

BALANCE

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Navigating the sea of regulation



National Disability Insurance Scheme ("NDIS")

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A typical Saturday morning for me during school weeks would be delivering the child to ballet / dance class and then adjourning somewhere nice for breakfast, tea and coffee. In the dry season, this is especially special as it is usually cool enough to sit outside for this exercise. However, on such a typical Saturday morning a few weeks ago, I was confronted with a scene at such a breakfast which made me stop and think how difficult a typical Saturday morning breakfast or coffee may be for some people.

As I was sipping on my first coffee, I saw a young woman with a young boy, possibly 14 or 15 years old, arrive. He was in a wheelchair, and it was clear that he had significant physical impairment as he had little or no control over his motor skills with his arms or legs. It appeared that his physical ability did not extend to his mental or cognitive function, and I suspect that he was fully aware of his plight. There was some disagreement between the young woman (whom I have presumed to be the mother) and the young boy; he was not happy! The mother tried to calm him down and eventually left him in a corner for a few minutes.

Some accommodation was reached between mother and the boy and they were then able to proceed with breakfast; however, I did notice the time taken to negotiate the wheelchair to the table, the mother's efforts to calm her son and to assist him to interact during this time. It was a sobering experience and did make

me wonder whether every trip or outing for such a mother with a significantly disabled child is both a trauma and a chore at the same time.

I have to admit that I only recently became aware of the National Disability Insurance Scheme ("NDIS") to be established by the Federal Government. Having been lucky so far, I have limited exposure to people, young or old, with severe disability and impairment. I cannot imagine how difficult it would be to care for these disabled people. I also have little doubt that the needs of the severely disabled can be enormous, and cannot be met by the individuals or their families; as such, the introduction of NDIS should be and is welcomed by all Australians.

I understand that NDIS is aimed at those who are most in need, providing long-term, quality support for around 410,000 people who have a permanent disability that significantly affects their communication, mobility, self-care or self-management. Support and regard is also given to carers or families / family members who help care for the disabled person(s).

By way of a brief background leading to NDIS, I note from information gathered by the Law Council of Australia that:

(a) In August 2011, the Productivity Commission (PC) published a report on Disability Care and Support, outlining a proposal to establish NDIS to provide comprehensive care and

support for Australians with a severe disability;

(b) The Law Council indicated to the PC Disability Care and Support inquiry, general support for the NDIS with a strong recommendation for the retention of existing rights to sue at common law for negligence, where applicable;

(c) The NDIS is proposed as a comprehensive national scheme that will fully fund treatment and care costs for those who meet the eligibility criteria. If a person's disability does not fall within the definition / eligibility criteria, then they will not have access to funded care unless a special case can be made to the National Disability Insurance Authority (NDIA);

(d) State and Territory Governments will be asked to establish injury insurance arrangements in each jurisdiction for catastrophic injury, regardless of where and how it occurs. These separate schemes would be coordinated by a National Injury Insurance Authority, established as a separate bureaucracy by the Commonwealth;

(e) The NDIS is estimated to cost \$13.5 billion. This would be funded by an additional \$6.5 billion in funding by the Commonwealth with redirection of the existing \$7 billion in federal and State / Territory government expenditure on disability services. The basis

for the costing is somewhat loose, and appears to be reliant on untested assumptions about the number of people who may access the scheme, the administration costs of the scheme and the actual costs of caring for people within the scheme.

More recently, we have been advised that the first stage of NDIS will become real for people with significant disabilities in South Australia, Tasmania, the ACT, the Hunter in NSW and the Barwon region of Victoria. These areas are seen as the initial pilot vehicles for the operation of NDIS. I note that the Northern Territory has been overlooked in the initial implementation stage of the scheme, however, the first stage is likely to still see more than 20,000 people with disability, as well as their families and carers, benefit from the scheme.

The Australian Government has committed \$1 billion from its 2012 – 2013 federal budget to support the first stage of NDIS. The funding should see NDIS start in mid 2013 for around 10,000 people with significant and permanent disabilities in selected locations, and this will increase to 20,000 people from about mid 2014.

It is hoped that NDIS will make it easier and possible for people with significant and permanent disability in the first stage locations to get the necessary care and support they require. It has been suggested that these disabled people's support will no longer be rationed; instead, they are aimed to be personalised and based on a plan that reflects their needs, and their own goals and aspirations. Under NDIS, it is anticipated that people will have more control over the services and supports that they receive, with the

flexibility to explore and choose from a wider range of options and providers.

NDIS will work with people who have a permanent disability that significantly affects their communication, mobility, self-care or self-management, to ensure that they receive the support that is reasonable and necessary to meet their needs. This may include an individual plan and an individually funded package. The NDIS is charged to look beyond immediate need and will focus on what is required across a person's lifetime. NDIS advocates a lifetime approach, provides people with choice and control,

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provides ongoing support and economic participation, as well as focus on early intervention which may lead to a more successful outcome in the long term.

NDIS will also take into account the role of family carers and the support of families generally for a disabled person. A core aim of NDIS is to better support families in their caring role, and to ensure that the role is valued, nurtured and sustained. A further aim of NDIS is to move away from the crisis model where families only receive support if they are unable to continue in their caring role and there are no other options. Instead, it will look

to working with families before they reach crisis point, to ensure that the valuable, regular, informal care they provide can be sustained.

In summary, depending on life's changes, any one of us could be living with a permanent disability that significantly reduces our ability to independently care for ourselves. Scary as it may seem, on average, every 30 minutes, someone in Australia is diagnosed with a significant disability. It is clear that the current regime of care and services for significantly disabled people are insufficient and inadequate, and cannot meet the requirements of such people or their families and carers. This is despite the enormous efforts of disability workers on the ground helping to provide support and services to people with disability, their families and carers, and funding from all levels of government to date.

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the way disability services are currently provided to those who need it for the better. Rather than funding based on historical budget allocations, NDIS will operate on the basis of a funding pool based on actuarial assessment of need. This is, and will continue to be, a significant and ongoing expense for both federal, and state and territory governments; however, it is a need that cannot be ignored, and an expense that has to be catered for. Consider supporting NDIS because every Australian counts; sign up and show your support on <http://everyaustraliancounts.com.au/>. ●