

**Commonwealth Risk
Management—Inquiry based on
Auditor-General’s report 18
(2015-16)**

**Australian Unemployed Workers’
Union (AUWU) Submission to the
Joint Committee of Public
Accounts and Audit**

7 November 2016



Table of Contents

Introduction	3
Preliminary Remarks Regarding the Disability Support Pension	3
Concerns Regarding the New Impairment Tables	4
Concerns Regarding Role of the Job Assessor and Job Capacity Assessment	4
Concerns regarding the Reassessment of DSP recipients	5
Concerns regarding the Review of Failed DSP applications	6
Concerns Regarding Excessive Employment Services Requirements Placed on DES and DSP Recipients	6
Concerns With Employment Services Assessments (ESAt)	7
Case Studies	7
Recommendations	25

Australian Unemployed Workers Union
(03) 8394 5266
contact@unemployedworkersunion.com

Introduction

1. The Australian Unemployed Workers' Union (AUWU) is a national body representing unemployed and underemployed Australians. The AUWU formed in early 2014 with the primary aim of fighting for the rights and dignity of unemployed workers and has active branches in Melbourne, Sydney, Brisbane and Adelaide. The AUWU has in excess of 4,000 members across Australia. The AUWU is run by volunteers.
2. Since forming, the AUWU has been collecting stories and providing advocacy services to Newstart recipients applying for the Disability Support Pension (DSP). The vast majority of these stories involve a Newstart recipient being either being removed off the DSP or having their application denied. To further assist with this growing problem, the AUWU introduced a DSP officer to provide more tailored advice to our members. Members were encouraged to contact the DSP officer in relation to these issues.
3. The AUWU welcomes the opportunity to make a submission to the Joint Committee of Public Accounts and Audit. The AUWU looks forward to working with the Committee to look into this important area.
4. The AUWU seeks the opportunity to consult directly with the Committee of Public Accounts and Audit. The AUWU feels strongly that having the voices of Newstart recipients heard during this process is essential in order to achieve measured and appropriate policy in this area.

Preliminary Remarks Regarding the Disability Support Pension

5. It has been found that at least one quarter of Newstart recipients have a significant disability. The Coalition's stated aim of reassessing DSP recipients will most likely increase the amount of disabled Australians on Newstart – a payment that is just under \$400 below the Henderson Poverty Line. With the introduction of stricter impairment DSP tables, it has been estimated that more than 40% of DSP recipients would not be eligible for the entitlement under the new rules. The AUWU would like to point out in the strongest possible terms the health risks associated with pushing vulnerable disabled Australians off DSP without appropriate oversight.
6. Looking at the background to the DSP, stating it provides financial support to working age Australians who are permanently blind or have a permanent physical, intellectual or psychiatric impairment that prevents or limits their capacity to work, one cannot help but ask, how can a condition be assessed as permanent (once upon a time, to those who were

granted the DSP and currently in receipt of the DSP) and now that or those very conditions are now being brought into question?

Concerns Regarding the New Impairment Tables

7. The purpose of the new impairment tables, as outlined by the Government, state changes to the DSP eligibility assessment processes introduced in January 2012 aimed to taper DSP growth and reduce new grants. There is a flaw in the purpose of the changes – there is no human element, or little at all. The primary aim of the introduction of the new tables, is to reduce, refuse new claimants from accessing the DSP, when they have a permanent disability and unable to work.
8. To suggest there are incentives for people to access the DSP is demoralising, and degrading. Claimants are testing their eligibility for the DSP, as they have a disability or many disabilities and are unable to work. These people are unable to maintain any form of work and earn a decent living to continue a standard of living that allows for them to be a part of their community. Accessing medical doctors, specialist, physio, and medication is a time consuming part of their lives. The costs of medication and such treatments is a burden on top of the existing financial burden we all face. Payment of bills, like rent, telephone, essentials like food and childcare are enormous.
9. The earlier reforms in 2006 did tighten the work capacity definition from being unable to work from 30 hours per week to 15 hours per week. This is a big reduction to the once 30 hours per week and yet many people with disabilities are unable to work at least 15 hours per week and maintain that employment. Even with supports in place, they are unable to remain in the work place. Some people with significant health conditions, such as bowel incontinence (naming a few) are not in a position to remain at work. These people require access to showers, clothing changes and no workplace would tolerate such person/s with this condition.

Concerns Regarding Role of the Job Assessor and Job Capacity Assessment

10. The Job Assessor does not have the knowledge of the various medical conditions, and functional impact on the person with a disability. The best person to be able to comment and report on this is the treating Doctor/Specialist etc. The persons treating Doctor has a thorough knowledge of the *whole* person. Often they have had the doctor patient relationship for many years. They are the ones who are best able to form an opinion on whether or not the person (their patient) with a disability is able to work 15 hours or more per week, in the open market and unsupported etc. The Doctor does not look at the disability in isolation; they are treating a *whole person*. Job Capacity Assessors do not have this

in mind. They are seeing the person with the only intent of review of their claim for DSP or a continuing inability to work or a new claim for the DSP.

11. The AUWU has heard stories from people with a Disability saying they have attended for a Job Capacity Assessment, only to be told by the assessor, 'I have a back condition, and I am working, so can you'. These comments are being made to the person with a disability. These comments are being made behind closed doors. The Assessors also recorded in their report, the person with a disability said they are looking after their grandchildren, and yet the person being assessed has said no such thing.
12. The focus should be on an assessment that is fair. There must be no bias against the person with a disability. The question that should be asked – would a Doctor or Specialist considering the same evidence form the same conclusion? The Doctor or Specialist should be the *persons treating* the disabled person for the reasons already highlighted earlier.

Concerns regarding the Reassessment of DSP recipients

13. The reassessment of DSP recipients is causing significant concern throughout the DSP community. The AUWU has received countless stories of stress and sleeplessness nights and the aggravation of people's disabilities and illness. People are frightened they will be called up for a review and lose their DSP. They will lose their home, as they will not be in a position to maintain a standard of living. They will be forced to look for work, when clearly their disability does not allow them to work. Their Doctor or Specialist has told them they are not to work and cannot work. To now be told (evidence in the JCA) by an Assessor who has seen them once, that they can work or study etc goes against any human compassion and is a blatant disregard of the person's treating Doctor or Specialist and their medical opinion. Job Capacity Assessors are not medical practitioners. They do not have the extensive physiology and anatomy studies the medical professionals have gone through. While a person can always appeal the Department's decision, these appeals take a long time, cause enormous stress to the person.
14. Those that are to be reviewed (and we know little of how they are selected for review) have very little time to gather medical evidence. Often their Doctor or Specialist is away or they cannot see them in time to prepare a report for their patient to provide to the Department. At a minimum, more time needs to be given so people can gather evidence. Such time could be 42 days or even more time. When you consider what is at risk here, it is important that the person with a disability has the time to be able to gather any evidence they wish to put forward.

Concerns regarding the Review of Failed DSP applications

15. Reviews are also taking too long. The Department should clearly spell out to the person who has claimed the DSP, why their application was rejected, and how it could be reconsidered. For example, unsuccessful applicants are being told, “you did not get 20 points – we gave you 10”. They should be informed of why they were given 10 points and what they would need to show to have 20 points.

Concerns Regarding Excessive Employment Services Requirements Placed on DES and DSP Recipients

16. The AUWU has received many cases from ill or disabled unemployed workers who are being threatened with penalties if they do not attend job agency appointments and activities. This is a result of a confluence of factors, which has led to many disabled or unwell Australians not being offered the support they need from Centrelink. These factors are:
 - I. Centrelink are declining 85% of DSP applications, which has led to the rapid increase of disabled Australians on Newstart.
 - II. Centrelink refuse to accept successive medical certificates from Newstart recipients on the basis that if the same condition is ongoing for more than 3 months, the person should be applying for the DSP.

These two factors have led to a crisis in which many disabled or sick unemployed workers are being caught in no mans land are not being offered any support. Instead, they are being both DSP and denied medical exemptions and are being forced to attend activities and appointments against the wishes of their doctor or specialist leading to the exacerbation and aggravation of these illnesses. The Welfare Rights Network and the Australian Medical Association are also aware of this issue, which was reported on in the Guardian by Paul Farrell. An independent review of Centrelink’s process of accepting and rejecting doctor certificates needs to be conducted immediately.

17. The dysfunctional and punitive nature of the employment services industry has is pushing many sick and disabled unemployed workers to the brink. With the closure of CRS Australian in 2014, the Disability Employment Services sector was fully privatized for the first time. With the lack of government oversight in the DES sector, privately owned job

agencies are increasingly taking advantage of sick and disabled unemployed workers due to the perverse financial incentives made available to them by the Government. The establishment of an independent review of the employment services industry needs to be undertaken immediately, as well as the establishment of an ombudsman to handle complaints.

18. The Program of Support should be removed from the Legislation. Many people are not able to attend the agencies for their appointments. This in turn then shows as a failure to attend, and consequences follow.

Concerns With Employment Services Assessments (ESAt)

19. The AUWU has received a number of cases of unemployed workers being told that they are required to attend appointments and activities with their job agency while they are waiting for an Employment Services Assessment appointment. After contacting the Department in relation to this matter, we have been told that whether unemployed workers are required to attend job agency appointments in this instance is discretionary. The AUWU wishes to point out that forcing unemployed workers to attend appointments and activities with their job agency while waiting for an ESAt runs the risk of exacerbating the unemployed workers' condition and therefore should not be allowed in all cases.

Case Studies

20. Below are seven cases the AUWU's DSP officer and advocacy team have received. Where names have not been given the individuals would like to remain anonymous. More details of these cases can be provided upon request.
21. "I am 48yo and been on a DSP for over 20yrs for a debilitating psychiatric condition I also have a carer who is paid to support me via Centrelink. Recently Centrelink deemed me work ready based on a phone call that I didn't even realise was a work capacity test. As such they now deem me capable of work 15 hrs a week and my DSP support is now under threat This has caused me extreme stress. I would like to appeal this based on the fact that only a qualified psychiatrist has the right to make decisions about my mental health plan"
22. "I applied for DSP in late Apr 2016 but as of Oct 2016 have heard nothing, I assume it is not rejected yet (although I expect rejection, although I will appeal) in the meantime I have to attend DES anyway. I haven't applied for DSP on any previous occasion but my doctor and clinical psychologist told me to, along with the assessor at the ESAT in Jan/Feb 2016 (she said I

should 'have a go'). Despite that I have had written by doctors Centrelink Medical certificates since Jan 2016 onward saying I am incapable of working 8 hrs. a week, after an initial 3 months exemption this was not renewed by Centrelink despite giving them the new medical certificate, and I have been automatically moved to the 15-22 hr. work capacity category according to the ESAT. The ESAT assessor explained that she could only give me a 3 month exemption at <8hrs capacity and no choice other than to write that after 3 months I get moved to 15-22hrs since she is literally unable to put a lower outcome, and to try applying for DSP. I asked for another ESAT after 3 months in hope of extending the <8hr capacity when the repeat medical certificate was rejected, but the Centrelink office refused to let me have another one, and also said I wasn't allowed to appeal the decision, the worker claimed 'You can only appeal decisions other than an ESAT'. In any case, it looks like it would be futile to have time exempt from DES unless I am granted DSP, since I have to have been for 18 months within the last 3 years to even apply if the Apr 2016 application fails. The DES I have attended since Mar 2016, Atwork Ryde, already said that they refuse to see me on a voluntary basis, even though I offered to attend during the 12 week suspension of obligation after applying for DSP (they even said all they'd do if I didn't obey their demands to go to their work experience and apply for 20 jobs/fortnight during the 12 weeks was tell Centrelink to stop my Newstart!). This period ended with no communication from Centrelink so I am back at Atwork.

The DES I am attending, Atwork Ryde, currently seems like they are trying to trick and blackmail me into doing activities beyond my capacity as stated on current medical certificates, since they claim this is the only way they will fill in a form 'Program Of Support' official form from Centrelink, to help me qualify for DSP once I complete (fail) their program, not for at least another year. I already attended DES (STEPS Employment Chatswood) for at least 18 months within the last 3 years (2013-Jan 2015) at time of DSP application (Apr 2016, also the month at Atwork in Mar-Apr 2016) but nobody filled in this specific form which I was unaware of existing. I sent with my DSP application the Employment Pathway Plans proving I attended DES for the required time. It is extremely unlikely I can get this past DES (STEPS Employment Chatswood) to fill in such a form as just shown by Atwork. I attended STEPS Employment (DES) on Newstart in 2011-2012 but attended and signed EPPs there voluntarily from ~Mar 2013-Jan 2015 as I was then on (Concessional Study Load) Austudy. I'm terrified this somehow doesn't qualify as a 'Program Of Support' and was a waste of time.

My main impairment is PTSD, however I have several other chronic, incurable medical conditions that further restrict my work capacity especially outside my home and could likely be exacerbated even by a short work experience placement of the type offered by Atwork. This includes a condition (severe acne rosacea) that only was diagnosed by late 2014 that is exacerbated by even brief exposure to sunlight or heat,

so especially since it's nearly summer travelling to/from some unnecessary unpaid 'work experience' 15-22hrs a week is something I want to avoid, and also there could be too much sunlight coming through windows, hot stuffy workplace etc. Atwork doesn't offer useful 'work experience' related to your actual skills, qualifications and experience, but apparently only their default minimum wage unskilled 'jobs' they already have arrangements with.

Things I have given to Atwork include:

-letter from Clinical Psychologist saying my work capacity is likely < 8hrs a week and definitely <15hr in any foreseeable future, and that inappropriate jobs will exacerbate my condition.

-Letter from doctor outlining (among other things) hypersensitivity to sunlight, heat, and saying it's contraindicated to sit for extended periods (time not specified)

-Current medical certificates, continually renewed, saying I can't work 8+ hrs. a week, for PTSD and acne rosacea.

However, the ESAT from Jan 2016 does not specifically say that travel/working in the sun (even through windows) or a heated workplace will exacerbate my health problems, so Atwork claims this is not a restriction of my 'capacity' despite the current medical certificate and letter from my doctor I gave Atwork that says this. Atwork claims my work capacity is 15-22 hrs. not 8hrs despite the medical certificate, so in terms of the 'law' they are not breaking it by making me work 15 hrs. unpaid work experience, since my 'capacity' under the social security act is from the ESAT not a current Centrelink medical certificate! For example the Social Security Law is:

<http://guides.dss.gov.au/guide-social-security-law/3/2/8/50>

"A person must be capable of complying with any item/s included in a Job Plan. If a person is not capable of undertaking any mutual obligation requirements (or a combination of requirements) then that requirement (or combination of requirements) cannot be included in their Job Plan. For information on what should not be included in a Job Plan refer to 3.2.8.40."

So I showed them the pages from that Government law site and argue to them that if I only have a 8 or less hr. work capacity they can't put 15-22hr/week work experience in my Job Plan as I am not capable of fulfilling it. But they say that my capability/capacity is only what's written in the ESAT, NOT any other information provided even from medical professionals, so they can legally put such items as a (compulsory) activity. Same with what will exacerbate any health conditions etc. If it's not on the ESAT report it doesn't count according to them. I'm not even

allowed to ask for an 8 (7?) hr/week work experience, it has to be 15-22hrs/week minimum they claim.

(And even then they ignore the ESAT's recommendations too, there's always some stupid excuse to try and force me to do the unmodified stock program).

I have a feeling I'm not legally obliged to do this as compulsory, but they have seemingly decided to try and trick/coerce me into doing it voluntarily, their stock program unmoderated to my actual health problems/capacity/circumstances.

The consultant at Atwork of course knows that I have a pending DSP application, that it will likely be rejected and have endless appeals, and from the way he acts during appointments seem like he's decided that he shouldn't be bothered to even attempt to help get me suitable work that might be feasible with my health limitations (e.g. working from home for minimal hours) rather just do the stock program at the Atwork place so they (Atwork) get the extra payment from the government, even though these conflict with the advice of the medical certificates. Instead, he seems to have decided my aspiration for DSP is instead a way to blackmail me into doing activities that are not necessarily my legal obligation as they exceed my capacity as stated by doctors and clinical psychologist (i.e. a risk to my health).

The consultant at Atwork Ryde claimed that they have an official Centrelink form, which he showed me, to be filled in by the DES places, not me, about the 'Program Of Support'.

Like a bribe, he said that if I did the stock program, he would fill in one of these for me after 12 or 18 months, so I could send it with a DSP (re) application, but ONLY if I attempted all the activities he told me to (including ones beyond my capacity as written by doctors and clinical psychologists) so he could say I failed them, and not within a few months but after at least another year of 'trying' this unsuitable, time-wasting activity (i.e. since I've already been there 6 months so that's the 18 month program). He told me about another client he supposedly had, who had previously had a stroke, and the client was sent to all the unsuitable activities such as unpaid 'work experience', was unable to keep doing them (not sure how that was determined) and eventually the consultant filled in the form to say he'd 'tried' all the activities, as a sort of support for his DSP application. The stroke victim had been REJECTED for DSP twice previously but after this new attempt with the Program of Support form from the consultant it was granted.

Even if the 'advice' he has given me is his genuine understanding it's not necessarily true. But maybe I'll never get on DSP without this as well, just having attended DES for 18 months within the last 3 years might not qualify?

The main caveat here is I don't know whether this stroke victim had

already done activities at a DES previously for 18 months within the last 3 years or not, as I know this is a requirement that is only waived in very rare circumstances. But now I'm petrified that any DSP application of mine will be rejected without a Program Of Support Form filled in by a DES claiming I failed (not merely attended) to be cured by all the interventions in the ESAT. The ESAT recommends a long list of generic stock interventions to 'cure' me, most of which don't occur at Atwork to start with, and were determined by some allied health assessor anyway. All that happens at Atwork is being rudely co-erced to do unpaid work experience in a minimum-wage unskilled 'job' (regardless of your skills, qualifications and experience) and apply for 20 jobs a fortnight. The staff clearly have no idea how to help people with mental health and otherwise disabilities and would be useless in getting provisions or solving problems with employers.

But I have heard the horror stories about other cheating, lying jobactive/DES that are possibly even worse than Atwork, so I'm too scared to change, there is nowhere to go.

Part of the reason the clinical psychologist told me to get on DSP was that he feared for the exacerbation of my mental health problems from just attending the useless DES places on Newstart again, although of course he didn't write that in his letter. I can't consult him again since he worked at the uni where I studied part-time from 2012-2015 and I graduated with my degree in Jan 2016. Informally, I can tell you I have had a severe decline in my mental health since attending useless Atwork, although I'm not even sure it can be regarded as direct exacerbation of my PTSD per-se, but rather additional mental illness caused by the despair, alienation and anxiety of this DES/Newstart alone, I fear getting a new, co-morbid condition if I have to keep going, or committing suicide, which I've started fantasising about, although I have never been suicidal previously to Mar 2016. Nonetheless, an unsuitable job placement would almost certainly trigger my PTSD symptoms specifically (as also written in the clinical psychologist's letter 'inappropriate or overly stressful employment' but that doesn't define 'inappropriate' unfortunately! The same letter also says my work capacity in any foreseeable future is < 15hrs and likely <8hrs though).

It's apparent no useful outcome will occur from this mediocre, useless program at Atwork Ryde.

Some government website

(<https://docs.employment.gov.au/node/36776>) claimed they specialise in 'mental health conditions' (maybe why I was sent there) but this is incorrect. The consultant is completely oblivious to anything to do with any mental health or otherwise health conditions (gives me useless advice most weeks like my PTSD can suddenly be cured by positive thinking, along with my other chronic health conditions, and that it's all caused by me being 'negative' and 'difficult'). He also seems to have complete ignorance of anything to do with employment or resumes and can't even

spell, and has no intention of trying to get me employment related to my qualifications or previous experience, even though I have current high-level skills from the degree completed just last year, about the only reason someone might employ me despite the significant provisions required. In fact to start with he kept trying to tell me every time that's it's the 'law' that I automatically accept the mutual obligation requirements of the regular Jobactive not DES.

After I kept explaining that I'd need assistance from someone with even basic psychological/counselling training (especially during any work placement), and this is the basic service I'd expect if they claim to specialise in 'Mental Health' disabilities, he explained there is exactly one psychologist in the nationwide company, in Western Australia, us being in NSW. By Oct, he offered maybe I could speak to the psychologist on the phone. But even this could not be arranged. In early Oct 2016 he emailed the Atwork psychologist in WA but 2 weeks later had not received a reply and thus then removed this offer, framing it like it's my fault somehow.

So even the DES company's own staff can't contact the one lone psychologist employed interstate by this company (Atwork). They are clearly unable to support any issues I may have in a work placement even regarding mental/physiological health issues from PTSD, let alone my other health problems. The consultant's own work ethic and standard is about zero and I'm not sure why I'm apparently the demonised, lazy dole bludger here not him.

He has scheduled 2 appointments thus far where he has not even been on site, ignoring them like they don't even exist, and the site is literally abandoned (nobody else there either) with me locked out. Instead of 'helping' me write a resume he made a terrible document himself. The resume was filled with numerous basic spelling errors (for example, he can't even spell 'certificate') and he had apparently copy-pasted chunks of some other resume/s of another person from who knows where that claimed I could do things I can't while ignoring the list of skills and experience I gave him. The thing would have been uploaded to the Centrelink website as-is if I hadn't requested he sent it to me first. He speaks in weasel words and logic fallacies, spin and other verbal tricks like a politician (although he's not very good at it.) Everything is twisted to be suddenly my fault and not replying to anything I actually said but a distortion. For example, it's my fault nobody but me was there during our scheduled appointment. It's my fault he can't contact the company psychologist. Etc. It's my 'choice' to have PTSD. He just claims every session if I don't like the service I should just go to Centrelink and ask to be transferred to another one, i.e. he can't be bothered improving anything himself it seems. Simultaneously he tells me I 'should be grateful' because 'nobody else would be willing to sit down and work with me' (not that the Atwork program has been adapted, but that I haven't been fined yet for not obediently agreeing to the default program unmoderated to my actual capacity/situation, even though in DES according

to the Social Security Act they are 'supposed' to do this.) And this has the desired effect; I fear an even worse treatment/punishments for nothing at a different DES!

Whatever places they already have arrangements with don't let you work from home so there's no having that modification. The consultant I assume knows the program is a waste of time for me but just wants me to do it so he can get the money and say I failed. He won't even try and get me work experience etc. at somewhere even slightly related to my qualifications and experience.

There are no other services at this place, not even to do with resumes or interview techniques, literally seems to be all they do, force you to apply for 20 jobs a fortnight and go to unpaid work experience with their existing minimum wage unskilled employers, and certainly nobody with any psychology or social work training even on a basic, unprofessional level.

He literally claimed that my current <8hr work capacity is irrelevant because unpaid working 15-22hrs and applying for jobs will magically increase my permanent baseline work capacity to 15-22hrs, despite the medical certificates/letters suggesting (and in the case of the clonal psychologist, outright stating) it will instead make my health and capacity decline. I.e. force me to do it and beat me with a stick and threats, maybe it might happen for a short period under duress. These places are outright dangerous. No doubt they do the same for people with potentially fatal conditions too! I know there is no consequence for Atwork if the clients have permanently increased health problems as consequence, Atwork's parent company also has another company that does things to help employers handle (reduce/deny) compensation claims. Just by showing the consultant the Social Security Law a few months ago to avoid being forced to sign a default Job Plan with the conditions of the regular job active that he claimed was 'the law' (not DES/partial capacity to work) has made him decide I'm a bad person, he repeatedly says I'm 'difficult', 'negative' 'a problem' and other character assassinations, and of course any sort of attempt to defend my rights (even the minimal ones still in the social security law by the Govt) is labelled as either poor reflection on my morals/character or a symptom of my psychiatric impairment. He tells me my PTSD can be cured by 'positive thinking' and it's all my own fault and imagination. He keeps asking if I'm 'work ready' and tells me if I'm not I shouldn't be claiming Newstart. But of course, Newstart is the replacement for DSP these days. I can't even fulfil my obligations from doing unnecessary joke courses, the only thing that happens there is the unpaid work experience and applying for 20 jobs a fortnight. The stress and despair of going to Atwork means I can't do anything productive in my own time that might lead to even short freelance projects from home (i.e. proper work experience < 8hrs a week), or further education (can't focus on writing a research proposal for an honours degree, too depressed and anxious to do anything).

- So now he has a carrot and stick to wave at me, do anything he says or he won't fill out the Program Of Support Form to get on DSP one day. See, it's not even about doing anything to potentially rehabilitate or employ me. He will tell me to do things that are beyond my capacity as determined by doctors (their stock program not moderated to my capacity) and I have to otherwise I will never get on DSP, ever. Despite that, I have already attended useless DES since 2008 with no useful outcomes and no employment. It isn't even supposed to be legal to put compulsory activities in my Job Plan that I am unable to complete! But not even knowing how this 'Capacity' or 'ability' is formally and legally determined makes it even harder.

About all I can think of is refusing to engage in such activities in my Job Plan unless they are in the Voluntary category, but I doubt there is even opportunity for negotiation. He suddenly goes away to his computer that is not in the area where clients are met in and just prints out job plans (or appointment times) without warning or discussion.

If the 15 hrs. per week work experience is voluntary I assume I can just claim it's made me too sick after a day (go for my <8hr capacity), but if it's compulsory I will get penalised for not doing something I am medically unfit to do to start with. I hate causing a problem for 3rd parties but I expect the businesses who take subsidised 'employees' from Atwork are a scam anyway. I don't want to waste time trying to 'fail' activities that according to doctors and current, indefinitely refilled Centrelink Medical Certificates I am unfit to do to start with. I don't see how I can get a medical certificate to not attend the scheduled 'work experience' since I already have medical certificates saying I'm unfit for even 8hrs work, expiry date Apr 2017.

It doesn't help that mental/psychiatric impairments are basically invisible to outsiders so it's very difficult to 'prove' that they (let alone the work specifically) are exacerbating my PTSD etc. There are NOT even psychologists at Atwork to determine if I'm getting increased PTSD symptoms, just the untrained consultant telling me to use magical positive thinking and stop being 'difficult'. Two continuous weeks of travel in the sun to/from a workplace will certainly exacerbate the skin condition on my face (and take many months to return to baseline) but even that is probably not spectacularly visible to outsiders, how do I prove it didn't happen anyway?

I'm even more vulnerable to being abused and re-victimised at a workplace not just because certain types of people see an easy victim from my PTSD appearance and obvious physiological overreactions to benign stimuli, but because I am additionally negatively discriminated against if they know I have PTSD, if I claim I am being poorly or unfairly treated (e.g. by a 'manager') it's assumed to be some delusion of my psychiatric illness, even though it isn't. I know the Atwork consultant

would be of no help or support in such an issue. In fact the opposite is true, my default is to assume I'm overreacting due to my PTSD and it takes a while to figure out I'm really stuck in another genuinely abusive situation. Makes it worse that the abusive situation I'm now in is being stuck on Newstart/DES and a fictional, scapegoated dole bludger 'criminal' according to the government propaganda”

23. “I am enquiring on behalf of my son Simon (not his real name). He is 27 and is on a DSP since he was 16. Recently has started to get Carers Allowance to look after me. He is an identical twin and his brother is also on a DSP, they both suffer from ADHD, Aspergers, selective mutism, depression, He has seen many Psychiatrists, Psychologists etc been hospitalized for months at a time, has been suicidal. We have basically given up on psychiatrists and have had more success with his GP in recent years. He has been stable for the last few years and visits his GP every couple of months, his GP is great and is the only person other than immediate family members that he will communicate with, He does not leave the house without me and even hair appointments, doctor appointments etc are made by me for him and his brother as neither of them are capable of picking up a phone and calling, neither of them have mobile phones despite me having purchased them for them in the past. Recently his stepfather who was my carer became ill and is now in a NH, Simon has become my carer as he helps me with my medication, supervises showers, gets me out of bed, etc, so basically life in the last 15 years has gone from having double income, businesses, fantastic life to shit from when I became ill and was no longer able to work, I have mobility problems so need assistance, I think Simon going on the carers allowance has triggered the review.

We lodged as many papers as we had and his Doctor wrote a letter stating that whilst Simon was stable he did not consider he was capable of being able to work or train within the next 5 years. We have tried to get him into training, he was accepted into a Tafe course and started with his brother, it lasted a week and panic attacks set in, cost us \$1800 each to achieve nothing. We were referred to a disability employment provider who advised that they could not do anything for them due to communication problems. We got them both into a supported employment provider hoping to improve their communication skills, this lasted about 6 weeks and we had panic attacks, rashes etc. so we have attempted to get him to do something.

He used to play golf at the local course on the quiet days and would only go with his brother if there was no one else there, they cannot cope with social situations and Centrelink have never taken any interest in assisting

with this over the years despite me begging for help.

He does not drink nor take drugs, other than his prescription anti depressants, he saves most of his pension simply because he goes no where.

We have now got a letter advising that he has to be available for a JCA phone interview at 10.30am in October, Obviously he will not speak so I will need to interpret, he can listen but it will be unlikely that he will participate. Simon will not go to a job agency and I cannot attend with him all the time due to my own problems. Just getting a little stressed at this process, I am frightened that this stress will trigger suicidal tendencies.”

24. To whom it may concern at Advance Personel/ Workways,

Hello my name is Anastasia (Ana) Hanson, I spoke to you today about what has become in my opinion a destructive relationship with my Advance Personnel worker, possibly with the organization as a whole. Attached is the Centrelink medical certificate for you asked for. I tried to message it to the phone number you gave me, apparently it wasn't received by Melony* and later this afternoon I received a message saying that it was not a valid phone number for a client to message to. I wish to outline how things have gotten to the point where I feel that this program is actually being destructive to my health, well-being, and in the long term – employment outcomes. Please take the time to read these concerns.

I came to this service as a volunteer whilst on the Disability Pension because I wanted to work; unemployment making me bored, poor and depressed. At the time this seemed the right thing for me to do although in hindsight maybe it was a mistake.

I did not have Centrelink requirements to participate in eight hours of work before I engaged with this service independently. I never had a meeting with this agency or Centrelink where a doctor's certificate outlined that I should be obliged to work for eight hours a week. I do not know how this change came about, although I suspect it was forced on me because I wanted to find employment. I *wanted* to work... this does not mean I was in a medically stable position to have that forced on me. Regardless, these requirements have been put in place although at this moment I am not well enough to meet them. I do know that advance personnel has certain requirements to engage with me but I believe the following such incidences explain why I believe it is actually become quite toxic.

- I was hospitalised for two weeks in which time Melony* was still making appointments for me to come and see her – obviously I could not make these. I got the impression that Melinda did not believe I was in hospital to begin with, however she called the hospital and found I was indeed an inpatient. She continued to make appointments for me the entire time I was in Hospital. Almost every day I asked my

nurses and doctors to write a letter as Melinda suggested but it was not until my discharge that I received a medical certificate. I handed this certificate to Melinda as soon as I was able to come to Advance Personnel.

- I went virtually from one acute illness to another, for which I am being treated now and for which my doctor has recommended a few months to recover without any threat to my welfare payment. During this period I decided that it was not safe for me to drive (and I cannot walk to the closest bus stop)... Regardless Melony* keeps telling me to come in for appointments without offering any realistic solutions as to how I can do that. I have between three and five medical or disability support appointments a week at present, I also need to go to the pharmacy twice a week, (grocery shopping is something I'm not prioritising the moment, although I know it is important – I am often hungry). It is very difficult for me to attend medical appointments but I do have a worker from the organization TREC who has been helping me. However when I explained that I am doing my best to work on recovery – by trying to get to appointments for example- this was met with a kind of accusation: (paraphrasing) that if I can make it to my doctors, how come I can't meet the requirements to look for eight hours of work a week?
- I feel like my illness has too often been questioned despite my best attempts to give evidence, a kind of accusation that I am not really ill – (paraphrasing) because Centrelink hasn't approved an exemption for work requirements within 24 hours of me going to Centrelink, then did I really go to Centrelink at all? Do I even have a doctor's certificate? If I am so sick how did I even get to Centrelink? As explained: from the moment I went to hospital I have done everything to try and get doctor's certificates to Advance Personnel and to Centrelink, however once I have asked my doctor (as in hospital), or lodged something to Centrelink (as in yesterday), sent MMS messages to a phone number that was later revealed to have never received it, there really is nothing more in my power I can do. I am sending this email now with attachments, but please bear in mind that I only got the letter yesterday and I was given the impression that sending the letter via MMS would be adequate. And I am very unwell.
- When I try to explain all of this to Melony* she says, "I understand mate but you have to come in", it seems she does not understand all -I CANNOT come in. Furthermore I do not want to come in simply to placate Centrelink, when from the beginning I wanted to treat looking for work seriously. I do not think my worker seriously cares about my prospects for employment. I feel the decisions I have made such as focusing on recovery, not driving when I feel I am too unwell to do it safely, with only limited access to transport prioritising medical appointments over seeing Advance Personnel etc – are the right

decisions to make when I bear in mind long-term recovery and long-term prospects of employment. I feel that Melony* does not care why I am making these decisions, she only cares that I come in so she can mark me off for Centrelink

- Melony* is calling me every second day – ‘You have to come in, You have to come in – no ‘buts’, I understand mate but you have to come in’, now she is threatening me with ‘disciplinary action’.

I do understand there are certain obligations Advance Personnel workers have to follow, however; I had a much better relationship with my previous worker Sarah*. Although I still had periods of illness at that time, we had a constructive relationship that was focused on eventually getting me into work (encouraging me to focus on my health while looking for work, introducing me to volunteer work, taking my obstacles to work seriously and engaging in things that would make me more prepared to have meaningful employment in the long-term). In contrast, the one time I saw Melony* in between these two acute periods of illness I expressed my concerns about how my disability/illness would affect my reliability in the workplace – she simply said, ‘just don’t worry about it’. All of the above gives me the impression that my worker sees her job with me to simply mark me off for Centrelink, but is not really interested in my long-term prospects of working which MUST involve considering the impact of my disability on my ability to work, hopefully working around it, but it seems unrealistic to just “not worry about it.”

When Advance Personnel merged with Work Ways and I somehow went from being a volunteer to having paperwork for Centrelink at my appointments, I expressed some concern- while I was happy to sign the documentation for Centrelink I worried that the focus of the organisation would become orientated to meeting the requirements ABOVE realistic engagement in employment. I hope that this isn’t true overall of Advance Personnel/Work Ways... But my recent experiences seem to warrant my concerns. Melony* is most likely following all of the protocol of her job, however I hope you can see that for me it seems that the focus ISN’T employment: I feel I am being hassled, accused of feigning illness and threatened with poverty as ‘disciplinary action’, while the truth is I am dealing with health problems that are a matter of life and death.

Obviously this is highly stressful for me or I wouldn’t be writing such a letter. As you know I am hoping that Centrelink will exempt me from looking for work for the next three months. I DID go to Centrelink yesterday, I believe they probably just haven’t processed for form yet. I believe I will be exempted. If I am not – I will appeal that decision and I am pretty sure I will have the support of my healthworkers. I need this period to focus on my health. If I recover adequately I truly do wish to work, I spent seven years at university and have post-graduate qualifications. When I start to look for work I would really appreciate some help from a disability organisation (Advance Personnel or otherwise). I have worked before and when I look for work I take it very

seriously. When I need to focus on my health I take that very seriously as well. Those two priorities have to coexist. And for me to truly progress with employment I believe I need a worker (Sarah* was a fine example), who will understand this struggle, and take me seriously as well.”

25. “I would like to give you a scenario of reverse discrimination as a Newstart Job Seeker. I have two permanent medical conditions that prevent me from working efficiently at my old professions, mainly in Accounting and administration work.

I became so ill that I was eventually qualified for a very expensive govt subsidised drug called Humira, an anti-rheumatic disease modifying agent. I applied for sickness benefit and disability pension as my illness is no longer something I can hide in the workplace, like I used to have to do, after getting so many sessions of counselling about my sick leave being greater than four incidents in one year! I have a limp that is too painful to hide due to arthritis in the sacro-iliac joint. I eventually had to leave that job in my own account as it became too stressful for me due to my health condition, as I was not being taken seriously, in a job in NSW.

I then moved to Qld to assist in the pain management of my condition, sold my house, which I have had to live on the proceeds for the last couple of years working out how I find a job with the health condition and keep it. Some job providers I have had have not recognised my medical condition, and have done things like change my resume and distribute it to employers without my knowledge, or consent. I had a course I wanted to finish which cost me \$3000 but Centrelink said it is not recognised, so I had to leave the course I had almost completed to meet my job plan applying for jobs. I no longer have access to that course as it has now expired, while I was too ill to apply for jobs and finish my study.

When I had a job in 2015, I got without the help of the job provider, one disability employment provider sent me daily messages and threatening letters saying I was breaking the law by not coming in to their office after I had obtained a full time temporary job. The job was 2.5 hrs from the job provider’s office, in Brisbane, where I commute to with a medical condition. I told Centrelink immediately I had the job, who confirmed to me on one of my days off, face to face, that this agency should not be expecting me to turn up for meetings now I was in a full time temporary role. I even had this agency ringing me with my supervisor sitting next to me training me insisting I had to report into their offices, although I had told them and Centrelink multiple times I am in a full time role 100km from the job provider, and no longer looking for work. They lied about the multiple phone calls I had with them issuing letter that I was uncontactable. When I made a formal complaint to the appropriate govt body, they took the side of the job provider, saying they were not acting inappropriately.

I have since had to re-register with Centrelink Newstart, and immediately on doing so this same agency started with the the threatening letters again, and issuing appointments without providing sufficient notice, the evening before and appointment, by text message. When I arranged to transfer to my current provider, they instructed the current provider to cut my signature off the wrong transfer form and paste it onto the right transfer form. I was sitting at the desk of the job provider who refused to do this, and said they would leave me the right form to come back in and sign once they have received it from the agency I had the issue with.

Anyhow, I am now back unemployed and refused to go back to that last job provider, as I am afraid of them. Anxiety drives my medical condition. The punitive system has driven my auto immune condition to get worse at times.

While looking for other avenues that would suit my medical condition, in each and every case, the training I would otherwise be eligible for being unemployed and living on Centrelink which does not even cover food and rent, now that I have spent all my savings surviving, I am ineligible for simply because I have a degree. I cannot have something higher than a Cert III to get assistance, yet I cannot physically do what I used to do because of my physical condition. So where do I fit in? Nowhere.

Just this morning, I applied for an apprenticeship as a medical receptionist, part time which would have been perfect for me, and my health condition. It all was looking fantastic when suddenly they learnt I had a degree, and therefore, did not qualify. So now I am back to the drawing board to apply for jobs that won't suit my medical condition that I will have to try and hide, if I get one of them, rather than focus in what I can physically handle.

I am genuinely afraid of my future prospects. I will eventually completely run out of money to survive.

Every job I go for is already taken by the time I apply for it, isn't a real job advertisement, or I don't have current software and experience in my accounting field, medical receptionist and admin field, according to job recruiters, yet I have no assistance to do anything about it as I have higher than a Cert III. Yet, had I been recognised for suitable re-training, I most probably would be in a job by now as I genuinely want to work had I not had a degree.

I spent another \$2000 doing a comprehensive medical terminology course to get employed, but again, said I did not have the experience other candidates have. I have no more money left for my own personal training, and I am not recognised for government sponsored training into a role, because I have a degree.

That is reverse discrimination. Things need to change, as I could be employed, only for a policy that is one size fits all.

I have gone to my local and federal MP Offices, they suggested I discuss my issue with Centrelink.”

26. The 31st of May is nearly over and tomorrow is the first day of winter. Today has been horrible. I was insulted on the phone and ultimately I was informed by text that my unemployment benefits would be suspended because I failed to attend an interview today that I already informed Jobs Statewide I would be unable to attend for health reasons 24 hours beforehand.

Me: “I won’t be able to attend due to illness.”

Jobs Statewide Receptionist: “You will have to get a doctor’s certificate.”

Me: “Okay, done.”

YSR: “You will have to bring it in to us on the same day as the interview.”

Me: “If I am well enough to come into to give you the certificate, I would be well enough to attend the interview.”

YSR: “If you can’t come in you need to come in with a doctor’s certificate.”

Me: “How about I bring in the certificate on my next interview or you reschedule the interview to later this week?”

YSR: “If you can’t come in for an interview you need to come in on the same day with a doctor’s certificate.”

Me: “I am sick and feeling very unwell.”

YSR: “You need to bring in the certificate on the same day as your interview.”

I call the Australian Unemployed Workers Union and am told that I do not need to go in tomorrow if I am ill. I should be able to either reschedule the interview or simply bring in the certificate on the next appointment. I call Welfare Rights in South Australia and they echo what the AUWU told me – I do not need to go in if I am unwell.

I call back Jobs Statewide:

Me: “I have spoke to two organisations that have told me that I do not need to come in tomorrow and I won’t. I am more than happy to either conduct the interview by phone or bring in the doctor’s certificate some other time when I am well.”

Robotic Receptionist: “Alright, I have taken that down.”

Me: “Please call me this afternoon if there are any problems or if you need clarification. Call me on my landline or my mobile.”

RR: "I will pass that on."

Call ends.

Late today I learn that I have had my benefits suspended.

These facinorous (exceedingly wicked) "job" agencies exist only to bully and harass the poor and unemployed. They serve no other useful purpose. They are paid by the government for the people they manage and they are, in essence, a scam and a cruel joke on the most needy people in Australia."

Stephen Guy

27. "I'd like to just share my experience with the disability support job agency called 'Ostara'.

I purposefully sought them out as I wanted an agency that showed some understanding of my situations. What I found was very disappointing. From the very start, I was handed over to a very rude, condescending person by the name of Rosie (Preston, VIC branch). She spoke to me as if I were a child with an odd, belittling tone and would often speak over the top of me. I brushed this off at first, as I just wanted a job that would suit me.

Rosie actually arranged a job for me within two weeks at a small business called 'Hypersonic Industries', in Campbellfield, VIC. It was a warehouse role (even though I stated that I desperately wanted to get away from more warehouse roles). Feeling as though I didn't have a choice, I took the job.

Rosie and I made an agreement from the start - I would work the hours I agreed to and Ostara would provide a fuel voucher to the value of \$40, as well as a work clothing voucher (value not mentioned at this point), but I did not receive either.

After a month or so of working for Hypersonic Industries, I had strong concerns for my safety. My body started to really strain and I had to start receiving physio treatment. My physio warned me that I had to drop my hours from 38 per week to a least 30. I spoke to my employer about this and he was fine with it. I did not, however, express my concerns for the countless unnecessary dangers within the warehouse, as I was afraid to and couldn't afford to lose the job.

During this first month or so, Rosie was on my back constantly asking for me to report my hours. I had started off reporting to her regularly, but when I asked about the vouchers and why I still had not received them, I

only heard excuses. Rosie said I would get them at the next meeting, then the meeting was rescheduled until she got back from her holiday, then she told me they would be in the mail. This was over the course of a few months. I figured, if Rosie was not going to keep to her end of the agreement, then neither was I. So I stopped reporting my hours to her.

After a while, my partner called Rosie (in good faith) and expressed her own concern for me in the job role and to also complain about the way Rosie treated me and why I had not received the vouchers. Rosie told my partner she didn't even know who I was. After a while of being very unprofessional and unhelpful, she miraculously found my file but continued to be very unhelpful and eventually hung up on my partner. My partner called back but was hung up on again. My partner called back a third time and asked why she was being hung up on, Rosie simply said it wasn't her (Rosie's) fault. My partner asked if she should come into the office instead as "the line appears to be faulty", Rosie said 'no' and told her that she would call my workplace about my situation there. My partner told Rosie that that isn't what she wanted or asked for but Rosie hung up once again.

On the day Rosie called my workplace, I was placed into an incredibly uncomfortable situation. Rosie had told them everything my partner had mentioned about the workplace. My employers then put me on the spot and asked if it was true. I felt under a huge amount of pressure and played it down and basically said everything was okay. My employer then asked that I tell Ostara that, as they didn't want their name spoken badly of (as that's where they get their employees – from an agency for those with disabilities).

My partner called Ostara's manager and told him everything that had happened up until this point. He agreed that Rosie was out of line in calling my workplace and for treating both my partner and myself so rudely. He said that there have been previous complaints about Rosie from other people, too. He told my partner that I would not have to deal with her again (So I was transferred to another branch). He also told my partner that he doesn't know why Rosie had promised me vouchers, as that wasn't in their policy. He told my partner that he would send out a \$200 voucher anyway. Months later though, and it still has not arrived.

The branch I was transferred to (Box Hill) has been equally unhelpful. I've had one meeting but the following four have all been rescheduled by them. Having enough of this, I have asked to be transferred to yet another branch (Brunswick).

In the end, I was dismissed from my workplace (I suspect it all led back to Rosie's phone call), so I'm hoping to find work again – though this time, I hope they match me with a job I can actually do.

I should also mention that while I was working for Hypersonic Industries, my fellow employees also had negative dealings with Rosie.

Thank you so much for your great service and for your time today”

Matt Mcleod

28. “I am writing to advise that as a registered ‘Voluntary’ active Australian and skilled jobseeker that after 10 long years of attending regular fortnightly ‘go nowhere’ employment provider appointments with various employment providers, that I have had enough of the ineffectiveness of a system which simply doesn’t work and an employment services system which is unable to assist those already skilled jobseekers wishing to work, to feel inclusive in society, contribute, and those wishing to support their family independently and without assistance from the Australian government.

The ignorance and the way that Australian jobseekers are treated in the system particularly in Disability Employment Services who are left in the system year after year without hope and adequate assistance is appalling. 10 long years as a once financially independent and skilled jobseeker trying to re-enter the workforce without adequate employment assistance, now left socially isolated and professionally and financially disadvantaged, attending employment service appointments, that simply lead to no positive outcome, 10 long years of making the same complaints over and over without change to legislation and policies, denied access to traineeships where a skills shortage exists, denied access to government programmes such as Restart as a mature age Australian jobseeker in Disability Employment Services, and treated as worthless as a mother with young children to support by several government departments who mislead the general public in the services they provide and who take no accountability, when disputing my case to be given the right employment assistance and right to work.

After 10 long years I am now discouraged from jobseeking and like many other Australians, no longer can continue on this path and are exiting from the employment service system indefinitely due to mental and physical exhaustion of the jobseeking process which has contributed to poor health.

As such, I will now no longer be counted as ‘looking for work’ nor ‘unemployed’. Certainly I have not been encouraged to look for work and have done so of my own free will, rather than provide adequate employment assistance and encouragement, Australian jobseekers continue to be punished in a system that does not recognise its failures and that does not willingly act to resolve with any positive outcome.”

29. We encourage the Joint Committee to monitor our website and forum for further stories.

Recommendations

30. All current DSP recipients should be exempt from reassessment
31. At a minimum, more time needs to be given so people can gather evidence for their DSP review.
32. The role of JSA must be given less power. The recommendations of the DSP recipient/applicant's treating Doctor or Specialist should be given more weight as part of the claims and applications process.
33. Reviews of failed DSP applications must be quicker.
34. Mandatory exemptions from the activity test for unemployed workers waiting for Employment Services Assessment appointments
35. The Government must set up an independent review of Centrelink's process of accepting and rejecting doctor certificates in light of the DSP changes.
36. The Government must set up an independent review of the employment services industry and establish an ombudsman to handle complaints.
37. The Program of Support should be removed from the Legislation.
38. Program of Support should be removed from the legislation