

EXPLANATORY STATEMENT

Child Disability Assessment Amendment Determination 2005

Summary

This Determination is made under section 38D of the *Social Security Act 1991* (the Act).

The purpose of the Determination is to amend the **Child Disability Assessment Determination 2001** (the 2001 Determination) by replacing the List of Recognised Disabilities in Schedule 3 of the 2001 Determination which provides a fast tracking mechanism for qualification to carer allowance payable under the Act. The List of Recognised Disabilities and the Child Disability Assessment Tool are components of the qualification criteria for carer allowance under section 953 of the Act.

Background

The Lists of Recognised Disabilities were introduced in July 1998. An independent evaluation of the Child Disability Assessment Tool was completed in 2000. The evaluation recommended that the Lists of Recognised Disabilities be reviewed every three years.

A Review of the Lists of Recognised Disabilities was completed in 2004. A Reference Group comprising of an independent panel experts met and reviewed the overall effectiveness of the Lists of Recognised Disabilities.

The Reference Group's findings and recommendations were considered by the Minister for Family and Community Services. The Minister agreed to the majority of the Reference Group's recommendations and on 17 March 2005 announced the revised Lists of Recognised Disabilities.

The conditions added or modified to the Lists of Recognised Disabilities as amended by the Child Disability Assessment Amendment Determination 2003 (the 2003 Amendment Determination) were 'quarantined' for two years and not considered by the 2004 Review.

Consultation

The Department of Family and Community Services advertised nationally for submissions to the Review of the Lists of Recognised Disabilities. The Reference Group comprised of medical experts, representatives of peak carer groups, social workers and carers.

The Reference Group took into account all submissions from peak bodies, carers and the community to the Review as well as data and technical developments that have occurred since the last review.

The Review also sought additional expert medical advice on a number of physical and medical conditions to assess the appropriateness of including certain conditions on the Lists of Recognised Disabilities.

Explanation of the provisions

Section 1 of the Determination states the name of the determination.

Section 2 provides that the Determination commences on 1 July 2005.

Section 3 specifies that Schedule 1 amends the 2001 Determination.

Item 1 of Schedule 1 of the Determination omits Schedule 3 of the 2001 Determination (List of Recognised Disabilities) and substitutes a new Schedule 3.

Part 1 of Schedule 3

Part 1 provides for a list of recognised disabilities. The recognised disabilities are very similar to those that appear in Part 1 of Schedule 3 of the 2001 Determination as amended by the **Child Disability Assessment Amendment Determination 2003** (the 2003 Amendment Determination).

Item 1 corresponds to item 1 in Part 1 of Schedule 3 of the 2001 Determination but extends the multiple or physical disability from just 'severe' to 'moderate to severe'.

Item 2 corresponds to item 9 in Part 1 of Schedule 3 of the 2001 Determination.

Item 3 corresponds to item 11 in Part 1 of Schedule 3 of the 2001 Determination as amended by the 2003 Amendment Determination.

Item 4 corresponds to item 2 in Part 1 of Schedule 3 of the 2001 Determination but instead of an exhaustive list of chromosomal or syndromic conditions this item now provides a positive statement about the conditions, the extent of disability and diagnosis by an appropriate medical specialist. The Department's Guide to Social Security Law (the Guide) will specify the following conditions, where the extent of disability criteria are met, as examples: Coffin-Lowry syndrome, Congenital rubella syndrome, Cornelia de Lange syndrome, Kabuki Make-up syndrome, Larsen syndrome, Opitz G syndrome, Pallister-Killian syndrome, Seckel syndrome, Smith-Magenis syndrome, CHARGE association, Cri du chat syndrome, Rett syndrome, Prader-Willi syndrome, Edwards syndrome (Trisomy 18) Williams syndrome and Patau syndrome (Trisomy 13). In addition other chromosomal or syndromic conditions of Down syndrome and Fragile X syndrome are respectively listed at items 17 and 18. These conditions were previously listed in the 2001 Determination as amended by the 2003 Amendment Determination but now do not impose any age limit.

Item 5 corresponds to item 6 in Part 1 of Schedule 3 of the 2001 Determination in relation to neurometabolic degenerative conditions that includes lysosomal storage disorders. This item also provides a positive statement about the conditions, the extent of disability and the requirement that the condition be diagnosed by an appropriate medical specialist. The Guide will specify the following lysosomal storage disorders, where the extent of disability criteria are met, as examples:

- Metachromatic Leukodystrophy
- Tay Sach's disease
- Krabbe disease
- Pompe disease
- Mucopolysaccharidoses and that these include:
 - Hurler syndrome (MPS 1)
 - Hunter syndrome (MPS 2)
 - San Filippo syndrome (MPS 3)
 - Morquio syndrome (MPS IVA)
 - Maroteaux-Lamy syndrome (MPS VI).

The Guide will also specify the following neurometabolic degenerative conditions, where the extent of disability criteria are met, as examples:

- Lesch Nyhan syndrome
- Menkes disease
- Zellweger syndrome and related peroxisomal disorders
- Some mitochondrial respiratory chain disorders.

Item 6 is a new recognised disability of neurodegenerative disorders. This item also provides a positive statement about the conditions, the extent of disability and the requirement that the condition be diagnosed by an appropriate medical specialist. The Guide will specify Ataxia Telangiectasia and unclassified Leukodystrophies, where the extent of disability criteria are met, as examples.

Item 7 corresponds to item 7 in Part 1 of Schedule 3 of the 2001 Determination.

Item 8 corresponds to item 3 in Part 1 of Schedule 3 of the 2001 Determination.

Item 9 corresponds to item 4 in Part 1 of Schedule 3 of the 2001 Determination but includes Asperger's Disorder where previously this disorder had not been included.

Item 10 corresponds to item 10 in Part 1 of Schedule 3 of the 2001 Determination.

Item 11 corresponds to item 5 in Part 1 of Schedule 3 of the 2001 Determination. It extends the visual acuity from less than 6/60 with corrected vision to less than or equal to 6/60 with corrected vision. The hearing loss impairment is now based on 4 frequency test (including 4000Hz) instead of a 3 frequency test and the loss is at 45 decibels or greater in the better ear rather than 70 decibels or more.

Item 12(a) corresponds to item 8 in Part 1 of Schedule 3 of the 2001 Determination. Item 12(b) and (c) lists other dermatological conditions that are specific and exhaustive.

Item 13 corresponds to item 2(k) in Part 1 of Schedule 3 of the 2001 Determination as amended by the 2003 Amendment Determination.

Item 14 is new and adds inborn errors of metabolism treated by a medically prescribed diet to prevent neurological disability and/or severe organ damage. The Guide will specify the following conditions as examples:

- organic acidaemias
- urea cycle defects
- galactosaemia
- some fatty acid or oxidation defects.

Item 15 corresponds to item 2(j) in Part 1 of Schedule 3 of the 2001 Determination as amended by the 2003 Amendment Determination.

Item 16 is new and adds moderate to severe Osteogenesis Imperfecta with two or more fractures per year and/or significant pain that significantly limits activities of daily living.

Item 17 corresponds to item 2(a) in Part 1 of Schedule 3 of the 2001 Determination as amended by the 2003 Amendment Determination.

Item 18 corresponds to item 2(b) in Part 1 of Schedule 3 of the 2001 Determination as amended by the 2003 Amendment Determination.

Part 2 of Schedule 3

Part 2 provides for a list of medical conditions. The medical conditions are very similar to those that appear in Part 2 of Schedule 3 of the 2001 Determination.

Item 1 corresponds to items 1 and 2 in Part 2 of Schedule 3 of the 2001 Determination.

Item 2 corresponds to item 4 in Part 2 of Schedule 3 of the 2001 Determination but is not limited to HIV/AIDS Category IV. The child is required to be symptomatic (in addition to having lymphadenopathy) and requires treatment with a three or more drug antiviral regimen.

Item 3 corresponds to item 5 in Part 2 of Schedule 3 of the 2001 Determination.

Item 4(a), (b) and (c) respectively correspond to items 3, 8 and 9 in Part 2 of Schedule 3 of the 2001 Determination. Item 4(a) also includes Haemophagocytic Lymphohistiocytosis. Item 4(c) also includes Haemoglobinopathy requiring chelation therapy. Items 4(d), (e) and (f) are new medical conditions.

Item 5(a) and (b) respectively correspond to items 6 and 7 in Part 2 of Schedule 3 of the 2001 Determination. Item 5(c) is a new medical condition.

Item 6 is a new medical condition.

Item 7 corresponds to item 10 in Part 2 of Schedule 3 of the 2001 Determination. 15% of total body area has been extended to 30% total body area, or lesser burn where there is significant impairment of function of the hands or feet or assistance is required with feeding or toileting to a greater degree that is age appropriate for the child.

Items 8, 9, and 10 are new medical conditions.