



DCLS Summary of Background, NT Submissions and Committee’s Recommendations

Senate Community Affairs References Committee Inquiry Report:

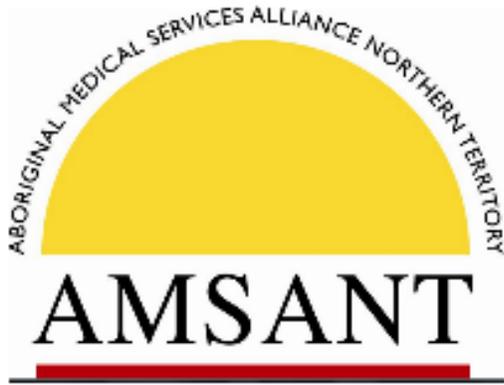
‘Purpose, intent and adequacy of the Disability Support Pension’ (18 February 2022)

Background

- The Disability Support Pension (DSP) is the Australian Government's primary income support payment for people with a permanent physical, intellectual or psychiatric impairment that prevents them from fully engaging in employment
- In 2021, the Senate referred an inquiry into the purpose, intent and adequacy of the DSP to the Senate Community Affairs References Committee
- Organisations and individuals from around Australia provided evidence to the inquiry about the issues with the DSP and gave recommendations on how it could be improved

NT Submissions to the Senate Committee

(July – September 2021)



**NPY
WOMEN'S
COUNCIL**



Danila Dilba[®]
Health Service



Central Australian
Aboriginal Congress
ABORIGINAL CORPORATION | ICN 7823





Key Points from the NT Submissions

- High prevalence of disability in rural and remote NT and the intersectionality of disadvantage highlights the importance of DSP
- Application process is too long, complex and confusing
 - Leads to despondency and the belief that getting on DSP is “too hard”
 - Not culturally appropriate or suitable for people with English as a third or fourth language
- Assessment requirements are unreasonably demanding and rigid
 - Long wait time and lack of specialists to provide evidence exacerbated in rural and remote areas
- Inadequate DSP rates means that recipients are still unable to maintain acceptable standards of living
 - DSP rates don't reflect the needs of recipients, particularly for people in rural and remote areas where the costs of living is higher



Key Recommendations in the NT Submissions

- Raise the rate of DSP payments, with payments starting when an application is accepted^[1]
- Enhancing and empowering the Aboriginal Community Controlled Health Sector^[2]
- Make the application process easier and provide additional support for people to navigate the application process^[3]
- Implement culturally validated and relevant assessment tools and waive the assessment requirement if unable to be performed on country^[4]
- Expand the list of responsible practitioners who can submit evidence^[5]
- Change the eligibility requirements in favour of modern impairment measurements^[6]
 - Lower or remove the 20 point impairment test^[7]
 - Add end stage kidney failure and haemodialysis to Impairment Tables and remove IQ test for developmentally acquired cognitive impairments^[8]
- Provide clearer and more detailed reasons for rejection of DSP claim^[9]
- Remove or improve the program of support requirement^[10]
- Cease cancelling DSP for people in custody^[11]

Senate Committee's Report

(18 February 2022)

"... the evidence received by the Committee points to serious flaws with the DSP, its underlying policy framework, the way that it is administered, and how applicants are able to access it."

The Committee found that the DSP requirements make it inaccessible for many:

- "The evidence required to make a claim for the DSP can be difficult to obtain and cost-prohibitive, and the process for applying is long, complex, and not well understood by applicants or treating health professionals"
- "Meeting these [program of support] obligations... is a key and challenging aspect of the process of applying for the DSP. People with disability also face workplace discrimination and structural barriers to participating in employment."

The Committee also noted the significant costs on DSP recipients:

- "People with disability and chronic illness can incur significant medical costs, in addition to the day-to-day expenses and housing costs experienced by people without disability. These pressures impact on DSP recipients' health, quality of life, and ability to participate in the workforce."

Summary of Committee Recommendations: Eligibility and Evidentiary Requirements

Recommendations with Committee's numbering		Report Reference
#1	Investigate how the requirement that a condition be 'fully diagnosed, treated and stabilised' prevents people from accessing the DSP and how it could be modified	[2.112]
#2	Consider reforming the approach to determine whether a claimant has a 'severe impairment' to allow the accumulation of 20 points across any number of impairment tables	[2.117]
#3	Undertake a review of the impairment tables that recognises comorbidity and draws on lived experiences, with a view to working towards a social model of disability	[2.118]
#4	Introduce a discretion to allow DSP claims to be approved if medical eligibility is established after the existing 13-week qualification period	[2.123]
#5	Consider revising the evidentiary requirements to allow evidence of registered psychologists	[2.127]
#7	Consider reintroducing the treating doctors report and provide targeted resources to support health practitioners to provide evidence for DSP claims	[2.134]
#8	Consider ensuring that the Medicare Benefits Schedule allows health practitioners to claim payment for providing evidence in support of DSP claims	[2.135]

Summary of Committee Recommendations: Accessibility

Recommendations with Committee's numbering		Report Reference
#6	Work with Aboriginal Community Controlled health organisations to ensure that the DSP claims process and evidentiary requirements are culturally safe	[2.129]
#9	Review the medical evidentiary requirements to ensure the application is fully accessible, considering the challenges faced by regional, rural and remote Australians; JobSeeker and Youth Allowance recipients; recent migrants; and First Nations peoples	[2.138]
#14	Undertake a review all Services Australia service centres to ensure genuine accessibility	[3.113]
#10	In consultation with key stakeholders, review all guidance material, information and the claim form to make them simpler, clearer and genuinely accessible	[3.106]
#12	Ensure that all Services Australia clients who are deaf or hearing-impaired have the option of accessing an Auslan interpreter	[3.111]
#13	Enhance the visual and/or tactile cues available in Services Australia services centres	[3.112]
#18	Ensure that the recommendations of the Commonwealth Ombudsman's 2016 report on access to the DSP are implemented in full	[3.123]
#28	Improve the coordination and integration of support payments, programs, and schemes for people with disability across all levels of government	[5.63]

Summary of Committee Recommendations: Supporting DSP Claimants

Recommendations with Committee's numbering		Report Reference
#11	Improve the level of information provided when a DSP claim is rejected	[3.108]
#16	Remove JobSeeker mutual obligation requirements while DSP claims are being processed	[3.119]
#19	No longer cancel the DSP pension when recipients are in custody for more than 2 years	[3.125]
#15	Provide additional funding to advocacy groups and community legal services to support DSP claimants	[3.116]
#17	Increase funding for First Nation's advocacy services and Aboriginal community controlled health organisations to better support their clients through the DSP claims process	[3.122]
#20	Consult with carers and representative organisations to provide additional support for carers with disability who are claiming the DSP	[3.128]
#21	Reform the DSP to ensure that it is responsive to claimants who are experiencing, or are at risk of experiencing, family and domestic violence, and that it meets their specific needs and requirements	[3.131]
#27	Investigate ways to better support people on the DSP who are at risk of poverty, particularly those in the private rental market, and ensures people can participate in their communities and cover their living costs	[5.61]

Summary of Committee Recommendations: Employment and Broader Reforms

Recommendations with Committee's numbering		Report Reference
#22	Consider reforming the income test including by raising the income thresholds at which DSP is reduced and lowering the rate which it is reduced once this threshold is reached	[4.92]
#23	Review the program of support requirement and consider making participation in an employment services program voluntary for all DSP claimants	[4.100]
#24	Improve the visibility of, and information on, the program of support requirement for all DSP claimants	[4.102]
#25	Abandon punitive compliance measures and ensure that the employment services system provides genuine support to disabled job seekers, including focusing on providing personalised support and skills development	[4.106]
#26	Continue to extend across Australia approaches that are voluntary and provide appropriate support (such as The Individual Placement and Support Model) and consider the feasibility and effectiveness of other approaches	[4.109]
#29	Undertake consultation and evaluation of the DSP to align it more closely with the social model of disability	[5.66]
#30	Establish principles in the administration of social security, including proactively assisting people to access support; treating people with respect; and making adjustments to service delivery on an individual basis to meet people's needs and ensure equal access to social security for all	[5.67]



Early Responses to the Senate Committee's Report

- 25 February 2022: [Darwin Community Legal Service have called for the Government to immediately implement some of the Committee's recommendations and fully overhaul the DSP system through extensive consultation.](#)
- 23 February 2022: [People with Disability Australia, Australian Federation of Disability Organisations, Children and Young People with Disability Australia and the National Ethnic Disability Alliance have jointly urged the Government to take action to address the Committee's recommendations and expressed their concerns on the non-urgent nature of a number of the recommendations, even though the evidence of harm or ineffectiveness is clear.](#)
- 22 February 2022: [Economic Justice Australia have urged the Government to establish the consultation processes proposed in the Committee's report as a matter of urgency, with immediate implementation of recommendations not requiring consultation.](#)

References

- [Inquiry home page](#) and [Final Report](#), tabled 18 February 2022
- DCLS media release: '[DCLS welcomes key recommendations of Senate Committee inquiry into DSP and urges immediate action](#)', published 25 February 2022
- [Submissions from NT Organisations](#)
 - Danila Dilba Health Service (DDHS) – Submission No. 25
 - North Australian Aboriginal Justice Agency (NAAJA) – Submission No. 60
 - Aboriginal Medical Services Alliance NT (AMSANT) – Submission No. 73
 - Central Australian Aboriginal Congress (Congress) – Submission No. 79
 - Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC) – Submission No. 117
 - Darwin Community Legal Service (DCLS) – Submission No. 127

- Recommendations referenced

[1] NAAJA 2.5; NPYWC pp 5-6; DCLS rec 7

[2] NAAJA 2.1; Congress rec 12; DDHS rec 6; DCLS rec 5

[3] DDHS rec 1-3, 5; AMSANT rec 3-4; Congress rec 4, 9; DCLS rec 4, 6; NPYWC pp 3-4

[4] Congress rec 7, 11; DCLS rec 3-4; NPYWC pp 3-4

[5] Congress rec 2; DCLS rec 14

[6] DCLS rec 11

[7] NAAJA 2.2; DCLS rec 11

[8] Congress rec 6-7

[9] Congress rec 5

[10] NPYWC pp3-4; NAAJA 2.2, DCLS rec 15

[11] DCLS rec 10