

The DHS B&L Saga – Financial and Moral Aspects

Most of those who received the information letter from the Assistant Director Service Outcomes, dated 20 Jan, 2014, will notice the only real change to current residential charge is the expectation that administrators will pay the department the CRA (Commonwealth Rent Assistance) which administrators will eventually receive included in their person's DSP from Centrelink.

The 'Financial Plan' from house supervisors, will also include this within the total amount expected.

In exchange for handing over this federal funding, the department has promised administrators a sweetener in the form of free manchester, whitegoods, etc.

Pay the department your current residential charge, that which has been paid for years, plus the full CRA, and you will pay the department no more, no matter what happens in, or is needed for the house. No more shared costs for this and that, or requirements/requests to purchase manchester, etc ... "Sounds good?"

Yet the CRA is far in excess of the department's sweetener. So what will happen to the remainder of that which is intended for the people for whom it has been allocated, not to fill black holes in state budgets – that for which the Minister attempted to get unjustified money last year from people with a disability through their administrators.

In comparison with the Minister's initial grab for 75% of the DSP without justification, the department engineered a sweetheart deal in an attempt to keep all parties satisfied in one way or another, by grabbing cash from the federal government through 'creative moulding' of the rent and housekeeping components of the residential charge to get full CRA. This provides:-

- (a) Cash for the Minister,
- (b) Staff not having to negotiate with administrators (especially State Trustees) over financial requirements,
- (c) Improved financial deal for most administrators,
- (d) A system more compatible with CSOs (non-government service providers),
- (e) A system moving towards compatibility with the nationwide needs of the NDIS and,
- (f) Potential to easily, without justification, increase the one-fee charge towards 75% of the DSP over time.
- (g) Amendment 72A (2013) to Disability Act 2006, blocks VCAT from accepting requests to review any B&L charge increases up to 75% of DSP.

As administrators, we got our CRA through a personal application to Centrelink, and have it confirmed through receiving the standard Centrelink DSP advice notice.

We therefore have the CRA amount in the bank, where it will stay until the department satisfies us that this federal funding is being fully used for the purpose for which it is intended – direct support for the person for whom it was allocated.

Equally, the new ‘Financial Plan’ will remain unsigned, with us paying into the residents trust fund just that necessary to support the current plan + cost of living increases.

If by just combining the rent and housekeeping, the department has been able to generate an income in excess of that necessary to support the person for whom the CRA was allocated, then this is questionable use of specifically intended federal funds – funds which should be in the pocket of those for whom the funds were allocated.

Consequently, the following has been put to VCAT for consideration :-

The matter placed before the Tribunal for review, in accordance with that said by the Department of Human Services in their letter dated 20 January 2014, Ref: ADD/14/867 , being: *“If you have concerns in relation to this notice, you can apply to the Residential Tenancies List, Victorian Civil and Administrative Tribunal (VCAT), GPO Box 5408, Melbourne 3001, for a review of the decision to issue this notice”*, is:-

- Loss of “Choice and Control” for resident XXXXXXXX and his Administrators and Plenary Guardians, XXXXXXXX as a result of the actions of the Department of Human Service in ‘bundling’ (placing together into one charge to be called Board & Lodging [B&L] the Rent and Housekeeping to make the residential charges for their group home residents CRA (Commonwealth Rent Assistance) friendly.
 - (a) In respect to the department taking control of the purchase of manchester (Bedding and Linen), in its attempt to justify taking the whole of the CRA as a direct result of this action and,
 - (b) The removal of the Rent component, (residents of DHS group homes will no longer pay “Rent” as such), as a result of the ‘bundling’ removing the potential for XXXX to have real residential tenancy rights like members of the general community and,
 - (c) XXXX and his administrators, as a result of the department creating a “one fee charge” (bundling Rent, Housekeeping and CRA), similar to aged-care residential, will have no right to a detailed breakdown of , or scrutiny of that being funded (purchased) by the “one fee” residential charge.

- Given I, XXXXXXXXX, the applicant, on behalf of XXXXXXXXX, for the CRA, I should control its use as being for the direct, and whole benefit of XXXXXXXXX. This is especially so, considering the CRA is not intended to provide general funding for state governments.
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- I wish the Tribunal to direct the Department of Human Services (DHS) to clearly define their use of the CRA (Commonwealth Rent Assistance), by itemising and costing individual items for which they claim it is intended to be used after the 1st of April 2014.

- I wish the Tribunal to direct the Department of Human Services (DHS) to say, in detail, why they have suddenly, after many years, decided to reconfigure the traditional Rent and Housekeeping charges to make all residents of DHS group homes eligible for the full CRA, when they have not done so before.

- I wish the Tribunal to direct the Department of Human Services (DHS) to, on request of myself or my wife, XXXXXXXXX joint VCAT Administrators and Plenary Guardians, to provide a very detailed, itemised, account of everything funded by the B&L charge for XXXXXXXXX. This charge consisting of, the traditional Rent and Housekeeping charges, and the CRA.

- I wish the Tribunal to direct the Department of Human Services (DHS) to agree to define in detail what they intend to do with any of the CRA, the full CRA which they (DHS) are demanding is to be handed over to them, and which is not for the direct benefit of XXXXXXXXX.

- I wish the Tribunal to request of the Department of Human Services (DHS) why they consider I should not keep the full CRA, given the CRA is an allocation to XXXXXXXXX, not the DHS, and continue to pay the residential charges similar to those which I have paid for many years, and to which there have been no complaints.

In Conclusion: The moral aspect of a one-fee charge is illustrated by the aged-care residential system, for which there is no breakdown of the one-fee into its component parts for transparency and accountability of its intended provision of quality care and support. And, similar applies to many non-government disability services.

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NOTE: We are always interested in feedback and information; general, specific, good or bad.

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