because I respectfully suggest to your Honourable Selves, the true root question should be:- **"Just how is it we can best represent a Fair Go to all Australian Disability Support Pensioners, in regards to Portability?"**.

Over 800,000 electors on disability support await your answers on this, along with, one could reasonably expect, the stock in OAP and the many other interested parties. As a DSP client, with all attendant qualifications, to have and receive the payment; who suffers from mental illness, and serious degenerative spinal disease, who was fully diagnosed, treated and stabilized for my mental illness, until blissfully (Anti-psychotic medication does that.) unawares I was informed:- Sorry sir, in order to leave Australia for more than six weeks, you will now have to bend over..... I had previously enquired about the six weeks and was told by Centrelink, "That doesn't apply to you sir, you can go for as long as you like." I have been somewhat unwell since then, (Stress over loss of control of your life can do that.) but I am mentally stabilized again, and blissfully fine now! Thanks. My degenerative diseases are another matter altogether, as the name implies. This is supposed to be Australia mate! The impact of the current legislation across this cohort, could have a quite significant, horrible final outcome for some, one could reasonably expect.

Facts re My Disabilities:- Depending on the disability, many of the consequences can be completely random in their timing, making it extremely difficult to perform any duty with regularity. For example:- My back problems can be prone to spasms, which can come on at any time, and be completely debilitating. These spasms don't have a tendency to come and go, on an employer's schedule. Anybody who has ever known anyone with a mental illness,

will also tell you, that episodes have a habit of being completely random in their timing, and can be brought on by just about anything.

www.aph.gov.au/~media/Estimates/Live/clac_ctte/estimates/bud_1415/Hansard/20140604.pdf p.118.

Ms S Wilson: I do not think we have that with us. This is a small group. All up we think it is going to be 28,000 of the under-35s who will be reviewed. The population under 35 is almost 140,000. So it is a fairly small proportion of the **existing stock** within this age range.

Ms. Wilson's referencing the people of Australia as "**stock**", is what really piqued my interest, and her somewhat blase answer regarding exemptions.

I do note however, a request for the "up-to-date" from Senator Siewert: "Thank you, yes, maybe an up-to-date one."

Hon. Committee Members; Please accept this as an up to date also, from a Concerned Member of the General Public, and I sincerely thank Senator Siewert for hers and Senator Fifield's interest in this matter, along with of course Your Own.

I just happened to be reading "Hansard."

"Justice (in this matter) will only be served, when those who are unaffected, are as outraged, as those (of us) who are." Benjamin Franklin.

Kind Regards

Yours Faithfully

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