NDIS for under 65s: ageism or a battle over priorities?

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How will the NDIS support life-long planning for Australians with disability as they grow older?

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Last week’s protest by several quadriplegic Queenslanders against age discrimination prompts us to examine how the National Disability Insurance Scheme should balance needs-based eligibility and entitlement.

The Queensland protesters say they should not be excluded from state-based disability services, even if their spinal cord injury happened after 65 years of age. The protesters say the Commonwealth’s aged care system provides them with far fewer services.

The draft National Disability Insurance Scheme Bill 2012 was introduced into parliament in November and proposes...
two age-related criteria: a person must be under 65 when the access request was made, and a person will be excluded if “aged at least 65 years and has entered a residential care service, or is being provided with community care, on a permanent basis”.

**Entitlement or need?**

The *2011 Productivity Commission’s finding* that Australia’s “broken” disability care system is “inequitable, underfunded, fragmented, and inefficient and gives people with a disability little choice” recurs like a Greek chorus in media and journal articles about disability care.

Paralympic gold medallist Kurt Fearnley reprised this theme in his *2013 Australia Day address*. His life-story became a call-to-arms about disabled people’s right to contribute and prosper in Australia’s society.

Fearnley’s speech was driven by a spirit of inclusion, stirring us to imagine a world where all disabled people have opportunities in education, work and sport. His closing invocation to imagine what we would want for a disabled child in 10 years time is not just a sentiment. It’s a reality check.

Fearnley’s approach to his concerns differs from that of the older Queensland disability protesters' claim that they are entitled to more services. As political journalist and commentator Laura Tingle astutely *identified*, some Australians have “the simmering suspicion” that “we might be being ripped off, that someone else might be getting preferment”. Tingle was examining the role of government assistance in general, but her point is relevant here.

While Australia’s many age-related disability programs are inadequate, inefficient and possibly insufficiently equitable, they’re a mile ahead of our disability programs. Commonwealth/state-funded aged care programs for disabled Australians over 65 years could do with a shake-down but the needs-based, economic and workforce policy rationales to support the NDIS age cut-off at 65 years are strong.
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The policy arguments

First, the purpose of the NDIS is to give Australians with disability the supports they need but don’t have now, or can only access through the aged care system. If we define equitable access to a government disability subsidy on the basis that all Australians with an “impairment” or “dysfunction” ought to be provided for, then the age-based cut-off at 65 is unjustified.

But any scheme is limited by the amount of funds it can underwrite. Not having a cut-off at age 65 would blow out the NDIS budget ($1 billion for 2012-13), making it unworkable. The NDIS must be financially sustainable if it is to support Australians with disabilities over a lifetime to gain education, work and other essential quality of life activities. The success of the NDIS turns on this needs-based premise.

Second, the age cut-off at 65 makes sense if the NDIS is to remedy the devastatingly low workforce participation faced by people with disability – around 46% of working-age people with disability were not in the labour force in 2009. Whereas people with disability over 65 are unlikely to enter the workforce simply because of some accommodative supports, young people with disabilities are much more likely to participate in the workforce if they receive supports without the disincentive of a means test.

Finally, and perhaps most contentiously, given that the NDIS

Australia’s current disability system is inequitable, underfunded, fragmented and inefficient.
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will have no income or assets test, it makes policy sense to distinguish between “old” and “young” people.

Insufficient retirement funds for many older Australians continue to be an entrenched policy dilemma. But many older people who become disabled after 65 do have some assets from a lifetime of work. So a broader policy case can still be made for assessing people aged 65 years and over differently from young people. If the recently disabled person over 65 years has no assets, then perhaps an individualised response ought to be designed.

Unanswered questions

Other tricky questions have yet to be played out. At this stage, it seems the NDIS will give Australians under 65 with disability the choice of being supported within the age care system or the NDIS on their 65th birthday. What will they choose? And why? Perhaps more aged care services and resources will become available once the NDIS is set up.

How will the NDIS support life-long planning for Australians with disability as they grow older? How does the proposed National Injury Insurance Scheme (NIIS), about which we have heard so little, fit in with all this? Harder still: will the unifying policy response be based on entitlement, need, or human rights?

The Senate Committee report on the NDIS is due in March. But in the meantime, these complex issues are best tackled as a society.

This article was co-authored by Dr Jack Frisch, a disability economist from New South Wales, and Ms Helen Neaton, a disability policy advisor based in Queensland.