

Labor Senators' Dissenting Report

1.1 Labor Senators are unclear on the need for this Bill in terms of funding support for Mobility Allowance recipients who are not eligible for the NDIS and believe further explanation is required.

1.2 While the Government has presented the Bill as investing \$46.5 million to ensure that Mobility Allowance recipients who are not eligible for the NDIS receive continuity of support, it is unclear as to why they would not receive it anyway under current legislation.

1.3 The previous Labor Government legislated to ensure that NDIS participants were no longer eligible for Mobility Allowance and this is currently the case.

1.4 This means that around 70 per cent of current recipients will transition to the NDIS, meaning that the majority of expenditure on Mobility Allowance will be returned to the Budget and can be used towards funding the NDIS.

1.5 Under current legislation, current recipients of Mobility Allowance and new claimants who meet the current eligibility criteria but are not eligible for the NDIS could continue to claim Mobility Allowance. There is no legislation other than this Bill that would cease the provision of the payment.

1.6 Labor senators are concerned that this Bill is being used as an opportunity to tighten the eligibility for the payment, which will impact on some of the most vulnerable Australians and that is not in keeping with the spirit of participation key to the NDIS.

1.7 It is not clear to Labor Senators why there is a need to provide the \$46.5 million, or to change eligibility for the current Mobility Allowance.

1.8 Labor Senators note that an explanation of this is not available from the explanatory memorandum for the Bill, the Minister's second reading speech, the Department of Social Services' submission or the 2016-17 Budget measure.

1.9 Labor Senators believe further justification for the changes to eligibility and the need for the Bill in its entirety is required.

1.10 Labor shares the Government's concern about the 30 per cent of current recipients who will not be eligible to participate in the NDIS. These are people with a disability who are unable to use public transport, and who need some assistance with the costs of specific transport in order to participate in work and community life.

1.11 In the 2013-14 Budget, Labor announced that Mobility Allowance recipients would no longer be eligible for the Allowance if they transition to the NDIS and would receive support with transport through the NDIS instead. The Labor Government also committed that current recipients not eligible for the NDIS would continue to receive the Mobility Allowance.

1.12 Labor Senators appreciate that the Government is also committed to ensure that current Mobility Allowance recipients will receive continuity of support.

1.13 However, Labor Senators are also concerned about the impact of this Bill on people into the future who are not eligible for the NDIS and who will no longer be eligible for Mobility Allowance as a result of the changes to eligibility included in this Bill.

1.14 These are people with a disability that prevents them from using public transport, who are over 65 years of age, who use transport support to participate in voluntary work or a vocational rehabilitation program, or who require support only temporarily.

1.15 Labor created the NDIS to help enable people with disability to participate in the community, including in activities other than paid work, such as volunteering. These activities are of great benefit to people's wellbeing and Labor Senators are concerned that the loss of transport assistance for those outside the NDIS could result in people being unable to participate in important activities.

1.16 Organisations that have made submissions to the Inquiry and witnesses have raised consistent concerns that Labor Senators believe require further attention. These are discussed further below.

1.17 It is important that the disability sector has consistency and stability as the roll out of the NDIS continues. Labor Senators are concerned that the hearing for this Inquiry revealed that the disability sector have not been consulted about these changes.

Key concerns

Limiting Mobility Allowance to those aged under 65

1.18 People with Disability Australia (PWDA) raised concern about the impact of this Bill on people with disabilities and related transport needs who are over the age of 65. PWDA noted the well-documented benefits of ongoing workforce participation and the increasing number of people with disabilities who are working beyond age 65.

1.19 People over 65 are not eligible for the NDIS. They will access support services through the aged care system. It is unclear how the aged care system will provide a similar support to older working people with disabilities in the absence of Mobility Allowance.¹

1.20 Organisations representing blind and vision impaired people raised particular concern about this change, as more than 75 per cent of blind or vision impaired Australians are aged over 65. This Bill would mean that blind Australians over 65 would no longer be able to access support with transport needs, with potential impacts on their ability to work and participate.²

1 People with Disability Australia, *Submission 20*.

2 Blind Citizens Australia, *Submission 7*; Blind Citizens Western Australia, *Submission 16*; Macular Disease Foundation Australia, *Submission 13*.

Removing Mobility Allowance for those undertaking voluntary work and job search activities

1.21 This Bill limits eligibility only to people who are traveling to undertake 'gainful employment' or vocational education. Recipients who wish to undertake voluntary work or vocational rehabilitation program or job search activities will no longer be able to access the payment.

1.22 Inclusion Australia has submitted that:

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.³

1.23 Additionally, Queensland Advocacy Incorporated (QAI) expressed concern about this tightening of eligibility, stating:

volunteering not only prepares people with disability for 'gainful employment' but offers social and emotional supports, relationship opportunities and a great deal of personal satisfaction and accomplishment is experienced by people contributing their time, labour, devotion, loyalty and skills to community.⁴

1.24 Labor Senators are concerned that removing these activities from the eligibility criteria is contradictory to enabling greater social and economic participation for people with disability.

1.25 Additionally, the tightening of criteria in regard to employment is not consistent with NDIS eligibility, although this is the Government's stated rationale for the eligibility changes. The NDIS does not require participants to be in paid work.

1.26 Labor Senators are concerned that the removal of the Mobility Allowance to assist with transport for purposes other than paid work will create barriers to the participation of people with disability in their communities.

Continuity of support beyond 2020

1.27 This Bill indicates that 'long-term' supports will be available to those currently receiving Mobility Allowance, who are not eligible for the NDIS, following the cessation of the payment in 2020.

1.28 However Labor Senators are concerned that more detail regarding this long term support has not been provided.

1.29 Labor Senators believe it is important that those with disability and the disability sector have certainty and stability regarding this payment in the long term.

3 Inclusion Australia, *Submission 17*.

4 Queensland Advocacy Incorporated, *Submission 12*.

1.30 Labor Senators encourage the Government to outline, in more detailed terms, the nature of the continuity of support that will be available to current recipients of the Mobility Allowance.

Transport in NDIS packages

1.31 Labor Senators note reports that NDIS packages are not adequately covering transport needs of participants. This was raised for example in the New South Wales Council of Social Service's submission.⁵

1.32 Labor notes that the intention of the NDIS is that no one should be worse off as a participant and stresses the need for the Government to ensure that plans adequately provide for the transport needs of individual participants, in accordance with the Commonwealth's commitment and that is not in keeping with the spirit of participation key to the NDIS.

Recommendation

1.33 Labor Senators on this committee recommend that further explanation of the need for the Bill, including the provision of \$46.5 million to ensure support that exists under current legislation, be provided to the Senate before a decision is formed.

Senator Sam Dastyari

Senator Murray Watt

5 New South Wales Council of Social Service, *Submission 3*.