



**NATIONAL
SOCIAL SECURITY**
RIGHTS NETWORK

**FACT
SHEET**

Eligibility for the disability support pension

This factsheet is about eligibility for the disability support pension.

There are a number of requirements for the disability support pension, such as how old you are at the time you make a claim and how long you have lived in Australia. However, this factsheet is only about your health problems and qualifying for the disability support pension.

It includes information about claiming the disability support pension, as well as Centrelink reviews of ongoing eligibility of people already receiving the disability support pension.

This factsheet provides general information only. It is not legal advice. If you need legal advice, you should contact your local social security rights service, which you can find from our website at www.nssrn.org.au.

Your health problems and the disability support pension

To qualify for the disability support pension:

- Your health problems must give you at least 20 points under the Impairment Tables
- Your health problems must stop you working for 15 hours per week or more, or retraining for work, for at least the next two years, and
- You must have participated in a program to help you find and keep work, called a “program of support”, unless exempt.

The Impairment Tables

To qualify for the disability support pension, your health problems must rate at least 20 points under the Impairment Tables.

The Impairment Tables look at the different ways that your health problems might affect your day to day life and ability to work, such as sitting, standing, going to the shops or your mental health. You can find them here: <https://www.legislation.gov.au/Details/F2011L02716>.

You are assigned a rating or number of points under an Impairment Table based on whether you have a mild (5 points), moderate (10 points), severe (20 points) or extreme (30 points) impact. There are different criteria for working out the level of impact of your health problems in each table.

Your health problems may affect you in a number of ways and you can be given points under more than one table. Your points under each table are added up to give a total “impairment rating”. It must be at least 20 points to be eligible for the disability support pension.

Usually, Centrelink or the Administrative Appeals Tribunal look at whether you have at least 20 points first. So it is a good idea for you to look at the Impairment Tables first and decide how many points you think you should get for your health problems.

Why does Centrelink say I do not have any points under the Impairment Tables?

In some cases Centrelink may say that you do not have any points, even though you have health problems.

Specific requirements for some tables, including mental health conditions

This may be because there is a specific requirement under the table that applies to you, which Centrelink thinks you do not meet.

For example you might not have the right kind of evidence. Under the table for mental health problems (table 5) your condition must be diagnosed by a psychiatrist or, if diagnosed by a medical practitioner who is not a psychiatrist, you need evidence from a clinical psychologist (not a registered psychologist).

Your health problems must be fully diagnosed, treated and stabilised

Your health problems may only be assigned a rating if they are fully diagnosed, treated and stabilised and likely to last for at least two years.

This is complex. But in many cases, the main issue is the treatment for your health problems. Usually you need to have had reasonable treatment for your health problems already or, if you have not, that treatment would be unlikely improve your health significantly within the next two years.

The program of support requirement

For a new disability support pension claim, you also need to have participated in a program of support, which is a federally funded program designed to help people find or keep work, unless exempt. In practice, this means that you need to have been participating in a program with your jobactive or disability employment service provider while receiving another social security payment such as newstart allowance before making your claim.

Generally, you need to have been participating for at least 18 months in the three years before claiming the disability support pension. Periods of exemptions from the activity test, eg due to a medical certificate, do not count.

There are limited exemptions to the program of support requirement. Two main examples are:

- if you have a severe impairment, which means you had 20 points or more under one Impairment Table
- if you were participating at the date of claim, have less than 18 months participation and would not benefit from further participation because of your health problems.

You can ask your provider to write you a letter saying how long you have been in their program, what you have done and whether they think you are likely to improve your ability to work if you continue to participate in the program.

What happens when I claim the disability support pension

In most cases, after you lodge a claim for the disability support pension Centrelink will make an appointment for you called a Job Capacity Assessment. At the appointment a Centrelink employee, who is an allied health or health professional, conducts an assessment of your eligibility for the disability support pension, including your ability to work and rating under the Impairment Tables.

If they think you may be eligible for the disability support pension, you are usually then referred for a second appointment with a medical practitioner or psychologist contracted by Centrelink. They will conduct a second assessment of whether you are eligible for the disability support pension.

What evidence should I have?

It is very important that you have evidence about all your health problems and their impact on you.

This includes existing medical records you have, such as specialist reports, operation reports or scans or rehabilitation reports.

These records may not cover all your health problems or their impact on you. It is also helpful to ask your current treating health professionals to write a letter to explain your health problems. If you do this it is important to discuss whether they are going to charge you for the report before they do it, as medical reports can cost thousands of dollars. The main things the letter should cover are:

- The day to day things you can and cannot do because of your health problems
- Your doctor's opinion of your impairment rating, which explains why they think this is the appropriate rating by referring to the Impairment Tables
- Your treatment history and any planned treatment
- If there is planned treatment, what your doctor expects is the likely outcome of the treatment for you.

There is a sample letter at the end of this factsheet.

Appeals, new evidence and changes to my health

You can appeal against Centrelink's decision to reject your claim for the disability support pension or cancel your disability support pension. We have a factsheet about appeals on our website.

You can provide new evidence about your health problems if you appeal. If this evidence is a new report or assessment, it is important that the health professional writing the report talks about your health problems at around the time you claimed the disability support pension (or the time Centrelink decided to cancel it) and clearly distinguish this from your current problems if there has been any change.

If your health problem has worsened since you first claimed the disability support pension or had your disability support pension cancelled, or you have new treatment or a new diagnosis, it may be better to make a new claim for the disability support pension. You can make a new claim even if you are still appealing against Centrelink's decision.



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This is complicated so we recommend you get advice from one of our member organisations if you need help.

Other resources

Administrative Appeals Tribunal Disability Support Pension factsheet: <http://www.aat.gov.au/social-services-child-support-division/applying-for-a-review/factsheets>

Legal Aid NSW information about the Disability Support Pension:
<http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/disability-support-pension-pamphlet>

Example doctor letter

Dear Doctor

I am collecting evidence relevant to whether I am eligible for the disability support pension. Your report may be given to Centrelink or to the Administrative Appeals Tribunal.

I need information about my medical conditions and their functional impact at around the date I claimed the disability support pension. Your answers to the questions below should state specifically that they are about my conditions and their impact at the relevant time.

If there is more than one condition, please answer the questions separately for each condition.

Please answer the following:

1. Describe the diagnosis and date of onset of the condition.
2. Describe the symptoms of the condition (including their frequency and severity) and their functional impact, focussing on day to day activities and work capacity.
3. The functional impact of the condition is assessed by reference to the Impairment Tables, accessible at <https://www.legislation.gov.au/Details/F2011L02716>. Please indicate the Impairment Table(s) applicable and your opinion about the appropriate impairment rating. Please explain your opinion about the appropriate impairment rating by reference to the criteria in the applicable table.
4. Is the condition expected to persist for more than two years from the date of the disability support pension claim?
5. Is the functional impairment resulting from the condition expected to persist for more than two years from the date of the disability support pension claim?
6. Describe the treatment history of the condition, including dates and period of treatment.
7. Is there any planned treatment for your patient's condition? If so, do you expect the planned treatment to result in change in the functional impact of the condition and to what extent?