

# **The Disability Amendment Bill**

**The Bill has passed both houses of the Victorian Parliament, as Predicted! This Bill will move group homes into hostel style aged care living, where residents have little or no choice and control!**

The government selling-point when most of the institutions were closed in the 1990s, in favour of regular houses in the community, was the residents of these houses should live as close as possible to that of the general population. The houses were intended to be [real homes](#) - not mini institutions, hostels or aged-care residential.

A residential CERS fee structure was developed to assist the residents to have choice and control, like most members of the general community. This fee structure has been working well, with excellent transparency for administrators, for years.

Its components are, rent, housekeeping and personal expenditure. The support service cost (support staff wages and overheads) has never been a component. It is generally considered to do so, would be charging people for having a lifelong disability.

Department of Human Services group homes were always fully funded by government for support service costs. Yet this department has consistently refused to fully fund the non-government group home service providers (CSOs) for support service costs.

Community Service Organisations have, therefore, to charge their residents far more, fund raise or use less support staff, or a combination thereof. Whereas residents of a DHS group homes should be able to transparently move to CSO group homes.

Rather than fully fund CSOs for support service costs, to make them equal with DHS, the current state government attempted, early this year (2013), to have the DHS residents pay towards their support service cost through a proposed 50% increase in the residential fee structure as a result of the Minister's attempt to get 75% of the DSP in one hit.

Such actions, now or later, move residents of DHS supported accommodation group homes towards the outrageous charges being imposed on CSO residents. And this is where DHS residents might soon be, under the government's intention to get the DHS out of direct service provision before the NDIS comes into full operation.

When questioned over which components, rent or housekeeping, would be increased, the government were reluctant to respond, and withdrew their demands for the outrageous and unjustified fee hike following hearings at VCAT and the pending federal election earlier this year.

The Minister, subsequently, tried a more subtle approach to get at least something for her budget's black hole, and to engineer that which would finally achieve her original intention of 75% of the DSP, plus 100% of the CRA – bundling. It is clearly a sleight of hand / creative accounting if eligibility for the CRA is purely on an accounting format - the way charges are presented, rather than the actual charges.

Mr Bernie Finn made the government's intent to have residents of group homes pay towards their support service cost with his statement in the Legislative Council on the 10<sup>th</sup> of December 2013, "*There is no such thing as free accommodation, no such thing as free food and no such thing as free care*", he said.

Another member on the government benches suggested LISA Inc. had given the Bill a tick of approval. Whereas, LISA Inc. had only agreed that predictability of cost sounded reasonable on face value, but required more investigation ([LINK](#)).

There was a clear intention by most government members in the chamber, with a specific statement by Mr Drum, that those already in group homes should feel an obligation to help pay for families looking for a care home, through contributing to support service costs. This is equivalent to a select community group being expected to fund government services – fund the resurfacing of the Hume Highway, for example.

This state government is clearly not seeing itself as having an obligation to fully fund the cost of support services. Whereas the NDIA assure us they do not expect people assessed as eligible to receive support services, to be expected to contribute towards the cost of these services.

A person assessed as needing a wheelchair, for example, would not be expected to contribute towards its cost. Equally, a person assessed as needing 24/7 care in a supported accommodation group home should not either. A person's DSP is intended to fund just their daily living - like other pensioners in the community.

This government's attempt to get its hands on federal funding, the CRA, by stealth, is, again, totally unjustified. The CRA is not intended to top-up state coffers. It is intended to assist members of the community, not state governments.

Whilst the state government cannot get the CRA directly, its legislation is demanding it be applied for by residents, and handed over to the state. Yet, the state is not justifying its considered right to have this money.

Government claims it has justified all group home residents to legitimately claim the CRA if the two living components, rent and housekeeping, are combined into one charge – Bundled, and called B&L. Notwithstanding the moral aspect of this, it is really hypocritical of government to use people to get money for them.

Bundling will have two significant detrimental effects. It sets the original residential (CERS) cost format to a B&L format. This sets the scene for future cost hikes towards the regulated 75% of the DSP. It also masks the rent component, which removes any remaining potential for residents to have real residential tenancy rights under the Residential Tenancies Act.

The department's selling point for bundling is predictability of cost. Residents will pay one fee, no matter what needs to be provided, repaired or replaced within the home. So the say. We have yet to see the terms of this.

Residents currently provide their white goods, pay repair and replacement costs, as do other members of the community, but they share these costs. Moving towards predictability-costing, removes the final remnants of the little choice and control residents currently have under the department's extremely despotic power over people regime similar to that of aged care, institutions and prisons.

Where residents have both real residential tenancy rights and ISP (money-in-their-pocket) support service funding, they have the legal and financial power to choose their service provider and their service contract – they have “Choice and Control” like most of the general community take for granted.

**Extra1:** [Secret Vertigan Report](#) - DHS should be moved out of direct service provision.

**Extra 2:** [JacksonRyan Media Release and case study on Yooralla systemic failure.](#)

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