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# AFDO Policy Position Statement:

# Disability Support for Older Australians Program (DSOA)

**Adopted: March 2024**

**Review date: As required**

## Human rights obligations

Australia has an obligation to facilitate equitable access to services and supports for all people with disability, irrespective of age. This obligation is reinforced under a range of international human rights treaties which have been signed and ratified by the Australian Government, including the *Convention on the Rights of Persons with Disabilities (CRPD)*.

Australia’s Disability Strategy 2021-31 (ADS) is Australia’s blueprint for the domestic implementation of the rights set out under the *CRPD*. Its aims and objectives apply to all people with disability – not just those who are under the age of 65, nor only those who are eligible for an individually funded package of supports under the National Disability Insurance Scheme (NDIS).

The ADS stipulates that people with disability must:

*“… have access to a range of supports to assist them to live independently and engage in their communities”.*

It includes the following policy priorities, which are intended to ensure this outcome is effectively achieved:

* Availability of support: Making sure people with disability have access to and receive the support services they need.
* People with complex, high needs are supported: Providing services that support those people with disability who have complex high needs.
* Informal and carer supports: Providing enough services and alternative care arrangements to give carers of people with disability the support they need.
* Availability of assistive technology: Improving access to assistive technologies and aids for people with disability.

## Policy context

[Section 22](https://www5.austlii.edu.au/au/legis/cth/consol_act/ndisa2013341/s22.html) of the *National Disability Insurance Scheme Act 2013 (Cth)* states that an individual must be under the age of 65 at the time of making an access request for the Scheme in order to be eligible. Those who entered the Scheme prior to their 65th birthday are able to remain in the scheme as they age. People with disability who were already 65 when the NDIS became available in their area, and those who acquire a disability after their 65th birthday, are excluded from the NDIS. The majority of these people are now required to access their support from the aged care system.

The [Disability Support for Older Australians Program](https://www.health.gov.au/our-work/disability-support-for-older-australians-dsoa-program/about-the-disability-support-for-older-australians-program#about-the-dsoa-program) (DSOA) is often referred to in public rhetoric as a way of deflecting the need for the aged care system to respond to the specialist needs of older people with disability.

DSOA is a closed program. It was only ever intended to support individuals who were receiving specialist disability services at the time of the NDIS rollout, but who did not meet the age eligibility requirements for the new Scheme. In 2020, there were only around 3,600 people accessing support through the DSOA with no new entrants permitted.

DSOA is not providing equitable access to support and is duplicating administrative costs for government. As such, Supporting Action 2.12 from the Independent Review of the NDIS states:

“*The Australian Government should implement legislative or process change to allow access to the NDIS for Disability Support for Older Australians program participants. Once all remaining Disability Support for Older Australians (DSOA) participants have moved to the NDIS or aged care system, DSOA should cease.”*

The approach the Department of Health and Aged Care is taking to this matter is in direct conflict with this recommendation. We refer to the client fact sheet entitled ["Transition of some Disability Support for Older Australians clients into aged care",](https://www.health.gov.au/resources/publications/transition-of-some-disability-support-for-older-australians-clients-into-aged-care?language=en) published by the Department of Health and Aged Care on 14 November 2023.

This fact sheet states that from 1 January 2025, DSOA clients who live at home, access less than $50,000 per year in funded supports, and can receive “comparable services” in the in-home aged care system will be transitioned off the DSOA and into the aged care system.

It remains to be seen whether DSOA participants with more complex needs for support would receive “comparable services” in a program that does not yet exist.

From our participation in consultations surrounding the establishment of Australia’s new Aged Care Act and the new Support at Home Program, however, we are doubtful of this outcome.

Nevertheless, the Department’s fact sheet represents a significant shift in public policy that was decided upon without consultation with any DSOA participants or any disability representative organisations such as AFDO.

We do not support the Department’s approach as it is likely to have a detrimental impact on a number of people with disability.

## Adopted Positions:

1. We call on the Government to implement Supporting Action 2.12 from the Independent Review of the National Disability Insurance Scheme as a matter of urgency;
   1. We note that the NDIS is far better-equipped to deal with the specialist disability-related needs of DSOA participants than the aged care system.
2. The Government must undertake genuine and meaningful consultation with DSOA participants and their representative organisations, including AFDO, as it approaches the implementation of this recommendation.