

# **Submission to the review of the Disability Support Pension Impairment Tables**

**Children and Young People with Disability Australia  
August 2021**

**Authorised by:**

Mary Sayers, Chief Executive Officer

**Contact details:**

Children and Young People with Disability Australia

E. [marysayers@cyda.org.au](mailto:marysayers@cyda.org.au)

P. 03 9417 1025

W. [www.cyda.org.au](http://www.cyda.org.au)

**Acknowledgements:**

Children and Young People with Disability Australia would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was and always will be Aboriginal land.

## Contents

|   |    |
|---|----|
| Recommendations.....  | 3  |
| Introduction.....   | 4  |
| Australia’s income support system is too rigid and forces young people into poverty.....  | 5  |
| Young people with disability are being denied access to the DSP.....  | 5  |
| The DSP and other social security payment rates are insufficient.....   | 7  |
| The DSP access process is onerous, biased, and unnecessarily complex.....   | 8  |
| The access process is overly complex, puts the burden on the individual, and impacts different groups disproportionately.....                 | 8  |
| The Program of Support is an unnecessary and unfounded obstacle for DSP claimants and should be removed.....                                  | 10 |
| Appendix A: Australian Federation of Disability Organisations’ <i>Eight Key Principles for a Sustainable Disability Support Pension</i> ..... | 11 |

## Recommendations

- Ensure all young people with disability, including those with partial capacity to work, are accessing the DSP
- Review and amend the social security system to ensure that young people with disability who experience job insecurity are not living in poverty. Rates of payments should be raised to support a dignified standard of living, factoring in the extra living costs that are associated with living with disability.
- The Program of Support requirement should be removed entirely from the Disability Support Pension access process.
- Fully implement Australian Federation of Disability Organisations' *Eight Key Principles for a Sustainable Disability Support Pension* (see Appendix A).

## Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. CYDA has an extensive national membership of more than 5,000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity; and our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations. We do this by:

- Driving inclusion
- Creating equitable life pathways and opportunities
- Leading change in community attitudes and aspirations
- Supporting young people to take control
- Calling out discrimination, abuse, and neglect.

CYDA welcomes the opportunity to provide a submission to the Department's review of the Disability Support Pension (DSP) Impairment Tables. Our view is firmly that the DSP on its own cannot be considered without examining the whole ecosystem of income support, and the systemic employment barriers young people with disability experience. As such, we also draw the Department's attention to [our recent submission](#) to the Senate Community Affairs References Committee inquiry into the DSP.

Social security is a core right and people with disability must be supported to secure this entitlement. This includes removes unnecessary obstacles and providing necessary and timely supports so that all people with disability have equal understanding and ability to access the DSP. We recommend the adoption of the Australian Federation of Disability Organisations' *Eight Key Principles for a Sustainable Disability Support Pension*<sup>1</sup> (see Appendix A).

This submission covers the barriers young people with disability experience in accessing the DSP, which subsequently drives them to rely on sustainably lower income support payments – namely, the rigid, confusing, costly and resource-intensive processes to prove eligibility. This includes the unnecessary and unfounded Program of Support requirement.

Finally, we note our concern regarding the lack of consultation and engagement with people with disability undertaken by DSS throughout the impairment table review, about which we are very concerned. More than halfway through the public consultation process, the Department had failed to provide the community with Easy Read or Auslan versions of the issues paper, restricting consultation access for many people with disability.<sup>2</sup>

---

<sup>1</sup> Australian Federation of Disability Organisations. (n.d.). *8 Key Principles*. Available at [8 Key Principles | Australian Federation of Disability Organisations \(afdo.org.au\)](https://afdo.org.au/8-key-principles)

<sup>2</sup> As at 9 July 2021, there were no Easy Read or Auslan versions of the issues paper on the DSS Engage website, the only avenue where the Department is inviting feedback from the broader community. The consultation period opened on 1 June 2021 and closed on 31 July 2021.

# Australia's income support system is too rigid and forces young people into poverty

## Recommendations

- Ensure all young people with disability, including those with partial capacity to work, are accessing the DSP
- The Australian Government should review and amend the social security system to ensure that young people with disability who experience job insecurity are not living in poverty. Rates of payments should be raised to support a dignified standard of living, factoring in the extra living costs that are associated with living with disability.

As young people with disability experience complex barriers in the workforce, it is essential that the government provides an adequate safety net for young people who cannot secure work, so they are not forced to live in poverty.

## Young people with disability are being denied access to the DSP

With the harsh and rigid access requirements that have been introduced by the Australian Government over the last decade<sup>3</sup>, there is an increasing divide between young people with disability who are considered to be 'deserving' of receiving the DSP, and those who are not. As result, many young people are driven instead to access the JobSeeker or Youth Allowance Payments, which provide significantly lower rates of pay than the DSP.<sup>4,5,6</sup> Data obtained by CYDA from the Department of Social Services shows that:

- The number of Jobseeker (known as Newstart prior to 2020) recipients aged between 20 and 25 years with partial capacity to work has increased by 372.8 per cent in the decade from 2009, growing from 5,308 in 2009 to 25,096 in 2020
- The number of Youth Allowance recipients under 19 years old with partial capacity to work has increased by 174.9 per cent, from 2,299 in 2009 to 6,319 in 2020
- The number of Youth Allowance recipients aged between 20 and 25 years with partial capacity to work has increased by 970.3 per cent, from 936 in 2009 to 10,018 in 2020

<sup>3</sup> See *The DSP access process is onerous, unnecessarily complex and biased* section of this paper

<sup>4</sup> Services Australia. (2021). *Jobseeker Payments: How much you can get*.

<https://www.servicesaustralia.gov.au/individuals/services/centrelink/jobseeker-payment/how-much-you-can-get>

<sup>5</sup> Services Australia. (2021) *Youth Allowance payments for job seeker: How much you can get*.

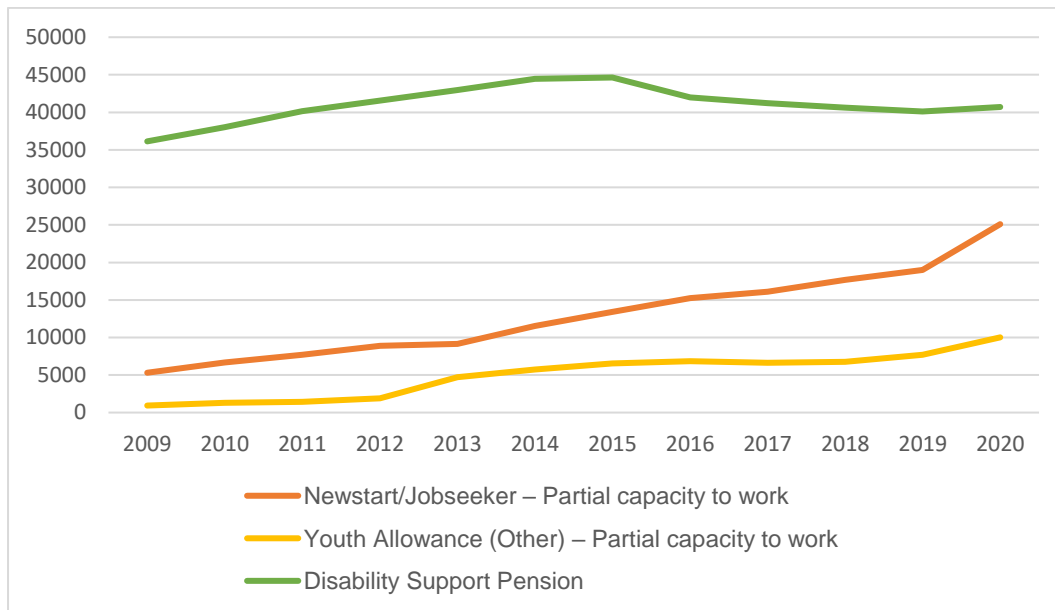
<https://www.servicesaustralia.gov.au/individuals/services/centrelink/youth-allowance-job-seekers/how-much-you-can-get>

<sup>6</sup> Services Australia. (2020). *Payment rates*. Available at

<https://www.servicesaustralia.gov.au/individuals/services/centrelink/disability-support-pension/how-much-you-can-get/payment-rates>

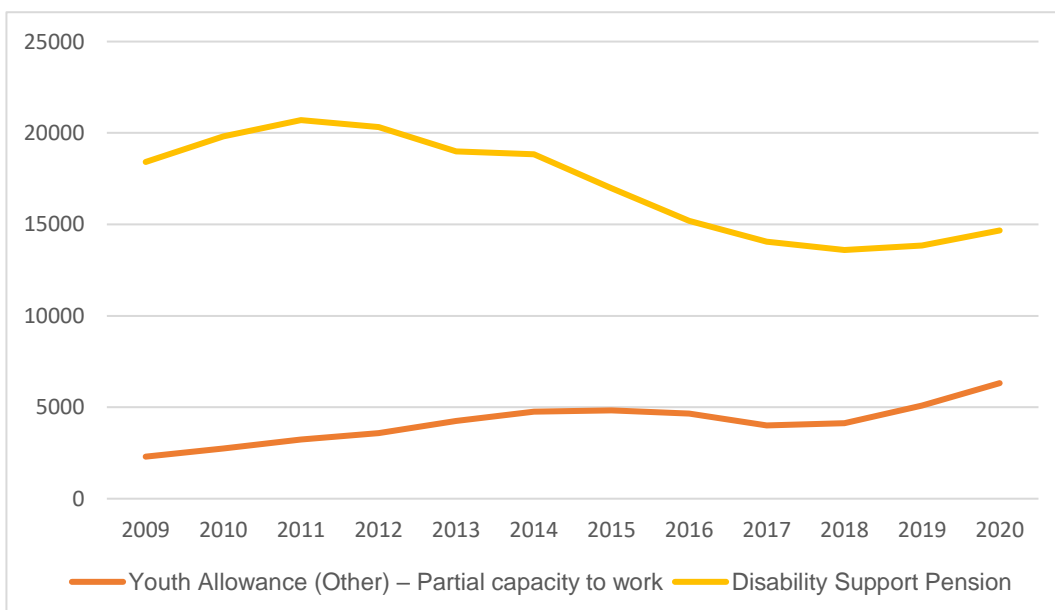
- The number of DSP recipients under 19 years old has decreased by 20.4 per cent, from 18,414 in 2009 to 14,662 in 2020
- The number of DSP recipients aged between 20 and 25 years has increased by 12.6 per cent, from 36,128 in 2009 compared to 40,690 in 2020.

**Figure 1: Trends from 2009 to 2020 of Newstart/Jobseeker Allowance, Youth Allowance with partial capacity to work and Disability Support Pension recipients aged 20 to 25 years**



Source: Department of Social Services data provided to CYDA

**Figure 2: Trends from 2009 to 2020 of Youth Allowance with partial capacity to work and Disability Support Pension recipients aged 19 years and under**



Source: Department of Social Services data provided to CYDA

It is also important to note that the decline in young people accessing the DSP has had flow-on impacts to other supports and programs that they can access. Young people have shared with CYDA that DSP eligibility is often used as an access criterion for other supports, including community programs, supports in tertiary education, and disability specific housing supports.

### **The DSP and other social security payment rates are insufficient**

People with disability are more likely to be reliant on income support payments, inclusive of the DSP, as their main source of income. Nearly half of young people with disability aged 15 to 24 years (49 per cent) rely on income support payments, compared to 14 per cent of people aged 15 to 24 years without a disability.<sup>7</sup> By no coincidence people with disability are also more likely to experience poverty, with 37 per cent adults experiencing poverty having disability.<sup>8</sup> More specifically, 41 per cent of households whose reference person receives the DSP are living below the poverty line.<sup>9</sup> These figures are also modest and do not factor in the increased costs incurred with living with disability.

CYDA believes that the DSP rate must be raised to ensure people with disability are not living in poverty and have the ability to live independently, in a safe environment of their choosing. However, as outlined in the previous section, many young people with disability are also living on alternative payments with offer even less income and are provided on the basis on more ongoing conditionality.

We advocate that these payments must also be raised so that all people, inclusive of young people with disability who experience increased barriers to gaining employment, are receiving support that provides a dignified standard of living.

---

<sup>7</sup> AIHW. (2019). People with disability in Australia: In brief. Available at [People with disability in Australia 2019: in brief \(Full publication:21Aug2019Edition\)\(AIHW\)](#)

<sup>8</sup> ACOSS. (2020). *Inequality in Australia, 2020 Part 2: Who is affected and why*. Available at [Inequality-in-Australia-2020-Part-2-Who-is-affected-and-why\\_FINAL.pdf \(antipovertyweek.org.au\)](#)

<sup>9</sup> *ibid.*



## The DSP access process is onerous, biased, and unnecessarily complex

### Recommendations

- The Program of Support requirement should be removed entirely from the DSP access process
- The Australian Government should implement Australian Federation of Disability Organisations' *Eight Key Principles for a Sustainable Disability Support Pension* (see Appendix A)

This section details how the complex access process creates disproportionate barriers in terms of who meets DSP eligibility. People without significant personal resources to draw on – such as money for required medical evidence; understanding, ability or support to navigate the process and complete forms; and access to medical professionals – are disadvantaged by the process and the administrative burden it places on the individual.

This section also identifies issues with the Program of Support access requirement and why it should be removed entirely.

### **The access process is overly complex, puts the burden on the individual, and impacts different groups disproportionately**

In addition to meeting residency and income and assets test requirements, to meet access to the DSP, young people must:

- Prove they have a physical, intellectual or psychiatric condition which is permanent
- Prove they have a continuing inability to work (i.e. that they are unable to work 15 hours or less a week at minimum wage)
- Demonstrate impairment in line with the set Impairment Tables.

For many, the application process can take years. In the meantime, young people are required to live on lower income supports such as Jobseeker or Youth Allowance.<sup>10</sup> Many others who experience difficulties meeting mutual obligations of Jobseeker or Youth Allowance, who cannot secure quality employment, and/or who are 'employed' through Australia Disability Enterprises while trying to access the DSP are receiving minimal to no income at all.

Young people in our community have told us the DSP access process is overwhelming, and they are not confident on how, or if, to start the process. In applying, individuals are required to navigate and complete complex forms and impairment guides, as well as source and provide supporting

---

<sup>10</sup> See the *Young people with disability are being denied access to the DSP* section of this paper

medical evidence. This heavy administrative burden creates disproportionate impacts and has implications for who meets access – with those equipped with more personal resources, such as money, literacy and English skills, access to medical professionals and people to support them, more likely to succeed. Research shows those who are supported while completing the DSP application claim form are more likely to have their claim granted than those who complete the form without assistance.<sup>11</sup>

For those without personal resources to draw on, the administrative burden creates additional barriers and prevents eligible claimants to receive the DSP. This administrative burden can also have disproportionate impacts on people with different disability types, such as people with cognitive, intellectual or psychosocial disability, who may have more challenges interpreting and gathering complex information, completing paper work and communicating their situation to people in power.<sup>12</sup> A young person in our community who had met partial eligibility for the DSP told CYDA that without the support they had received from an external organisation, they don't believe they would have made access and would have been deprived of necessary financial supports.

CYDA has been told the strongest asset a person applying for the DSP can have is a doctor who understands the DSP, the impairment tables and how to provide evidence in the way the assessors are looking for. This creates unfair divisions between people who have choice between medical professionals and those with limited options, such as those in remote and regional areas or those reliant on the public health care system.

The onerous administrative workload placed on the individual, including gathering medical evidence, is also expensive. CYDA is concerned that our community – particularly those who are surviving on Jobseeker and Youth Allowance payments and experiencing job insecurity in the labour market – are costed out of accessing the DSP.

Until it was abolished in 2015, the Treating Doctor's Report (TDR) was an important mechanism that helped prevent this division between people who can and cannot afford and source the necessary medical evidence required to meet DSP access. The TDR was a Centrelink medical report form for treating health professionals that was designed to elicit information relevant to assessing medical qualification for the DSP.<sup>13</sup> A research project led by the National Social Security Rights Network analysing the experiences of DSP client experiences since the 2015 reforms found that the removal of the TDR created financial and administrative barriers for individuals seeking medical evidence and resulted in worthy claimants being denied DSP payments.<sup>14</sup>

Our community, particularly young people with psychological disability, have also raised concerns around the rigidity of the requirement to demonstrate that their disability is a “fully diagnosed, treated and stabilised condition”. Young people have expressed that they feel influenced to take medications or do treatments against their will in order to ‘prove’ their disability. Further, the costs

---

<sup>11</sup> Collie, A., Sheehan, L. R., & Lane, T. J. (2021). Changes in access to Australian disability support benefits during a period of social welfare reform. <https://doi.org/10.1101/2020.04.30.20041210>

<sup>12</sup> *ibid.*

<sup>13</sup> National Social Security Rights Network. (2018). *Disability Support Pension (DSP) Project: A snapshot of DSP client experiences of claims and assessments since the 2015 changes*. Available at [NSSRN-DSP-Report-2017-BRQ-case-snapshot-2018\\_01\\_31.pdf \(ejaustralia.org.au\)](https://www.ejaustralia.org.au/sites/default/files/2018-01/2018-01-31-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000)

<sup>14</sup> *ibid.*

associated with various treatments to demonstrate one's disability has been 'fully treated' also create a barrier to access.

We also note that the Senate Community Affairs References Committee is currently conducting an inquiry into the purpose, intent and adequacy of the DSP, and we ask that the Department closely consider the findings of the Committee's inquiry.

### **The Program of Support is an unnecessary and unfounded obstacle for DSP claimants and should be removed**

The most problematic aspect of the access process for the DSP is the Program of Support (POS). Individuals under 35 years who do not meet 20 points or more under a single impairment table are obliged to complete 18 months of participation in activities,<sup>15</sup> such as job searching or training, which are intended to support them to find employment. Once a person has successfully completed 18 months of assigned activities with an employment service provider and proved that they have been unsuccessful in obtaining employment with support, they can then apply for the DSP.

There are very few exceptions to this requirement, including for individuals with one or more conditions who can demonstrate they meet 20 or more points cumulatively over several impairment tables. This narrow scope of understanding of the factors that can severely impact a person's ability to find and maintain work is crude and dismissive of people's daily reality.

Further, once a person is participating in a POS, if they have an approved medical exemption from participating in activity requirements, this time does not count towards the 18-month requirement. So, because of impairment related to their disability, it can take a person several years to meet this 18-month hurdle before they can demonstrate that their impairment prevents their ability to secure work.

The POS requirement is a large barrier for many DSP applicants. Lack of awareness of the requirement and the complexity it involves are critical issues for many claimants.<sup>16</sup> Further, the mandatory activity obligations themselves and the negative experiences our community have in engaging with employment service providers<sup>17</sup> prevent many people from completing the 18-month requirement in full or applying for the DSP entirely.

Fundamentally, to CYDA's knowledge, there is no evidence to support DSS' rationale of the POS or demonstrate that the burdensome requirement improves people with disability's ability to find and maintain employment. Instead, we view the requirement as a means to gatekeep or deter people with disability from accessing the social security they are entitled to. As such, CYDA advocates that the POS should be removed from the DSP access process entirely.

---

<sup>15</sup> To be completed in three years

<sup>16</sup> National Social Security Rights Network. (2018). *Disability Support Pension (DSP) Project: A snapshot of DSP client experiences of claims and assessments since the 2015 changes*. Available at [NSSRN-DSP-Report-2017-BRQ-case-snapshot-2018\\_01\\_31.pdf \(ejaustralia.org.au\)](https://www.ejaustralia.org.au/files/NSSRN-DSP-Report-2017-BRQ-case-snapshot-2018_01_31.pdf)

<sup>17</sup> POS are generally completed partially or wholly through government employment services, such as jobactive or Disability Employment Services.

## Appendix A: Australian Federation of Disability Organisations' *Eight Key Principles for a Sustainable Disability Support Pension*

1. All persons have a human right to social security and social protection. The right to social security is also a core right of national citizenship in Australia that has long been embedded in legislation and government policy (e.g., Invalid and Old-aged Pension Act, 1908).
2. The right to social security and social protection does not deny the right to work for persons with impairment/s and/or chronic condition/s but recognises that across the life course, persons with disability will require differing levels of socio-economic support to account for changes in personal circumstances and in the labour market.
3. Persons with disability who are unable to work, or are limited in their capacity to work due to impairment, have a right to social protection and economic security (CRPD Art. 28). Mainstream unemployment benefits and income support payments are inappropriate and not fit for purpose as social security payments for persons with disability.
4. The assessment of disability social security eligibility needs to be fair, reasonable, and based upon an objective measure of need to ensure it is first, responsive to the individual and their circumstances, and second, does not generate hardship or greater economic insecurity.
5. Disability social security assessment processes should be undertaken by relevant medical and allied health professionals who have the required expertise in relation to the individual's impairment/s and chronic condition/s alongside the everyday impacts the impairment/s and/or chronic condition/s have over a period of time and the impacts of social barriers like stigma, discrimination and inaccessibility of the labour market.
6. Personal information and evidence provided by the assessing medical and allied health professionals, and the individual concerned, remains protected under national privacy legislation and cannot be shared nor drawn upon without the explicit permission of the individual concerned (CRPD Art. 22).
7. Disability social security assessment processes, procedures and outcomes must be freely and readily available and distributed widely in inclusive accessible formats and languages to ensure that all persons with disabilities, their support networks and medical and allied health professional support networks are fully informed (CRPD Art 21).
8. Responsible government department/s should publish regular and comprehensive de-identified data documenting the core demographic information of recipients alongside changes to regulations and guidelines to enable, first, the monitoring of impact of such changes, and second, to ensure that persons with disabilities and/or chronic conditions, medical and allied health professionals, and relevant organisations are fully informed at all times (CRPD Art 31). These data should be in a form that allows for secondary analysis by independent parties.