**Interview with Minister Linda Reynolds**

Dr George Taleporos:

Hi, everyone and welcome to Reasonable and Necessary, brought to you by the Summer Foundation. On today's episode, we're talking to Minister Linda Reynolds about the death of independent assessments. Check it out.

Hi Linda. Thank you for joining us.

Minister Linda Reynolds: You're very welcome. Thanks for having me, George.

GT: I'm interested to ask you, what happened at the meeting on Friday with the ministers?

LR: Well, George, thanks. It's a great question. And I think it was a very important meeting on Friday for the future of the NDIS. As you know, and we've had a number of really fantastic discussions about the NDIS, there are a number of issues. And when I became minister, it was really clear that I needed to spend some time listening to people across the sector, particularly those with disability who have experience with the NDIS. So I did that and it was really clear to me that people were very upset. Many people were very upset with the independent assessment trial process itself, and that it was causing distress, across the sector, and particularly concerns with people actually on the NDIS. So I've called an extraordinary meeting of the disability ministers with the states and territories because ultimately, George, this is not a scheme just for the federal government, this is a real true scheme as a federation and all states and territories have gotten a lot of investment and placed great importance on this scheme. So we came together 3 months into me being the new minister, and I think there's, from my perspective, there's 3 key outcomes of the meeting. The first one...

GT: Tell us what they are.

LR: Three key outcomes, George. Well, there's many more, but these, I think are probably the most significant. The first one is that the ministers heard the message about financial sustainability and cost growth. So what we've agreed is that we're going to work together, all of us, to review the costs, cost drivers, and also have a further review of the actuarial report of the insurance scheme and get a better understanding of what the trends are and what evidence underpins that. And we'll come back together again in August and start having a look at where we think we need to go on sustainability. So no rash decisions, but again, working together to make sure that... We all want this scheme to endure for many generations of Australians to come. So that was the first one.

And of course we'll have those discussions with people with disability, with peak groups. So I think it's important that everybody in Australia who has an interest in this scheme, including the Australian taxpayers, really understand the scheme, where it's come from and where it's going. So, George, that's the first, I think, significant outcome that we agreed to work together on this.

The second was we reviewed the IAC report into independent assessments and also the internal report prepared by the NDIA. And look, it's really clear that there are many things that needed to be addressed with the current IA trial process. And we agreed with the first recommendation of the IAC report that the trials should not proceed. In fact, the AI should not proceed as they were currently being trialled. So the IA's dead, but we did agree on a new process to work together and to work together with the sector. And to really hear and listen to the voices of the disability sector and to hear people's concerns. But also that we do need to find some way to make the scheme more consistent and more equitable, so fairer, because it clearly is not in a whole range of ways. And to do that, we are required under the legislation, so all of us are required to find a new way to undertake a new method, to do some form of assessments, but ones that really take into account all of the issues that have come up over the course of the trial as reflected in the reports.

So, we killed the IAs and we agreed we'd work together with the sector to find a better way to do that. Because of course, once we've actually got a way to make the scheme fairer and more consistent, what we can also do is bring in the personal budgets. So look at them together. So the assessments and the budget process and how that is done, because I don't think you can look at one without the other. And so once we've got that, I'd really like to see us get rid of the annual meetings and the annual assessments, so that once someone's got a plan, we can say, go and live your life, strive for your goals. And come back in 3 to 5 years or earlier if you need a plan adjustment. So that was the second sort of good discussion.

GT: Can I clarify on that one? Because you said you said independent assessments are dead. You've also said that independent assessments and personal budgets go together. Is that what you meant to say? Or are you saying that one can go without the other?

LR: I can't see how one... How we can look at them independently because ultimately it's part of the same process to determine someone's eligibility for the scheme and then work with them on their budget and how you tailor their budget, which is the personal budget process. So yeah, one goes with the other and I think as part of our discussions with the sector and with people with lived experience is what is the best way to achieve that, that will be the best experience for participants, but also make it a fairer and more equitable scheme. So we've got a lot of discussions to be had, George, over the next few months of how we achieve that.

GT: What will happen to the contracts that were entered into with the assessors?

LR: That's a good question. I've asked the same question of the NDIA. My understanding at the moment is that they're demand driven contracts and because there's been no demand, then there is little or any cost outstanding or owing, but I'm waiting for some final advice from the NDIA on that.

GT: Okay, that's a relief.

LR: Yeah, definitely demand driven.

GT: And what was the third outcome?

LR: The third outcome was we're having a discussion about the legislation. One thing that's become really clear to me, George, is that the legislation, the 2012 legislation that established the scheme was legislation for the concept of an insurance scheme. It wasn't sufficient to realize sort of the detail of an insurance scheme. While some things have worked over that time, 8 to 9 years, the legislation needs updating to deal with the realities of where the scheme is today and improvements. While the legislation itself is a Commonwealth Act of Parliament, as you'd be aware, it has different categories of decisions that can be made. Most of the big decisions I need unanimous support of all states and territories, which as you know in our federation can be a little challenging sometimes.

We had a good discussion about the legislation. I said that I would not, I confirmed that I would not take any legislation forward this year that hadn't had the endorsement of the states and territories. What we have agreed and what I've already got going forward is the legislation on quality and safeguards improvements, particularly as a result of the Ann Marie Smith case, that terrible case in South Australia. That legislation is going through the parliament at the moment, but I'm also now looking to bring in another package of legislation this year. That'll focus around the Tune Report recommendations, doing the next lot of implementation of that, and also things like the participant service guarantee, but we're also looking at measures to increase the capability of the NDIA and the AFP, and also the commission to really clamp down on bad behavior. Here we're talking about fraud and as you'd be aware, there's been quite a few cases of illegal actions and fraud.

I've had a lot of people tell me about a lot of cases of really bad behavior, so gouging, overcharging, over-servicing. We want to have a look at that and bump up our enforcement efforts, but also our surveillance. Also, I think it's important for people, particularly those who self manage, to actually have a better understanding of what bad behaviour looks like from providers and then what they can do to report it or to go to another provider. That's something I'll take back to the states and territories. Once they've endorsed it, I'll take that legislation through this year.

GT: That's fantastic, that's very helpful to understand how that conversation went. It sounds like you've certainly stuck to your word when you came in as minister that you said that you would pause and listen, that people have spoken and said that they don't want independent assessments. You’re effectively saying that there will be no more independent assessments. On behalf of the sector, I just want to thank you for listening.

LR: Well, George, thank you. I absolutely meant it when I started and when we had our first conversation, you made some really good points and gave me some really good advice about how I should go about that. It was really important to me to listen, but there's no point listening if you're not acting. I am very conscious that I'm the ministerial custodian of this scheme between now and the next federal election. It's quite a pivotal time in the scheme's history. I wanted to make sure that I use my time wisely and we do find a pathway as a federation to take the actions we need to make sure that this scheme is as best as it can be and it's sustainable. Yeah, that's my absolute passion and commitment now.

GT: Thank you for that. I'd like to just turn to the issue of how you’re going to work with the sector moving forward. You made a commitment to develop a person-centred approach around determining eligibility and funding allocations. This is what the sector has been calling for. You've committed to that. Have you started to think about what that might look like?

LR: I have, and I've had some really good discussions today, in fact, and over the last couple of days with different representatives from the sector and to try and get a better understanding of what the sector sort of thinks is the best approach to listen and also to make sure that we do have a person-centred approach. I'm still thinking through that and I'm getting a lot of really good advice. I won't take too long, but I'm very open to what that looks like. I know, and I've discovered in this sector that when you use the word co-design, different people have different ideas of what that is, so it's actually finding a way that we can really hear what people want and what they think and we incorporate that into a new assessment model that doesn't just say it's people-centred, but really is.

GT: Right. Co-design is the absolute opposite of what was happening before you came in, Linda. That can be a test for you. However, I think that we're all on the same page around what it means. It means what you just said. Listening and acting on what we say. I'd also add to that, some of the things that you’ve done recently in releasing information and making that information available is part of that co-design so that we're all across all of the information that we can give policy advice that's very well informed.

LR: Well, George, I absolutely will keep providing as much information as possible because I agree it's hard to have a sensible discussion if everybody doesn't have the same information to base their discussions on. I'll keep doing that. I've got that commitment from the NDIA and the board as well. They, again, agree that we need to do that. In terms of more specificity, in terms of your question, we'll certainly be working with the IAC and I was very grateful to the IAC members for the work that they did on their report. I think it was a very balanced report. It was uncomfortable reading in some parts, but that's a sign of a good report, George, that it's frank and fearless, and I agreed in principle with all of their recommendations, as did all of the other state and territory ministers, including the number one recommendation that independent assessments don't have proceeding as we've been doing it. We will be, and I've had a talk to Robyn Kruk already as chair of the IAC, about how we can proceed with them, but also with the DROs involved. And so we're just now having a talk about what that would, procedurally that would look like, and as I said, working out how we make sure that we do actually hear from the right people and have that input put into the design of a new assessment model.

GT: Yes, and I know that there's a lot of people who definitely have a lot of really valuable knowledge to share, have been in the sector for many years, and also families and people with disabilities, and all of which are going to be eagerly looking for all of the detail around what you're thinking about moving forward, so I look forward to hearing about how the person-centred model will proceed. Really, it's early days.

LR: It is early days, and we'll see and I'll certainly keep in touch with you George, and as we work through, what that looks like. Can I also just say George, I'd like to give a big shout out also to the NDIA staff. It's been a pretty ... I'm sure all of them go to work every day wanting to make a real difference to people with disability who are on the scheme, and we've asked governments ... All of us as governments, have asked a lot of the NDIA staff to set up a brand new agency, all of the procedures and the practices all at once, while bringing in 460,000 participants at the same time. It hasn't been a perfect process, but I think hindsight's a wonderful thing, and doing this so quickly, it was possibly inevitable that there would be issues.

I just want to give through you a shout out to the NDIA staff who are working with great passion, and as part of this process, I want to make it a better process for them as well, so that they can focus, not on these annual reviews, but they can focus more on helping people realize their life goals and objectives. I just think it's important sometimes to acknowledge the people who were working so hard to improve this scheme.

GT: Yeah. I think what you’ve implied is that there's thousands of people who were really committed to making the NDIS work and we do need to acknowledge them and say thank you for the work that you're doing.

LR: Yeah. Because I can understand people can get frustrated at the person at the other end of the line or the person that they actually meet, but most often it's because we've got a process in place that's not fit for purpose which they have to administer. I think if we can make it a better experience for the NDIA staff as well, in terms of how we look to improve, not just the participant experience, but make it easier for the staff to make a real difference, I think that's important too.

GT: Absolutely. Can I just address a thing that came up, where I heard your interview this morning with Patricia Karvelas. I think that was this morning, and you mentioned people with chronic illness and I think it was dementia. You said that it was never intended for them to be part of the scheme. I've been following it a Twitter feed, and I just wanted to give you the opportunity to respond to people that might be concerned that they’re going to be in the spotlight as not being eligible moving forward. I don't think that was your intention.

LR: No, not at all George, and as I said, before I became the minister is that there's a lot of really hard discussions we need to have, not just as politicians, but also with the sector. Who is this scheme for, and what does permanent and significant disability mean? What does reasonable and necessary mean? It's a conversation. It's not actually saying we're going to remove anybody from the scheme, and I know there's been concerns about FASD and acquired brain injuries and others, and that is absolutely not the case. But when the scheme was established, there was a much smaller ... In fact, psycho-social disorders, also a smaller range I understand of people on the autism spectrum, for example, people with dementia. I don't think it was ever really considered that they should be in the health and aged care system, not in the NDIS. There's people now who've got a primary diagnosis of a health condition, so for example, obesity-related disability. The question really is where are the lines between aged care, between the health sector, between rehabilitation and also between the NDIS? I think that's a really important discussion so that we've got clearer boundaries and clearer and more joined up intersections between those sectors, including housing as well. It's part of this scheme being clearer about who is eligible for what scheme, and how do we ... And if we, how do we pay for it?

GT: I think the legislation is clear when it says permanent disability, and we need to make sure that everyone with a permanent disability that needs ongoing support, has access to that support.

LR: Yeah. That's I think, a really good discussion point. Part of these discussions is also, for those of us who weren't here when the original discussion and debate occurred about the establishment of this insurance scheme, what the initial intent was, how it's evolved since then, what are we now doing and who we're now supporting and where do we go from here? I think that context is really important to get a good idea of, as I said, where we are now but where we need to take the scheme and how do we do that? And that's not something-

GT: Absolutely. And that's that.

LR: That's not something, as a federal minister, I could or should have a discussion in the absence of the sector, but also with state and territory ministers, because ultimately, whatever cost the scheme is and whomever we support, has to be jointly funded between us all, so it's an important discussion. George.

GT: It is. And I think that we need to remember that the health sector, the housing sector, the aged care sector, all those sectors need to continue to do what people with disabilities need from them. They have obligations too. They have very important obligations to people with disabilities. It's not just the NDIS.

LR: Look, George, that is an incredibly important point. And it's one that's been made to me many times by many different people, is that, when the NDIA was established, there was supposed to be a tier two and very strong community-based supports for those people who were not on the NDIS, but also for those on the NDIS to have more community engagement and support as well. So it's been described publicly now that the NDIS has become an oasis in the desert and it should never have been. It should be one of many other supports. So one of the things I did discuss with the state and territory ministers is, what does that community based support ... what should it look like? What does good look like? And so that is something else we'll have discussions about over coming weeks and months is ... with the sector, of course, is, how do we perhaps re-imagine what community-based support is and then how do we get there?

GT: Yes, that's right. And that’s where the national disability strategy also comes in. Do you have any information about where that's up to? Because we're at the end of one, aren't we?

LR: Yeah. So a lot of work’s been done. Minister Ruston is leading that piece of work in consultation with the states and territories. I believe our next disability reform ministers' meeting is next month. We will be discussing the NDS again with states and territories because you're right, that is incredibly important. It would be a real tragedy, I think, if the NDIS became the only service and sort of the only real support for Australians with disabilities, because it can't be everything to everyone. We need community-based support as well.

GT: You certainly do. Before we go, is there anything that you'd like to say to people with disabilities and families that are watching?

LR: Well, that's a big question. Thank you, George.

GT: I always love to give people a chance to talk to us.

LR: Thank you. Look, George, I really appreciate that. And what I can say is that I am very genuine in my desire to leave the scheme in as good a place as I can once my tenure as the minister has concluded. I'm deeply aware that I am the custodian of this scheme at a ... as you said at the beginning, a really important point in the scheme's history. So I said that I'd take that time to listen, and I have, and I have acted on what I've heard so far. So I, like just about everybody else in Australia, now have family members whose lives have been changed by the NDIS, but I know that there are issues that have emerged over the last 8 years that we really need to have honest and open and frank discussions about and then make some decisions.

But in our wonderful federation, this is a scheme of our federation, and we came together 8 years ago, 9 years ago to put aside our political differences and to create this amazing scheme. And it wasn't easy back then, just as it's not easy now. But again, working with the state and territory ministers, I left that meeting on Friday, incredibly optimistic that we will find a way over the next couple of years to have those discussions, to make the decisions and have this brilliant scheme that changed so many people's lives, to make it as good as it could be and endure. So that's it from my perspective, George. That's how I see my job.

GT: Thank you, Linda. And I really appreciate you taking the time to speak with me and to the community today.

LR: You're very, very welcome, George. Thank you. And just thank you for your passion, your commitment and your honesty and your advice. Thank you, George. I really appreciate it.

GT:

Absolutely. Have a great afternoon. Bye-bye.

LR: Thank you.

GT: That's all we have time for on today's episode of Reasonable and Necessary, brought to you by the Summer Foundation. To be notified of each episode, don't forget to hit the "subscribe" button and the notification bell. Thanks for watching and until next time, stay well and reasonable.