

TO: Disability Care and Support Inquiry
Productivity Commission
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FROM: Val Pawagi
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**RE: SUBMISSION TO THE DISABILITY CARE AND SUPPORT
INQUIRY - ELIGIBILITY FOR ASSISTANCE**

This submission speaks directly to the question of "who should be eligible for assistance under the disability care and support scheme?" as posed in the Productivity Commission's *Disability Care and Support Issues Paper* released in May 2010.

Rightfully, as indicated in the terms of reference for the inquiry, not all people with disability should be eligible for assistance under the disability care and support scheme. This is a sad reality in a world where government resources are finite.

On the question of who should be eligible for assistance under the disability care and support scheme, the answer lies in the generic definition of disability contained in the various disability services acts enacted by the Commonwealth, States and Territories between 1986 and 2006. While each definition varies slightly, the essential meaning of disability remains the same.

These definitions match very closely the target group for specialist disability services under the former Commonwealth State Territory Disability Agreements. Such delineation, however, is absent from the current agreement – the National Disability Agreement – which commenced on 1 January 2009. These definitions also closely correspond with the Australian Bureau of Statistics' definition of 'severe or profound core activity limitation'.

Moreover, the disability care and support scheme should not contain strict eligibility criteria but rather a definition of its target group, and one that resonates with community expectations. Ultimately, I support the adoption of the existing target group for specialist disability services,

albeit with some improvements to ensure the fundamental human rights and freedoms of people with disability are observed.

I would like to add that if the person falls within the target group, this should automatically entitle the person to all 'approved services' provided under the disability care and support scheme, if needed. This should be the case regardless of whether or not the person receives any informal assistance.

I would like to suggest, then, that a person is in the target group for the disability care and support scheme if the person has a disability (however arising) —

- that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments; and
- that is permanent or likely to be permanent; and
- that may or may not be of a chronic or episodic nature; and
- that is not related to ageing; and
- that manifested before the person attains the age of 65 years; and
- that results in the person having:
 - a substantially reduced capacity in one or more major life areas of self-care, self-management, mobility, communication, social interaction, learning or decision making; and
 - a need for support, whether or not of an ongoing nature.

For the purposes of the disability care and support scheme, persons are in the target group —

- only if the services provided for them are consistent with the principles, obligations and fundamental human

rights and freedoms laid down in the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol;*

Note: * denotes my personal preference for inclusion as an essential component of the target group for the disability care and support scheme.

The inclusion of the criterion pertaining to the need for services to be consistent with the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol is deliberate and necessary. Its inclusion is a deliberate attempt to exclude from the disability care and support scheme services, such as accommodation support services that provide accommodation in institutions and hostels. These services are currently provided under the National Disability Agreement. There is simply no excuse for the inclusion of services of this type in the scheme for obvious reasons. The States affected will have to be content with continuing the operations of institutions and hostels outside the scope of the scheme.

(Electronically Signed)

Val Pawagi