

RED TAPE SSRV NEWSLETTER



Falling through the cracks – those who miss out due to the changes to DSP and NewStart Allowance.

If a person doesn't qualify for Disability Support Pension (DSP) the main alternative payment is NewStart Allowance (NSA). For most DSP recipients there is no activity test (there is for some) but for all NSA recipients there's an activity test. For those who are too unwell to meet the activity test, but only qualify for NSA, there's a risk they will end up not having income support at all.

As the significant changes to DSP work their way through the social security system, it is clear that there is a significant area where people are 'falling through the cracks'. In reality these are people who would have usually qualified for DSP under the old rules (those in effect prior to the start of 2013).

Eligibility for DSP as it exists now is 'function' based rather than 'illness' based. That is, it's the affect that a person's illness has on their ability to work that matters, not their actual illness.

For those people who do not qualify for DSP, NewStart Allowance (NSA) is the default option. Some years ago Sickness Allowance (SA) was an option. Whilst SA still exists, it is now a payment effectively for those people who have 'run out of sick leave' but have a job to go back to (except that they are unwell). There is also a small eligibility for those who were full-time students and whose illness has meant they cannot continue to study full-time. For everyone else, it's basically NSA.

The problem with NSA is (of course) that it is a payment for those who are 'looking for work' Effectively NSA recipients need to undertake a certain amount of 'activities' in addition to submitting job applications. This includes but is not limited to interacting with their 'JobActive' provider, undertaking courses to improve their employability and undertaking work experience, often in voluntary organisations such as opportunity shops. A well-known activity is 'Work for the Dole'. People who *can't* work, effectively struggle to meet these requirements. There is a particular issue with medical exemptions from NSA. The legislation allows a person to be exempt from the NSA activity test if they have a

'temporary' illness. In social security law, 'temporary' and 'permanent' have quite specific meanings. Permanent means 'longer than two years' and temporary means 'less than two years'. Note that this is sourced in reverse –that is, someone whose condition is not 'permanent' is then referred to as 'temporary'.

In reality a temporary illness may be a virus, or a broken bone or something similar that a doctor can indicate a patient will recover from in a fairly short time-frame. Long-term mental health, particularly depression and associated anxiety issues, do not normally meet such a criteria but they can be crippling for the people involved.

However this is where the big issue lies. If a person's affliction is not enough to obtain DSP, this doesn't mean that they are in anyway fit to work. Due to the effects of their medical condition a number of these people are unable to function at the level required or presumed in order to meet the activity test. Because of the stringent requirements of DSP (particularly for those with mental health issues) they do not meet the '20 point' requirement as provided for under the eligibility criteria.

These people face a similar situation to 70s pulp author Frederick Forsyth's blockbuster knew as 'the Devil's Alternative'. NSA has an activity requirement. Whilst sometimes Centrelink will give people a three month exemption from the activity test at the beginning of their NSA period, usually they will not get much longer than this. They are then usually given a 'partial capacity' rating – usually in 7 hour (per week) increments – 0-7, 8-15, 16-22 etc. This is as a result of a Job Capacity Assessment. This will usually rate someone's capacity now, but also in the future – often expressed similar to "8-15 hours currently but 16-22 hours with interventions within two years".

Since the change to 'JobActive' on the 1st of July it is safe to say that people are being expected to participate at their presumed capacity – often two years away 'now'. This is quite problematic.

It should be noted that those with a capacity of seven (7) hours or less in practice have only to have regular meetings with their JobActive provider. That said, in some cases, despite the level of participation required, they still need to apply for a certain number of jobs a fortnight. The participation or activity requirement is a separate requirement from job-seeking activities.

The crunch comes when a person is not able to meet their activity requirements due (usually) to illness. People who do not meet their activity requirements are at risk of losing their payments as they are unable to meet the activity requirements of an 'activity-tested' payment. These people are clearly too ill to work and are falling through a fairly big crack in the social security system. There needs to be urgent reform of a situation that can leave someone without income due to illness.

SSRV AGM report

A significant number of members, Board members and friends of SSRV gathered for SSRV's Annual General Meeting (AGM) on Tuesday the 17th of November 2015. The AGM was run very efficiently by SSRV's President Nina Boughey. Unfortunately our originally promoted speaker was unable to make it , but his place was taken very ably by Katrina Curry the head of Education at the Brotherhood of St Laurence who gave us an excellent insight to the new JobActive program that replaced the Job Services Australia program on the 1st of July 2015.

It was noted at the AGM that Ben Zika would replace Deborah Itzkowic as SSRV's Director whilst Deborah is on maternity leave from December.

Nine people stood for election to the SSRV Board, a record that few regulars could remember being equalled. It was exciting to welcome some continuing faces, some old faces and some new faces onto the Board.

Meredith Ward and James Joseph were the combined winners of the Brian Howe Award for volunteers who have made a very significant contribution to SSRV. We are very grateful for the wonderful work they both do at SSRV.

A big thanks to those who came out for the evening, Katrina Curry particularly, and the Neighbourhood Justice Centre for their generosity in allowing us to use their venue.



Christmas Closedown

Please note that SSRV will be closed for the Christmas break at the end of phone advice on Christmas Eve (12.30pm Thursday the 24th of December) and re-open after 9.30am on Monday the 4th of January 2016. We hope all Red Tape readers have an enjoyable and relaxing time over the post-Christmas period and an excellent 2016.

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