

3 March 2022

Committee Secretary
Senate Community Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email only: community.affairs.sen@aph.gov.au

Dear Committee Secretary,

Economic Justice Australia (EJA) submission to the inquiry into the Social Security Amendment (Improved Child to Adult Transfer for Carer Payment and Carer Allowance) Bill 2022

1. Economic Justice Australia (EJA) is the peak organisation for community legal centres providing specialist advice regarding social security issues and rights. Our members across Australia have provided free and independent information, advice, education and representation in the area of social security for over 30 years.
2. EJA draws on its members' casework experience to identify systemic policy issues and provide expert advice to government on reforms needed to make the social security system more effective and accessible. Our law and policy reform work:
 - strengthens the effectiveness and integrity of our social security system;
 - educates the community; and
 - improves people's lives by reducing poverty and inequality.
3. EJA commends the Government for introducing the Social Security Amendment (Improved Child to Adult Transfer for Carer Payment and Carer Allowance) Bill 2022, which amends the Social Security Act so as to:
 - remove a legislative anomaly whereby some carers who have their care receiver assessed under the Adult Disability Assessment Tool lose payment when their care receiver reaches age 16, or soon after, while others who do not apply for assessment under the Adult Disability Assessment Tool continue to receive payment until their care receiver turns 16 years and three months
 - provide continuity of payment for carers who have submitted the required information and documentation necessary for an Adult Disability Assessment Tool assessment prior to the care receiver's 16th birthday, with payment extended to the later of the child turning 16 years and 3 months or to the end of the day before an Adult Disability Assessment Tool score is completed by Services Australia

- provide continuity of qualification for carers in receipt of Carer Allowance – Health Care Card Only, for all carers, until the child turns 16 years and 3 months
 - provide continuity of carer payment for carers of children over 16 years with a terminal condition, until the later of the care receiver turning 18 or until an Adult Disability Assessment Tool assessment has been completed by Services Australia. The Bill will only provide this continuity of payment for carers who have submitted the required information and documentation prior to the care receiver’s 18th birthday.
4. In EJA’s view, the amendments proposed via the Bill are beneficial and achieve these aims.
- **Recommendation:**
- *That the Bill be passed unamended.*

Further proposals in respect of young people with a terminal condition

5. Whilst we fully support the aims of the Bill in question and recommend passage of the Bill without amendment so that these beneficial measures may be implemented without delay, we ask that that the Committee recommend that the Government introduce another Bill with the aim of addressing issues faced by carers of children/young adults with a terminal condition.
6. There are many challenges associated with providing care for a child with terminal illness, both emotional and practical, and navigating health and disability systems to switch from child to adult supports is notoriously complex. The Explanatory Memoranda for the subject Bill states that:

This Bill will provide continuity of access to carer payment for carers of children over 16 years with a terminal condition, until the later of the care receiver turning 18 or until an Adult Disability Assessment Tool (ADAT), assessment has been completed by Services Australia. The Bill will only provide this continuity of payment for carers who have submitted the required information and documentation prior to the care receiver’s 18th birthday.

7. We understand that Carers Australia has proposed that a carer of a young person with a terminal condition should not be subject to an ADAT at the age of 18 if it has been established that the young person has a terminal condition with a life expectancy of less than a year. EJA supports this proposal.
- **Recommendations:**
- *that the Committee recommend, as a follow-up to the amendments effected by the subject Bill, that the Social Security Act be amended so as to provide for continuity of access to Carer Payment (child) and Carer Allowance (child) for carers of young people turning 18 where it has been established that the young person’s life expectancy is less than a year; and that in this case, an*

ADAT not be required until the young person reaches the age of 19; or, in the alternative

- *that legislation be introduced to allow for continuity of payment in respect of young people with a terminal condition until they reach 18 years and three months of age, on the same principle as the proposed amendments enabling payment in respect of children without a terminal condition until they reach 16 years and three months.*

Need for review of claim and review requirements

8. The amendments effected by this Bill are welcome and an important first step in ameliorating legislative issues that unnecessarily complicate carers' access to income support in respect of young adults.
9. In 2017, the Department of Social Services initiated a consultation toward developing an 'Improved Assessment Process for Carer Payment and Carer Allowance', and in 2017 and 2018 conducted a 'Field Test of an improved assessment process for Carer Payment and Carer Allowance'¹. We understand that to date there have been no reports on either the consultation or the field-testing.
10. Introduction of this amending legislation highlights the ongoing and pressing need for a comprehensive review of Carer Payment and Carer Allowance qualification criteria and assessment processes.

➤ **Recommendation:**

- *That the Committee recommend that the Department of Social Services conduct a comprehensive review of Carer Payment and Carer Allowance qualification criteria and assessment processes, as informed by a comprehensive community consultation, including with carer peaks;*
- *That the terms of reference of such a review be developed in consultation with Carers Australia and other national peaks represented on the Social Services Community Services Advisory Group, and the Services Australia Civil Society Advisory Group; and*
- *That the aims of the review include identifying structural and systemic barriers to accessing Carer Payment and Carer Allowance for*
 - *Aboriginal and Torres Strait Islander people*
 - *people living in regional and remote areas*
 - *people from CALD communities*
 - *young carers*
 - *carers with disability*
 - *ageing carers*
 - *carers of people whose care needs fluctuate*
 - *people who share the care provided for a person.*

¹ <https://www.dss.gov.au/disability-and-carers/benefits-payments/carer-payment-and-carer-allowance-field-test>

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