

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Frame
Ms Steel
Ms Quilty
Mr De Burgh
Ms Lenthall
Ms McKenzie

To: Assistant Minister to the Prime Minister and Cabinet

**BACKGROUND BRIEFING: NATIONAL DISABILITY INSURANCE SCHEME -
ACCESS FOR PEOPLE AGED OVER 65**

PMO
Dr Kunkel
s 22(1)(a)(ii)

AMO

Recommendation - that you:

1. Note the information regarding access to the National Disability Insurance Scheme for people aged over 65.

Noted

BEN MORTON

Date:

Comments:

Key Points:

1. s 47F wrote to you on 18 December 2020 about access to the National Disability Insurance Scheme (NDIS) for those aged over 65 (Attachment A). You requested a Background Brief on the issues raised by s 47F
2. In summary, the NDIS is not intended to replace services already provided through mainstream health or aged care systems. s 47F

Eligibility to the NDIS

3. The NDIS is a scheme designed to address the chronic unmet needs of people with significant, non-age-related disabilities. The establishment of the NDIS was based on the Productivity Commission's 2011 Inquiry Report on Disability Care and Support. The Inquiry recommended to become an NDIS participant, a person needs to have acquired their disability and requested access to the NDIS before they turn 65 years.
 - a. It was intended that the aged care system would cover the needs of a person who acquired a disability over the age of 65.
4. Polio Australia estimates there are around 400,000 polio survivors with around 40,000 diagnosed with the most severe form of the disease, paralytic polio. It is estimated that the majority would now be over 65 years and not eligible for the NDIS.
5. For people aged under 65 years, the National Disability Insurance Agency lists post-polio syndrome as a permanent condition that may mean a person is eligible, subject to a functional capacity assessment.

Financial pressure in the NDIS

6. The NDIS is facing financial pressure with costs significantly higher than estimated. In the 2020-21 Budget, Government announced an additional \$3.9 billion for NDIS participant supports over the forward estimates. Costs attributable to participants over the age of 65 are increasing as a proportion of total costs and present a financial risk to the Scheme.
 - a. As of 30 September 2020 there were 12,701 participants over 65 years, or three per cent of the total number of participants in the NDIS.
 - b. The NDIS Scheme Actuary estimates the costs of participants aged over 65 will increase to an estimated 12 per cent of participant costs from 2029-30 onwards (internal estimates not for public release).

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Support for people aged 65 and over outside of the NDIS

8. At the time of rollout, people aged 65 years or older who were in an existing state government disability support program and were found ineligible for the NDIS were given the option of being part of the Commonwealth's Continuity of Support Program (renamed the Disability Support for Older Australians Program from 1 July 2021). There are currently around 3,600 people within this closed program.
9. For people aged over 65 who acquire a disability, unless they have suffered a catastrophic workplace or motor vehicle accident and are covered under state based insurance schemes, supports are provided through the aged care system.
10. The aged care system provides those whose capacity has been diminished by physical or mental disability or frailty with support, including:
 - a. assistance with everyday living activities such as cleaning, laundry, shopping, meals and social participation;
 - b. help with personal care such as help with getting dressed, eating and going to the toilet;
 - c. help with health care, including nursing, physiotherapy and dietetics; and
 - d. accommodation.

Royal Commissions on Disability and Aged Care

11. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability plans to examine disability support for older Australians. However, evidence to date has not focused on this issue and it is not yet included in upcoming hearings scheduled for 2021.
12. The Royal Commission into Aged Care Quality and Safety ('Aged Care Royal Commission') received evidence and information about inconsistencies between the supports and services available under the NDIS and those available in the aged care system. This included the NDIS having greater access to supported accommodation, aids, equipment and therapy than provided in aged care.

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13. The Final Report to the Aged Care Royal Commission is due on 26 February 2021. It is expected to include recommendations on the interactions between aged care and disability. The Counsel Assisting's final submission made two recommendations relating to aged care for people with disability:

- a. Recommendation 60: By 1 July 2024, every aged care recipient with a disability or disabilities, regardless of when acquired, should receive through the aged care program daily living supports and outcomes (including assistive technologies, aids and equipment) equivalent to those that would be available under the NDIS to a person with the same or substantially similar conditions; and
- b. Recommendation 61: By 1 July 2024, the Disability Discrimination Commissioner and the Age Discrimination Commissioner should be required, as part of the new National Disability Strategy, to report annually to the Parliament on the numbers of aged care recipients with disabilities who are 65 years old or older and their ability to access daily living supports and outcomes (including assistive technologies, aids and equipment) equivalent to those available under the NDIS.

s 47C

Emma Lenthall
A/g Assistant Secretary
Social Services, Disability, Veterans and
Indigenous Affairs Branch
13 January 2021

Policy Officer: s 22(1)(a)(ii)
Phone no: s 22(1)(a)(ii)
Consultation: SPD, IRRD

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ATTACHMENT

ATTACHMENT A INCOMING CORRESPONDENCE

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From: "DLO Morton"
Sent: 22/12/2020 8:49:16 AM
To: "SPD - Disability" s 47E(d) @pmc.gov.au>
Cc: "DLO Morton" s 47E(d) @pmc.gov.au>; s 22(1)(a)(ii)
<J s 22(1)(a)(ii) @pmc.gov.au>
Subject: Request for AM Morton brief - Issues with NDIS s 47F
[SEC=OFFICIAL] s 47F
Attachments: s 47F
s 22(1)(a)(ii)

OFFICIAL

Good morning team

Assistant Minister Morton has requested a brief on the issues raised by s 47F below and attached.

Grateful if your team could prepare the requested brief and send it to the AMO by 6 January.

Please advise confirmation of this request and any potential timing issues.

Many thanks

s 22(1)(a)(ii)

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The Assistant Minister to the Prime Minister and Cabinet
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s 47F