

Hon Jenny Macklin MP
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600
1 September 2016

Dear Ms Macklin MP,

RE: Concerns over the impacts of removal of Disability Support Pension (DSP) for Patients in confinement in the Omnibus Bill

I am writing to you to seek your urgent engagement on the Commonwealth government's proposal to cease DSP payments for patients in confinement who have been charged with a serious offence (Schedule 20: confinement), which was introduced this week in the Omnibus Bill.

The Schizophrenia Fellowship NSW (SF NSW) is seeking support for opposition to the proposal on the grounds that this measure significantly disadvantages psychiatric patients and represents a barrier to their recovery.

SF NSW is a non-profit, community based organisation, committed to improving the circumstances and welfare of people living with a mental illness, their relatives and carers, and professionals working in the area. Amongst the many people with mental illness, are those who are forensic patients, who are amongst the most vulnerable and who have often been forgotten.

People held under mental impairment legislation have not been convicted of a crime

Current provisions in subsection 23(9) of *The Social Security Act 1991* state:

*"(9) The confinement of a person in a psychiatric institution during a period when the person is undertaking a course of rehabilitation is not to be taken to be **psychiatric confinement**."*

Under the proposed changes, subsection (9A) will contain provisions which exclude income support for those who have been charged with a serious offence:

"Subsection (9) does not apply in relation to a person whose confinement in a psychiatric institution is because the person has been charged with a serious offence."

People held under mental impairment legislation have not been convicted of a crime. There is no justification for why a serious offence should restrict access to income support given that they have been found to be not morally culpable.

The proposed changes undermine the purpose of psychiatric confinement, which is care and rehabilitation – not punishment- and it is critical that the law reflects this. Its introduction will limit

the effectiveness of successful rehabilitation plans which result in gradual release into the community, particularly given the inability to maintain stable housing whilst in hospital.

Integration back into the community

The Bill does not define those who are in a period of integration back into the community as in psychiatric confinement, and therefore would be eligible to receive DSP. However, the period of integration back into the community is to be

(9C) "worked out in accordance with a legislative instrument made by the Minister for the purposes of this subsection"

should not proceed in its current state, as it further entrenches systemic discrimination against people with a mental illness. The practical effect of removing access to social security payments would be detrimental to rehabilitation and recovery for people with a mental illness

A submission by the Victorian Government argues that the Bill will limit the effectiveness of a highly successful model of rehabilitation that involves a gradual release into the community.[36] Explaining how income support helps people move from confinement back into the community, one Victorian patient said: 'In order to be discharged we need to have housing, many of us rent houses prior to discharge and would not be able to fund renting a home without the pension

Significantly disadvantage forensic patients

Harm recovery

Receiving the disability pension should be about what people's needs are, not a moral judgement about who deserves it

SF NSW would welcome the opportunity to discuss this matter further with you. Please contact SF NSW on (02) 98792600 or ellenm@cha.org.au for further information in relation to this response.

Yours sincerely,

Rob Ramjan

Chief Executive Officer

Schizophrenia Fellowship NSW

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