

Federal Inquiry into the Disability Discrimination Act 1992

Thank you for inviting me to speak to this inquiry in relation to the operation of the Disability Discrimination Act 1992. This submission is made on behalf of my wife who has a serious kidney failure which require ongoing dialysis.

The basis of my submission is represented in the following areas. The submission is also in its draft form:

- Impact of my wife's sudden illness and disability on our domestic situation has been very traumatic. It means, we had no financial means to live on soon after she finished her employment. All other leaves due to her had been exhausted during episodes in hospital or otherwise. She was also required by centrelink to use any long-service leave because they could not grant sick leave to her. This is despite medical proof that my wife did not have a trivial medical condition and this is not any kind of sickness.
- Because of my wife's sudden illness and disabled position, she had no other means to pay her remaining loans and liabilities. Negotiating with creditors and financial institutions had been made difficult because there is no protection available to her under the circumstances.
- My wife tried to access compassion payments from her superannuation body but procedural processes made it completely difficult to lodge application etc. The super

body indicated that the law requires a waiting period of 3 months. After waiting for 3 months, and the lodging of the necessary papers, she had to wait another six weeks before approval was given. My wife proposed an amount of around \$14,000 since this amount will just about kill off all her debts. Instead she was granted only \$7,800. Her principal debts are not the only concern. Other debts have already crept in by then such as electricity, phone and gas. Again, her super body indicated that by law, they are only allowed amounts of up to \$10,000.

- A proportion of the amount received was used to pay off debts for essential services such as gas and electricity because of continuous threats of disconnection. Can I also say that my wife's medical condition requires the heavy use of electricity particularly during winter. Electric heater is being used to keep her body warm. She is potentially vulnerable to physiological changes and she had been advised for the use of such facilities to keep her body function stable.
- Although my wife has a permanent disability, proving this to other services or institutions is difficult. Constantly, we had to procure medical statements and forms to provide to institutions needing proof of her condition. This requires constant referral to her medical doctor who must complete these forms although it has become an annoying routine to him. The Centrelink card provided to her is not sufficient evidence about her disability. With respect to two specific financial creditors, my wife is required to complete their forms each month. It must be completed by her doctor too, but generally the information is often repeated on the same form. Her

doctor is also frustrated because there isn't anything he can do but to continue the practice out of necessity for my wife's needs.

- Lack of understanding within the various systems about the difficulties faced by my wife during the early periods of disability, is one of our main frustration. I simply feel that workers should not be forced to take their long-service leave. After all, if long-service leave is all that they have left considering they may have a long-term medical condition, who else can they rely upon for the period they are trying to adjust to home life.
- Secondly, and as experienced by us, many services do not really acknowledge the immediate impact upon families when a major earner's life is shortened. For instance, they do not consider the impact this will have on the family's domestic situation. How will my wife go about alleviating her remaining debt when this is beyond her capacity?. She has continually negotiated with creditors by making promises she knew she couldn't keep. Most of our income since she finished work was from Centrelink. Because of threats for court action, etc, part of our Centrelink payments had to be used as a last resort in order to prevent creditors from taking further action.

Further, the issues raised here are not to be taken as complaints against any services or organisations mentioned. I simply want to draw your attention to some of the problems we face when we first tried to seek resolution in respect to my wife's circumstances when she became a disable.

My wife was diagnosed with a serious kidney problem around 1999. She was required to

undertake regular dialysis four times a day. During this period leading up to February 2003, she continued to work and her employer was able to accommodate her dialysis program in the workplace.

In February last year, two major episodes of epilepsy prompted her to review her continued employment with her employer Mayflower Nursing Home. Her doctor had previously asked her to resign from work in order to prevent further complications to her kidney condition. She has been with the same employer for over 12 years and never really had any intention to leave.

In March 7th 2002, she had to resign. She subsequently applied for a disability pension. The commonwealth doctors as well as her own GP assessed her medical situation to determine her eligibility for a pension. A few weeks later, she was granted the pension.

I want to emphasise the immediate difficulties we were faced upon realising for the first time, that my wife will no longer be working. We also had difficulties trying to compromise our financial situation with creditors even to the point where we make promises that we knew we cannot keep. The pension we both receive from Centre-link isn't enough to meet our other commitments such as rent, food, electricity, gas, etc.

In April or May of 2002, my wife decided to apply for special payments from her superannuation. If this was approved, this will help a great deal in reducing our financial commitments to at least two principal creditors. In her application, my wife gave her super an estimate of the amount she require in order to pay off all her debt. As requested, she provided them with official

statements relating to the amounts owed, etc. In all, the total debt was around \$14,000.

According to her super, to qualify for these special payments, etc, she is required to wait for 3 months. This is a condition apparently imposed by the federal government on superannuation companies. We tried to explain our desperate situation with her super but it seems we were unable to convince them for a change of heart. When they eventually approved her application, the amount given was less than what we had asked for (\$7, 800).

Again, her super said that they are bound by law to pay only a certain amount, generally under \$10,000. This comes after we tried to ask for a justification on the amount being less than what we had originally asked for.

Since leaving her work, she had received repeated notices of court action from creditors for payments owing. Each time, we had to explain the situation about her medical condition and the fact that she is no longer employed as a result. Generally, they would ask for references from her doctor and in which case, we were happy to provide. But the ongoing threat of court action meant we had to agree on some payments but failed to commit on other occasions. In terms of the total pension we were receiving, there is absolutely no surplus in order to pay anything else except for the essential services that we need such as power, telephone and gas.

Although we were successful in securing this special payment from her super, the debt owed has already increased by the time the payment came through. The increase occurred partly because my wife received nothing at the point of

finishing or resigning from her job. The long service leave she thought she would receive is no longer there. Then, telephone, power and gas bills therefore came on the top of loans yet to be made to creditors. Our social security pension were only useful for our immediate needs and nothing else. Our power has been threatened for disconnection on two occasions.

So although the payments received were important to us, it took more than 5 months before the actual payment came through. And that's a very long time when you are faced with a barrage of litigation letters and court threats.

I believe the policy of imposing conditions on persons with a disability is unfair. I can understand the commonwealth's position in not granting sick leave benefits unless the worker exhausts all other leaves at work. However the long service leave my wife had before leaving her job was all that she had. That amount could have help reduce some of the immediate problems she faced immediately after ending her employment.

I would also like the commission of inquiry to consider special concessions for persons with a disability to apply for bankruptcy and if granted, not to be black listed. By granting this concession to persons with a disability, I think this will help remove a major burden from them.

I would also like the inquiry to consider removing the waiting period of 3 months for individuals who want to apply for their superannuation under special circumstances. I think the present policy is unworkable and will only lead to further financial crisis for families who wanted to reduce these risks earlier in their life. There is no justification for the 3 month waiting period. In regards to how much

special funds can be paid out to applicants, I think the super bodies should consider allowing maximum payout or the amount requested by the applicant provided they are able to disclose all valid official documents, etc, for this purpose.