

# Australian Greens Senators' Dissenting Report

## Introduction

1.1 The Australian Greens have concerns about the Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016 (the Bill) and therefore dissent from the majority committee report.

1.2 A number of submitters identified the importance of mobility for people with disability and its continued identification as a substantial barrier to participation. The Australian Greens are concerned that measures in the Bill will lead to a decrease in economic, educational and social participation in the community, which is not in the best interests of people with disability.

1.3 Our concerns about the Bill relate to 'continuity of support arrangements' for those who do not transition to the National Disability Insurance Scheme (NDIS), equity of support for those on or transitioning to the NDIS, the change to eligible activities, the reduction in the continuation period from 12 to 4 weeks and the removal of the allowance advance.

## Continuity of support arrangements

1.4 A number of submitters raised concerns about consequences of moving the allowance into the NDIS and the lack of detail surrounding the continuity of support arrangements for those currently receiving Mobility Allowance who will be ineligible for the NDIS.

1.5 The NSW Council of Social Service (NCOSS) says in its submission:

Although the Minister's Second Reading Speech acknowledges continuity of support arrangements for people currently receiving the Mobility Allowance, the *Mobility Allowance Bill* provides no details about these arrangements. Indeed, the Second Reading Speech states that the Government is 'working towards' these arrangements.<sup>1</sup>

1.6 The National Welfare Rights Network (NWRN) says in its submission:

For people aged 65 and over, the Government has indicated that they will continue to receive support through "continuity of support" arrangements. We are concerned, however, that nothing is yet known about the specifics of these arrangements or the level of support they will provide, and specifically for transport. In his second reading speech the Minister has indicated only that the Government is currently considering this.<sup>2</sup>

1.7 Children and Young People with Disability Australia (CYDA) says in its submission:

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1 NSW Council of Social Services, *Submission 3*, p. 2.

2 National Welfare Rights Network, *Submission 10*, p.5.

It has been indicated that people who are not eligible for the NDIS are able to access additional funding and support through other programs, including: GST exempt purchase of cars for work; the Employment Assistance Fund; Disability Employment Services; and state and territory subsidies. However, many of these programs have specific purposes and eligibility criteria that differ from the Mobility Allowance. For example, GST exemptions for cars are only available to people who can drive and the Employment Assistance Fund specifically relates to work related modifications and services. They do not provide direct funding to assist in meeting additional costs incurred for travel to work or study.<sup>3</sup>

1.8 The Australian Greens are concerned that there is no clarity regarding continuity of support for those currently receiving the Mobility Allowance who will be ineligible for the NDIS. The other funding and support outlined in the Minister's Second Reading Speech and discussed at 1.7 above are not alternatives to the Mobility Allowance.

1.9 Submitters were also concerned for those recipients who are eligible for the NDIS, but face barriers to access.

1.10 Vision Australia says in its submission:

[W]e have also become aware of a number of barriers that prevent or deter some of our clients from participating, in spite of their eligibility to access the NDIS. The most significant of these barriers is the lack of information and documentation in accessible formats such as braille, large print and e-text. Some of our clients have reported that they have been unable to register for the Scheme because the NDIA has been unable or unwilling to provide them with a registration form that they can read. Other clients have noted that they cannot obtain a version of their individual NDIS plan in a format that they can read, and have expressed that the NDIA is not being proactive in providing information in a range of accessible formats.<sup>4</sup>

1.11 They go on to say:

[W]e are very concerned that some of our clients who currently rely on the Mobility Allowance to assist their travel to and from work, may find the barriers to participation in the NDIS insurmountable, in which case they will lose the Mobility Allowance and may not be able to remain employed or engaged in job-seeking activities. There must therefore be a recognition that not all people who are blind or have low vision are able to participate in the NDIS, even though they are eligible to do so. This non-participation is through no fault of their own, but results from barriers that could and should be removed, and which so far remain largely unaddressed. People should not be disadvantaged if they are unable to participate in the NDIS because of a systemic failure to provide necessary information and documentation in formats that people who are blind or have low vision

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3 Children and Young People with Disability Australia, *Submission 14*, p. 6.

4 Vision Australia, *Submission 2*, p. 2.

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require. The Mobility Allowance must continue to be available to people in this position.<sup>5</sup>

1.12 The Australian Greens are extremely disappointed that there are people being excluded from participating in the NDIS due to numerous barriers. The Government needs to work to address these barriers as a priority.

1.13 Vision Australia also raised concerns regarding those who choose not to participate in the NDIS, for example those receiving funding through the Job Access Scheme. Vision Australia said 'people in this position should not be disadvantaged by losing the Mobility Allowance just because the NDIS does not offer them any other significant benefits.'<sup>6</sup>

1.14 The Mobility Allowance should continue for those who do not transition to the NDIS, either due to ineligibility, due to barriers precluding participation or due to choice.

1.15 There is also concern for those who acquire their disability over the age of 65 and require assistance to pay for transport to their eligible activities. The Australian Blindness Forum says in its submission:

With the transfer of the Mobility Allowance into the NDIS, it is not clear what equivalent support is going to be available to someone who acquires their disability over the age of 65 and who is still in employment or wants to contribute to the volunteer community and needs a Mobility Allowance in order to continue to these activities. These people would not benefit from continuity of support because they will not have received it in the past (they will not be ongoing recipients, they will be new to the allowance).<sup>7</sup>

1.16 Vision Australia says in its submission:

On the one hand, the Government is encouraging people to work past 65, and raising the pension age, but on the other, it appears to be reducing the amount of support for people who acquire a disability and wish to meet these expectations of an individual's longer working life.<sup>8</sup>

1.17 These measures will create gaps in support. The Mobility Allowance should continue for those who acquire a disability over the age of 65.

### **Equity of support**

1.18 A number of submitters raised concerns about the potential for those who currently receive the Mobility Allowance and are eligible for the NDIS to be worse off under the NDIS.

1.19 As People with Disabilities (WA) Inc. (PWdWA) says in its submission:

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5 Vision Australia, *Submission 2*, p. 3.

6 Vision Australia, *Submission 2*, p. 3.

7 Australian Blindness Forum, *Submission 9*, p. 4.

8 Vision Australia, *Submission 2*, p. 5.

[W]e are still not actually confident that all transport costs will be covered through peoples NDIS packages. There are a small group of people who the Mobility Allowance does make a difference to in dealing with the added cost of taxis and transport. A person who is reliant on wheelchair accessible taxis may get some subsidy from the state based Taxi User Subsidy Schemes, however if they are needing to use a taxi every day to return to and from work or education they are still likely to need to pay out at least \$100 a week. Currently this cost is covered by the mobility allowance.<sup>9</sup>

1.20 Concerns regarding changes to the Taxi User Subsidy Schemes were also raised in the submissions to the inquiry. CYDA says in its submission:

A further concern relates to state based taxi subsidy schemes. Some state and territory taxi subsidy schemes are changing eligibility to exclude NDIS participants, with others being yet to finalise arrangements following the implementation of the NDIS. Some people have raised concerns with CYDA around losing access to a taxi subsidy as a result of accessing the NDIS.<sup>10</sup>

1.21 The Australian Greens are also concerned for those in regional areas who may be disproportionately affected. PWDWA says:

There is also the issue of transport costs in regional areas where we are hearing that only the first 15 km is able to be part of a service providers transport costs and it is unclear how the rest of the cost gets put into someone's NDIS package. Knowing your transport costs in advance is also not that easy and we have heard of people underestimating those costs for their NDIS plan.<sup>11</sup>

1.22 CYDA raised similar concerns regarding transport in Individual Funding Packages (IFPs). In its submission it says:

CYDA has been informed by young people and families that at times, IFPs have been highly prescriptive and inflexible regarding the type and use of transport funded through the NDIS. It is critical to ensure that accurate identification of transport needs occurs through the NDIS planning process and that adequate resourcing is provided in IFPs.<sup>12</sup>

1.23 The NWRN says in its submission:

[T]here should be careful and transparent monitoring and evaluation of transport support provided through the NDIS. This is especially so because of the principle of "no disadvantage" for people transitioning to the NDIS. It is clear that there is potential for some mobility allowance participants to receive less financial support through the NDIS than they currently receive from the mobility allowance, as level 1 transport support is significantly less than the standard rate of mobility allowance. Although the "no

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9 People With Disabilities (WA) Inc., *Submission 15*, p. 3.

10 Children and Young People with Disability Australia, *Submission 14*, p. 7.

11 People With Disabilities (WA) Inc., *Submission 15*, p. 3.

12 Children and Young People with Disability Australia, *Submission 14*, p. 7.

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disadvantage" principle may mean that some people are able to achieve similar outcomes, despite receiving less financial support, this is a key measure of the NDIS' performance and needs careful evaluation, with results made publicly available.<sup>13</sup>

1.24 The Australian Greens share the concerns submitters raised regarding the potential for less financial support for transport under the NDIS.

### **Reduction in types of eligible activities**

1.25 A number of submitters raised concerns about the reduction in eligible activities.

1.26 As NCOSS says in its submission:

We note that under the changes proposed, people with disability will no longer be eligible for the Mobility Allowance (or transport funding under their NDIS plan) because they take part in volunteering or vocational rehabilitation activities. Job search activities appear to attract transport funding under the NDIS, but they will no longer be classified as 'qualifying' activities' under the *Mobility Allowance Bill*.<sup>14</sup>

1.27 In answers to Questions on Notice taken during the inquiry hearing, the Department of Social Services said that as at September this year around 4,300 people receiving Mobility Allowance were undertaking job search activities and around 6,500 people receiving Mobility Allowance were undertaking voluntary work.<sup>15</sup> This demonstrates that a significant number of people with disability will be affected by the changes to the eligible activities. This will be yet another barrier for people with disability to finding work when we know that they already face many barriers and are so poorly represented in the workforce.

1.28 CYDA says in its submission:

[T]hese activities play a key role in supporting social and economic participation of young people with disability. For example, volunteering can often provide young people with key skills to support future employment and can provide highly valuable opportunities for community participation. Further, job search activities frequently require travel, for example to attend interviews. It is the view of CYDA that it is important that people continue to be supported to travel to these activities.<sup>16</sup>

1.29 Queensland Advocacy Incorporated says in its submission:

The NDIS will not provide all supports to all people with disability who need assistance. Many people with disability who rely on the Disability Support Pension (particularly people with intellectual or cognitive

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13 National Welfare Rights Network, *Submission 10*, pp 5-6.

14 NSW Council of Social Services, *Submission 3*, p. 1.

15 Department of Social Services, *Answer to Hearing Question on Notice No. 4*; Department of Social Services, *Answer to Hearing Question on Notice No. 6*.

16 Children and Young People with Disability Australia, *Submission 14*, pp 6-7.

impairment and or mental illness) will be not be deemed suitable for vocational education, training or employment due to a range of social and disability impacts.<sup>17</sup>

1.30 The NWRN says in its submission:

Qualification should continue to be based on the current relatively broad range of activities including voluntary work, recognising the value to both individual and community of these activities...<sup>18</sup>

1.31 The Australian Greens do not support the proposed reduction in the types of eligible activities. Job search activities, voluntary work and vocational rehabilitation program should remain eligible activities, as they play critical roles in helping people develop skills and confidence to find and maintain employment.

### **Reduction in the continuation period**

1.32 A number of submitters raised concerns about the reduction in the continuation period from 12 weeks to 4 weeks.

1.33 People with Disability Australia says in its submission:

For those people who currently receive the Mobility Allowance, but whose circumstances change in future (such as losing their job, or discontinuation of voluntary position) will, under the proposed legislation, only retain the payment for 4 weeks, as opposed to the current 12 week period. In addition, if these individuals are not NDIS eligible, they would not be eligible in future to receive any financial support for transport.<sup>19</sup>

1.34 Vision Australia says in its submission:

It almost always takes a person who is blind or has low vision much longer to find new employment after they leave an existing job. Similarly, it usually takes much longer than four weeks for a person who is blind or has low vision to find a volunteering role if they wish to do so.

...

We believe that the proposed 66% reduction in the "continuation period" will make it even harder for people who are blind or have low vision to participate in the workforce, and we do not believe that the meagre financial savings that might result can be justified by the personal and communal hardship that will follow.<sup>20</sup>

1.35 NCOSS says in its submission:

In light of difficulties people with disability face in finding work, the proposal in the *Mobility Allowance Bill* to cut the continuation period for the Mobility Allowance from 12 to 4 weeks could result in a person's ability

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17 Queensland Advocacy Incorporated, *Submission 12*, p. 4.

18 National Welfare Rights Network, *Submission 10*, p. 5.

19 People with Disability Australia, *Submission 20*, p. 9.

20 Vision Australia, *Submission 2*, p. 4.

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to attend job interviews being limited by transport costs. This would have adverse effects on economic and workforce participation, particularly if job search activities are not recognised as 'qualifying activities' in terms of eligibility for the Mobility Allowance.<sup>21</sup>

1.36 As noted in the Majority Committee Report, the Department of Social Services (the Department) in its submission says:

The existence of the 12 week continuation period has not led to any appreciable increase in the level of workforce participation of Mobility Allowance recipients.<sup>22</sup>

1.37 However, in answer to a Question on Notice taken during the inquiry hearing, the Department conceded:

Due to the way the grace period is presented in the Department of Human Services ICT system, it is not possible to compare outcomes for different periods.<sup>23</sup>

1.38 The Government, in fact, cannot make the claim that the 12 week period has not led to any appreciable increase in the level of workforce participation. We are concerned about the impact of the reduction on people with disability and the fact that the Government is trying to claim there will be little impact.

1.39 The Australian Greens do not support the proposed reduction in the continuation period as it will have a financial impact for people with disability. Removing job search activities, voluntary work and vocational rehabilitation program from the type of eligible activities as discussed above will only compound this.

### **Removal of the allowance advance**

1.40 NWRN supported the retention of the allowance advance in its submission saying:

Finally, we believe that the flexibility of a 6 month mobility allowance advance is valuable for people with a disability and should be retained. In fact, we believe there is merit in exploring this as an option for the NDIS scheme, if not available. The ability to access funding in advance may help achieve the NDIS' wider goals, including individual choice and control, by giving the individual more ability to bargain with providers to meet their transport needs at the lowest cost.<sup>24</sup>

1.41 The Australian Greens do not support the proposed removal of the allowance advance. Recipients of the Mobility Allowance should be able to access six months of the allowance in advance to assist with upfront transport costs related to eligible activities.

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21 NSW Council of Social Services, *Submission 3*, p. 2.

22 Department of Social Services, *Submission 8*, p. 2.

23 Department of Social Services, *Answer to Hearing Question on Notice No. 8*.

24 National Welfare Rights Network, *Submission 10*, p.6.

**Recommendation 1**

**The Australian Greens recommend that the Bill not be passed, in its current form.**

**Senator Rachel Siewert**