

## Welfare to Work: where to from here?

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Regular contributor **Graham Douglas-Meyer** surveys the current status of PLWHA and how the new government will affect changes that have already been made, as well as some thought for the future.

With the 2007 election behind us and the induction of the new Rudd Labor government at Parliament House, perhaps it is time to take stock of the situation, regarding the social wellbeing of PLWHA as well as other People with Disabilities (PWD) around the nation.

It is also time to consider the direction we want to go in, given the constraints that are currently in place, as well as what changes would need to be made if the two are in conflict.

### Disability Support Pensions

The legacy of the Howard government is a multi-tiered welfare system for PWD with one group grandfathered (protected) with their Disability Support Pensions (DSP) under rules that applied up until May 10 2006; they are still able to work up to 30 hrs per week without their pensions being revoked.

The second tier is made up of those people who were granted DSP after May 11, 2006 until the present; members of this group are only permitted to work a maximum of 15 hrs per week before they have their DSP withdrawn.

The third group is those PWD who have been denied a pension based upon the decisions derived from a Job Capacity Assessment (JCA) which has determined the individual has the capacity to work 15 hrs or more per week, or a person from the grandfathered group who is determined by the JCA as capable of working more than 30 hrs per week.

Those who fall into the third group of people are placed on Newstart and required under "Mutual Obligation" rules to look for and take any position that Centrelink determines to be suitable.

It should be noted that the JCA is not conducted by a medical professional; this is certainly a matter of concern for those whose condition is essentially [clinical](#) [1] Pertaining to or founded on observation and treatment of participants, as distinguished from theoretical or basic science. In the majority of cases the JCA process is conducted by social workers.

Additionally, if a person is considered to be a member of the grandfathered contingent they are entitled to attempt a return to work and immediate reinstatement of their DSP, without question, for a period of two years. Their Health Care Card, however, expires after 12 months.

It has been argued that the removal of the Health Care Card, at this time, proves a disincentive for those trialling work to continue beyond this point; most especially if their disability carries a high medical component and related medication costs. A number of possible remedies have been suggested but none have been taken advantage of, to date.

It is impossible to believe that, given the recommendations contained in the McClure report in 2000, it is appropriate for this situation to continue in its present form; having a range of classes of PWD on different forms of payment runs way outside the scope of the recommended reforms.

The Cross-disability alliances that NAPWA has with organisations such as the Australian Federation of Disability Organisations (AFDO), as well as the relationship with ACOSS – the Australian Council Of Social Services, will be essential as we try to ensure that the needs of PLWHA are taken into consideration in this matter.

### Welfare to Work

After the release of the McClure Report into welfare reform in July 2000 the Howard government set about to restructure the welfare system.

Sadly, although this report, in its own right, outlined a responsible and reasonable approach to welfare for the new century, the 'cherry picking' approach that the previous government took to welfare structures focussed to push the most vulnerable back into the workforce whatever the consequences.

The concept that is supposed to underpin "Welfare to Work" (W2W) is that it leads to satisfaction and quality of life for the person taking part in the workforce and deriving their income as a part of that participation. It is based upon the belief that the majority of people would derive dignity from being able to be actively engaged in the meeting of their own needs rather than relying on others.

What the implementation of these policies achieved was to turn DSP and Parenting Payments into mechanisms for the Department of Employee and Workplace Relations (DEWR); to announce that everyone 'must' participate (seemingly to ignore the realities that some people do not have the capacity to participate.)

## **Moving on**

Therefore, this period of time should be regarded as an opportunity for education, development and negotiation to enable appropriate changes to be made.

With the success of the Rudd Labor government at the 2007 election a range of possibilities emerges.

It is essential that the government be encouraged to ensure that provisions are retained for those unable to fully participate in the workforce. Even though there has been introduced changes which saw the development of a multi- tiered DSP, it is hoped that, under this new government, there will be an appropriate level of consultation with the relevant stakeholders to progress reform and improvements to the system.

The DSP has already been moved back to the control of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) which is of itself a good sign.

Welfare to work (W2W) needs refinement. The blinkered approach, using confidentiality agreements and devilishly short 'consultation' periods to ram a spendthrift mentality through the welfare sector will no longer be acceptable.

Hopefully, W2W will see some real leadership under this new government. The recent news regarding the removal of gags from non- government organisations (NGOs) is hopefully an indication of the way this regime wants to work.

Despite being coerced back to work and in many instances forced into mutual obligation arrangements that were inappropriate, simply to meet government spending targets that labelled the DSP as "a more lucrative" payment within the welfare system, actual employment of people with disabilities (PWD) was at its lowest level for decades.

Many people with disabilities want to work, but realistically they need to be able to work in appropriate employment that caters for their particular circumstances and needs. For PLWHA this may include appropriate time for medical appointments, or time off for other medical reasons; without the need for disclosure.

For many PLWHA on treatments the step of being able to try a return to work is a progressive and affirming one. However, the possibility of increased costs due to the eventual loss of the government Health Care Card after only 12 months is prohibitive, and becomes a disincentive for PLWHA and other chronic illness and disability groups with similarly extensive medical costs necessary to maintain their basic health.

NAPWA has long advocated for recognition of the extra costs associated with Living with HIV. Along with other Disability groups, NAPWA continues to support the concept of some form of "Chronic Illness" Card that provides access to goods and services relevant to the user's personal need at a manageable cost.

This concept is currently not on a formal government agenda but will continue to be promoted by organisations like NAPWA, the Australian Federation of Disability Organisations (AFDO) and by other NGOs.

## GLBTI couples

The possibility of GLBTI relationship recognition at a federal level will be one area that has not been considered previously. However, the recommendations handed down by the Human Rights and Equal Opportunities Commission (HREOC) after the national audit conducted in 2006/07 includes the removal of discrimination within all sectors of the Australian community, including Social Security.

This recognition of GLBTI people has been promised by the Rudd government in its first term and has the potential to affect some PLWHA. For PLWHA couples who are both on DSP there should be no change to their circumstances by this recognition.

This recognition is an important factor for GLBTI couples where one partner is fully employed and the other partner is in receipt of a benefit. In this scenario the working partner's income would become subject to a means test for the non-working partner's application for benefit.

This would become most relevant for couples with a PLWHA in serodiscordant relationships.

The HREOC has suggested that there should be an appropriate changeover for people affected by such changes; hopefully this government will be more compassionate to such matters.

Furthermore, although the Rudd government has identified that the recognition of GLBTI people and their families is important there hasn't been any indication of movement on that issue at this point in time.

We can hope that as the current 5th National HIV/AIDS Strategy comes to an end that promises of more open and accountable government will enable the development of the 6th National Strategy to be a much better experience than the development of its predecessor.

It is essential that in its preparation the issues around Healthy Living for PLWHA are maintained, as specific care model needs for PLWHA were only introduced specifically for the first time in this strategy.

Given the changes that have occurred in the welfare sector to date it would be refreshing to see the acknowledgement of the 'REAL' day-to-day needs of PLWHA and their further development in the new strategy for HIV/AIDS in Australia.

Perhaps it's the cynic in me, but whenever I hear the phrase "open and accountable", I hear this voice from the past:

"Open Government is rather like the live theatre: the audience gets a performance. And it gives a response. But, like the theatre, in order to have something to show openly there must first be much hidden activity. And all sorts of things have to be cut or altered in rehearsals, and not shown to the public until you have got them right."

*Sir Humphrey Appleby, Yes Minister, Ep. 1 Season 1 "Open Government", Feb 1980 BBC*

We can only hope that Prime Minister Rudd and his team are made of stronger stuff.

*Graham Douglas-Meyer is a member of the NAPWA HIV Living Today Network. The views expressed are his and do not reflect the view of NAPWA.*

- [Disability Support Pension](#)
- [HIV Living](#)
- [Work and employment](#)

**Links:**

[1] <http://www.napwa.org.au/glossary/term/475>