



SUBMISSION

**Eligibility and Reasonable and Necessary Support
National Disability Insurance Scheme**

Access Innovation Media Pty Limited
Level 3, 12 Waterloo Road
Macquarie Park NSW 2113
Phone: (02) 8870 7700

Executive Summary

Ai-Media was founded in 2003 as a social enterprise, dedicated to ending the experience of exclusion that people with disability face, and has been a long-time advocate for a National Disability Insurance Scheme (NDIS).

Our prior contributions to the Productivity Commission reviews (in submission and testimony) are referenced on our website at <http://ai-media.tv/About/Ai-Media-policy-positions>.

We congratulate COAG on its commitment to the implementation of this overdue and historic reform, with the announcement of launch sites, and this consultation on the critical issues of Eligibility and Reasonable and Necessary Support.

While broadly supportive, this submission raises concerns about ambiguities that remain in determining eligibility and reasonable and necessary support that while unresolved will ensure that the following stated aim of the NDIS will not be realised:

"... one of the crucial benefits of an NDIS is that everyone is covered for the costs of long-term disability care and support, so people without a disability could feel confident that they or their families would be supported in the event of a significant disability" (*Productivity Commission Overview page 11*).

Eligibility Description

1. Does the description of eligibility cover all the things that you think a National Disability Insurance Scheme would need to know about you to determine whether you should be eligible to receive support under an NDIS?

Of the 5 following points of the description of eligibility, Ai-Media supports points 1-4 as comprehensive and inclusive.

People with disability are in scope to receive support funded under an NDIS if:

- 1. The individual resides in Australia and is:
 - a. an Australian citizen; or*
 - b. the holder of a permanent residency visa; or*
 - c. a New Zealand citizen who was an Australia resident on 26 February 2001 (SCV holder); and**
- 2. The individual is less than 65 years of age on entry to an NDIS¹; and*

¹ Schedule F, part 6, of the National Health Reform Agreement (except in Victoria and Western Australia), details that the Commonwealth is responsible for:

- a. regulating packaged community and residential aged care delivered under Commonwealth aged care programs;
- b. funding packaged community and residential aged care delivered under Commonwealth aged care programs for people aged 65 years and over (50 years and over for Indigenous Australians);
- c. funding and regulating basic community care services for people aged 65 years and over (50 years and over for Indigenous Australians); and
- d. funding specialist disability services delivered by the States in accordance with their responsibilities under the National Disability Agreement for people aged 65 years and over and 50 years and over for Indigenous Australians.

3. *The individual has a disability that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment, or a combination of impairments; or is a child with a global developmental delay²; and*
4. *The impairment/s:*
 - a. *is permanent or likely to be permanent; and*
 - b. *results in a substantially reduced functional capacity of the individual to undertake activities of daily living; and*
 - c. *impacts on the individual's participation in the community or employment; and*
 - d. *may be of a chronic episodic nature and result in the need for ongoing or long term episodic support; and*
5. *The support needs will persist for the foreseeable future **and are not more appropriately met** by other systems including education, health and/or palliative care. (Emphasis added)*

Recommendation 1: A list of known and specific disabilities should be included as an appendix to provide further clarity to the community.

Recommendation 2: "More appropriately met" in point 5 should be read in the context of those other systems' real and present capacity to deliver more effective lifetime care and support – and deliver the productivity benefits of maximising the economic potential of Australians with disability. At a minimum, and given how central the question of eligibility is, further advice on the determination of "appropriate" is critical if confidence is to be built that people would be covered in the event of a significant disability.

We have concerns that point 5 could be read down in the context of a tight fiscal environment to exclude all but a very narrow set of services, and the existing much-maligned "confusopoly" would be maintained with arbitrary cut-offs between the Federal NDIS, and State/Territory/Federal-based health, education, employment, housing, and transport and income support systems.

In our 2011 submission in response to the Productivity Commission Draft Report, we argued for an NDIS to provide a whole-of-life scheme from "cradle to grave" to deliver a one-stop shop for individuals to choose services they require for their unmet needs – many of which will be the same (although at differing intensities, at different life stages).

In these situations, we would argue that a central authority (the NDIA) would be best placed to look after "the life time costs of care and support in a financially sustainable way (p2)" rather than fragmented and disconnected State/Territory-based departments.

In Victoria, health and aged care services for people over the age of 65 are jointly funded by the Commonwealth and Victorian Governments, and administered by the Victorian Government.

² 'Global developmental delay' means a delay in a child's development (that is slower than other children of the same age) in the majority of areas of development. That is, movement, manipulating objects, speech and language, understanding and learning, and social skills.

2. Are there additional questions that an NDIS should ask people before deciding if they are eligible to receive support?

Recommendation 3: The NDIS should ask people with disability whether their care and support needs are being appropriately met by other systems.

Reasonable and Necessary Supports

Reasonable and necessary supports:

- a. are designed to support the individual to achieve their goals and maximise their independence;*
- b. support the individual's capacity to undertake activities of daily living to enable them to participate in the community and/or employment;*
- c. are effective, and evidence informed;*
- d. are value for money;*
- e. reflect community expectations, including what is realistic to expect from the individual, families and carers; and*
- f. are best provided through an NDIS and are not more appropriately provided through other systems of service delivery and support, including services that are offered by mainstream agencies as a part of its universal service obligation to all citizens.*

1. Are there supports that you think are important to include in an NDIS that would be excluded by this description?

Recommendation 4: The NDIS should provide confidence that a person with disability will be supported throughout their life, wherever in Australia they live. If necessary, this bold reform must be taken to its logical conclusion; existing funding and support under the health, school education, higher education, employment, housing, and transport and income support systems should be incorporated within a COAG agreement and transferred to the NDIS – which is the only system that can take a whole of life insurance approach to disability.

2. Are there additional points that are needed to make sure that the support provided under an NDIS meets the reasonable and necessary support needs of people with disability?

Recommendation 5: Reasonable and necessary support should have regard to the needs assessment process of the individual, at their stage of life – not a bureaucratic assessment of intergovernmental or interdepartmental responsibilities that risks perpetuating and entrenching a new confusopoly. Ai-Media fully supports the Productivity Commission's 3 key objectives for the NDIS - 1) end the rationing, 2) establish a new national system and 3) give consumers choice. It should do so throughout a person's life.

- 3. Does this description of reasonable and necessary supports, combined with the eligibility statement, help you to understand who will be supported in an NDIS and what supports might be provided to them? If not, how do you suggest that the description be made clearer?*

Recommendation 6: Ai-Media supports the principle of a needs assessment process to identify the severity of the person's activity limitation and support needs before determining the level of support provided. We suggest further clarity be provided (with examples) on how the assessment process will be conducted, by whom, and what avenues for review will be available.

Recommendation 7: "Effectiveness", "Evidence informed", and "value for money" should be determined by examining the whole-of-life whole-of-government impact of supports and packages. Further clarification is required on how assessments will be made, by whom, and what the process of review will be.

Final comments

The scale of the reform task surrounding the implementation of the NDIS is almost without parallel in Australian history. Without bipartisan and COAG cooperation, it will certainly fail. Ai-Media look forward to working with all COAG stakeholders to learn from the experiences with the launch sites in 2013 to improve the NDIS framework and design to deliver people with disability in Australia a fair go, and deliver significant and lasting economic benefits for the entire nation.

28 September 2012