**Reasonable & Necessary podcast**

**NDIS deep dive - interview with Minister Shorten**

**George:** Hi, I’m Dr George Taleporos and you’re listening to Reasonable and Necessary, the NDIS podcast series brought to you by the Summer Foundation. Joining me today is the Minister for the NDIS, Minister Bill Shorten. I spoke with him before the election when he committed to rebuild trust in the scheme. Almost 3 months later and he is now in charge. But what has he learned since taking over and what is he going to do to address the issues facing NDIS participants today. Let’s find out.

Hey, Bill. Welcome to the show.

**Minister Shorten:** Hey, great to be back on your show. Thank you for having me back.

**George:** You’re the Minister now. How does it feel?

**Minister Shorten:** Feels great. It feels like the chance to help rebuild trust in the scheme, a chance to help people. It’s why I went into politics, for the purpose of helping people empower their own lives so I feel very lucky, very privileged.

**George:** You’re almost 3 months into it, Bill. Is it what you expected?

**Minister Shorten:** Yes and no. I’ve encountered more problems at the agency than I was expecting, I’ll be honest. I think that - and when I say that, I’m not talking about the thousands of APS staff but I am surprised at the slow pace of change. There’s been an election, new government, new minister and I really want us to get moving on problems in the scheme and making it a better experience for more people.

**George:** What are your priorities, Bill?

**Minister Shorten:** Well, the first 1, and it remains a constant priority, is to make sure that we’re keeping people on the scheme and people with disability generally COVID safe and we’re getting a fair bit of cooperation on that, so that’s crucial because COVID is a very real threat and risk to people with reduced immunities.

So, I’m very conscious of our obligation to do everything we can in our power to help keep people safe. But a couple of other of my early priorities are to unblock hospitals, the exit block where people who are eligible for NDIS are stuck languishing in hospitals for months and months. And also, I want to reduce the amount of disputation between participants and the agency triggering AAT actions. I want to reduce the legacy cases. On both these matters, I thought I could make more speedy progress and so, it’s really right at the front of my brain at the moment.

**George:** Fantastic, Bill. So, we’re going to get to talk about all of those things in a bit of depth, so let’s start with the issue of people with disabilities who are stuck in hospitals. We know that before the election when you and I spoke, you said you needed to look under the proverbial bonnet. So, tell me, what did you find under the bonnet?

**Minister Shorten:** I’ve been visiting hospitals, talking to people with disability, talking to clinicians and rehab experts. I’m finding that there’s good reasons and bad reasons why people are stuck in hospitals when they’re eligible for NDIS support. I get that there’s in some parts of Australia, insufficient housing options and whilst that’s - I shouldn’t call it a good reason, it’s not - I can understand that but what is a bad reason by any stretch of the imagination is slow decision-making processes within the agency.

We can walk and chew gum at the same time. There’s too much what I call linear decision making where we want reports and reports to make sure someone’s eligible, then we take time for someone to go and meet them and then everything seems to be 1 decision at a time, whereas I know that for other things, hospitals are able to support people re-enter the community much more speedily but it just all seems to go into slower motion when it comes to some of the people in hospitals and the agency. So, I’ve got to really prioritise that.

**George:** It’s interesting because I was looking at some data and there were over a thousand brand-new SDA vacancies that are sitting empty, so it’s not like there’s not the places for people to go, right?

**Minister Shorten:** I think maybe in parts of regional Australia or Tasmania, there is a bona fide shortage but as a general rule, what you said is right, George. It’s slow decision-making.

**George:** So, we need to get the decision-making fast-tracked, is that what you’re saying?

**Minister Shorten:** This is the analogy I’d use. Imagine if you had to travel to 5 railway stations. Then you get on the train at railway station A and by the time that train takes you through to railway station E, the fifth 1, but what I feel sometimes happening with the agency and decision-making is imagine if you’re trying to get the train from A to B and then you’ve got to hop off and then you’ve got to wait for a new train to take you from B to C, then you’ve got to hop off, then you’ve got to wait for the new train to take you from C to D and then you’ve got to hop off, then you’ve got to wait for a train to take you from D to E.

It’s not a seamless process. We’re not doing things concurrently and there’s enough knowledge. The other thing I want to do is I think the agency can afford to give delegated discretion to skilled planners who then embed themselves in the hospital process so they get to know the rehab people and the community care people. I just - sometimes, you’re better off letting the frontline people have some frontline powers.

**George:** Yes, I completely agree with that. One other thing on this issue is that I’ve seen reports about interim accommodation options that are being set up to move people out of hospitals and some of those look quite inappropriate, so 1 of them was an aged care home.

**Minister Shorten:** I support the idea of transitional accommodation but not inappropriate transitional accommodation. There’s a point though I would make. While we wait for the forever home for someone who’s in hospital, where there’s good alternatives, that’s actually safer than keeping someone in a hospital. So, you’re right, it’s got to be that the transitional accommodation has got to be appropriate but we do have a rental market in Australia, we can find alternative accommodation but just waiting for the perfect of a forever home can actually jeopardise the health and safety of someone, a participant who’s eligible to leave hospital.

**George:** I agree, Bill. I think that we need to look at these alternative, interim -

**Minister Shorten:** We do need to look at an SDA accommodation class for interim accommodation which is focused on quality interim care.

**George:** Yeah, as long as we don’t forget about people in those houses.

**Minister Shorten:** No. The problem right now is that people are in hospitals and they are treated as - being put in the too hard basket or the too slow basket.

**George:** Yeah, you’re absolutely right. Let’s talk about the related issue and that’s young people in residential aged care. We know the previous government made some commitments around this. Are you committed to achieving the targets set by the previous government?

**Minister Shorten:** Well, we want to keep them but I don’t think the previous government was keeping them. So, I’ve been talking to my colleague, Anika Wells, who’s the Aged Care Minister. I think basically, people don’t want me to always talk about the previous government but they are a fact of life, they did exist but they made up targets and then forgot about them. Everything was just getting beyond the next election.

So, I’m meeting with aged care officials and I’m not satisfied at the progress that we’re making. How quickly we can remedy it, I don’t know, but I think a bit like hospital discharge, we’ve just got to get smarter about it. And treat it as a priority, and not just a general statement or a feel-good statement and a press release, I want to find people in the system who are accountable for actually helping people out of inappropriate accommodation to appropriate accommodation.

**George:** Absolutely. You’re the minister now. Are you still committed to those commitments? So, we’ve got the commitment that by 2022 - I’m assuming that’s the end of the year - there’ll be no people with disabilities who are under 65 going into aged care. Is that something that you’re committed to?

**Minister Shorten:** Absolutely. Nothing’s changed. What I don’t know is how much the previous government hasn’t done, so we’re trying to get to the bottom of that but the goal is the right goal, the outcome is the right outcome, but I just - the previous government left us with a lot of ticking time bombs, in my opinion.

**George:** There’s a lot of work to do.

**Minister Shorten:** Yeah.

**George:** I’m glad that you’re committed to those commitments.

**Minister Shorten:** Yeah.

**George:** Before the election, we talked a lot about the AAT and the money that was wasted on lawyers and I’m interested in what’s happened since you’ve come in around that. Have you put into place any ways of -

**Minister Shorten:** Yeah. I’ve held several meetings with Civil Society and with the agency to say, “I want the legacy list reduced.” It’s been reduced by about 200 cases but I’m not satisfied even in the last 6 or 7 weeks that that’s fast enough. The agency assured me that they’re doing everything they can. I think it needs new thinking so I’ve asked the agency to look at some different options to just ‘business as usual’ on the way they’re handling it so far. That is still a work in progress, George. I have a very firm view that I’ve just got to get the agency moving in the same direction.

**George:** I remember when we spoke, you talked about 1 of the solutions here is to get the planning right at the start.

**Minister Shorten:** Yeah and it’s - we’re going to do an appropriate - a 10-year review of the scheme. We’re bringing it forward to this year. We’ll have more to say about that in coming weeks but 1 way to stop the firehose of cases spraying to the AAT is to make the initial planning decisions better. The next way is to make sure that there’s, if you do disagree, there’s an internal consideration process in which you have confidence that you don’t need a lawyer and you’re not going to get shafted. So, there’s 3 aspects of what I’m talking to the agency about. One, I want to blitz the waiting list of cases.

Two, I want to have an alternative dispute resolution process which is lawyer-free. It doesn’t mean that anyone loses their legal rights but this is lawyer-free because most participants can’t afford lawyers against the agency, so I don’t want the agency having lawyers either. In this alternative dispute process, I’ve said to the agency what I want to see is that the agency puts its reasons in writing because how can you argue with an agency decision if you don’t know the reasons for it? The third leg of reform and this is the most important, is get the planning right to begin with.

**George:** Absolutely. One really simple thing that I’ve - I know the disability community has been asking for, for a very long time and that’s to be able to see a draft of their plan after their planning conversation. That’s still not happening. Why is that, Bill?

**Minister Shorten:** Because it’s stupid. Of course it should happen.

**George:** So, you’ll make it happen?

**Minister Shorten:** I think planners should meet with the people they’re designing the plans for and I think they should send a draft to the participant and the participant’s support network just to make sure that each has heard the other. I think there is a …

**George:** Absolutely, I’m looking forward to -

**Minister Shorten:** - these are very basic points. I’m confident we will get to that system.

**George:** I hope we do. I really think it’s -

**Minister Shorten:** Otherwise - yes, I’m confident we’ll get there. I cannot tell you which day we will get there but there’s a lot to fix up from the previous government but there’s no doubt in my mind that - how can you make a plan for someone without meeting them or talking to them, at least Zooming them?

**George:** Bill, I want to talk more around that COVID, you did mention that it’s 1 of your priority areas. We know that a lot of people with disabilities and people with underlying medical conditions are entering their third year of isolation while the rest of the country has gone back to business as usual. I’m really interested in how you see your government supporting people with disabilities and the workforce because the workforce is key here. What are you going to be doing to support us through the pandemic?

**Minister Shorten:** I’ve organised meetings between the department, the agency and people with disability and their representatives about these questions. We’ve also done a mock exercise, we call it a red team, where we get a whole lot of experts in and we test the system with all of the potential problems that could pop up and what that work has shown is that we’ve got to make sure that PPE and RATs are getting out to people, just got to keep supplying that material to people. The other thing is we’ve got to have a good push in terms of boosters, getting people boosted, because the rates are slower than they should be.

**George:** Absolutely and I think we need to really look at masks and making sure that people can access N95 masks and also that the workforce understands what kind of protection so they can get people safe.

**Minister Shorten:** We’ve no doubt that the disability workforce bore a lot of the brunt of the last 2 COVID outbreaks where too often, workers in their own time have to go and get vaccinated, workers would have to stay home and not go to work so they didn’t put the people they’re working with at risk. That’s why it’s good that Labor reintroduced the pandemic leave provision for the workforce so that people don’t have a choice between isolating and starving.

**George:** Yes, it’s very important. On the issue of workforce, it’s so important, obviously we can’t talk about workforce enough. I think that the NDIS is only going to deliver the promise of good supports if we have a strong and diverse and reliable workforce. I know that you’re also passionate about workforce, Bill. What are your plans around the disability workforce?

**Minister Shorten:** Next week actually in Canberra, I’m hosting a forum which is going to talk a lot about NDIS workforce. I’ll have participants, DROs - disability rights organisations, service providers’ unions, the agency, experts, to talk about how we can best fill the gaps for the workforce needs of the future. And 1 thing I’m very keen to look at is how we provide career paths and vocational training for people with disability and carers to work more generally in the sector.

**George:** Excellent, looking forward to that, Bill. I’d like to turn to the price guide. We know that there was indexation and that was to meet the changes under the award but there are a couple of things that people are talking about that they’re not happy about. The first 1 is the change to requiring 7 days’ notice for cancellations and I’m really interested in how - in a regular world, the non-NDIS world, 24 hours is sufficient. Why are we requiring disabled people to give 7 days’ notice?

**Minister Shorten:** Sometimes they’re not going to be able to, I realise that but in the award, it’s sensible to provide 7 days’ notice. So, I get that in the real world, life intrudes, you can’t plan everything 7 days in advance but I think that where we can, we should try and also do best practice.

**George:** Interesting. I do know that for example, therapists, OTs, if you cancel with them, they could spend that time getting someone else in to fill that spot. There’s a waiting list. We also know that they can complete reports but we’re paying them $200 an hour to not do anything.

**Minister Shorten:** Yeah. I understand your point. I’ll take it on board.

**George:** Thanks, Bill. The other issue that was in the price guide related to level 3 high intensity category and this was applied for people with high and complex needs. In the new guide, that was removed. So, there was less incentive for providers to take on people with complex needs. What are your views on this?

**Minister Shorten:** I think you make a good point. I can see - I don’t want people overcharging when they don’t need to overcharge and I get worried sometimes that some service providers always charge the top dollar. Having said that, and you’re not the first person in recent times to raise this issue that not having separate categories, you create economic incentive to look after some people and not others. So, again, I’m taking that on board. I think I can see what you’re saying there so I’m not sure the answer is completely settled. I think you’ve got a point with people with complex needs.

**George:** Thanks, Bill. Hope you look into that.

**Minister Shorten:** Yeah.

**George:** One of my favourite topics, people with disabilities in leadership roles. Before the election, you made commitments around putting people with disabilities in these roles which is fantastic and important. How is that going, Bill, and why haven’t you called me? Have you lost my phone number?

**Minister Shorten:** You’re hard to lose, George. We’ll be making a package of announcements around CEO, chair, board, as soon as some of the processes are finished around the CEO but I’m hopeful that ideally in September or definitely before the end of September will be announcements about some leadership positions and people with disability will be strongly represented in new appointments.

**George:** Fantastic. Thanks, Bill.

**Minister Shorten:** So, I am conscious of that. The forum I’m holding next week, nearly 50% of the participants are people with disability so where I can directly influence things, I’m trying to practise what I preach, right down to even staff in my office. I encourage my colleagues to talk about how we can do more leadership development.

**George:** Yeah, it’s good and I think the NDIS which is for people with disabilities should be informed by our experiences.

**Minister Shorten:** That’s my world view. I know when I was leader of the Labor Party, I helped lead the debate in the Labor Party in 2015 that half of our candidates for parliament should be women and now that is what we’ve achieved. I understand and I think 1 of the remaining frontiers is how we boost the leadership roles of people with disability. I’m not going to say every position will always be resolved to everyone’s satisfaction but over time, I’ve got no doubt that where I can, I’m going to influence greater profile and role for people with disability to be in charge of decision making, not just for people with disability but for everyone.

**George:** There’s an example of this that was brought to my attention yesterday and that was the issue of the joint standing committee on the NDIS and we understand that Senator Jordon Steele-John who is a disabled person and a very strong disability spokesperson was overlooked for a leadership role on that committee. What are your thoughts on that?

**Minister Shorten:** I don’t think he was overlooked. The government of the day normally provides the chairperson on these standing committees and the opposition of the day normally provides the deputy. Jordon is in the Greens Party of which there’s only 1 person on that committee, so that’s been the parliamentary convention. I’d go back to saying something I think I said earlier in answer to you, I’m not saying that every position each time will be resolved to everyone’s satisfaction but over time, I’ve got no doubt under this government, we’re going to see a lot more people with disability in leadership positions and as for Jordon, I meet with him directly. He has - I take him very seriously so we talk regularly.

**George:** There were similar concerns around the Disability Royal Commission. The current commissioner does not have a disability and they - he has all the power around the recommendations. I understand that his powers are quite high to a point where other commissioners don’t necessarily get a say. Is this something that you’re going to address?

**Minister Shorten:** I’m not going to start criticising the Royal Commission, George. I haven’t necessarily heard what you’ve just put to me. I think the Royal Commission is important. I think it’s doing a power of work. I’d be surprised if other - I don’t really want to get into the specifics of what you said but as a general point, I’d be surprised if the other commissioners aren’t making their views felt.

**George:** I’m referring to the letters patent.

**Minister Shorten:** What’ll judge the success or otherwise of the Royal Commission will be its recommendations. I think it’s getting a lot better as it goes along about providing people with disability a direct voice, so I’m prepared to wait to see what’s happening and what they recommend but I think it’s proving to be more positive than negative, absolutely, so I’m a bit of a supporter of the Royal Commission and the work it’s doing.

**George:** I think it’s very important and I’m thinking more around that issue of leadership roles and disabled people having that…

**Minister Shorten:** Yeah and that was done by the previous government. Let’s just watch this space and how I go with things that I can directly influence and I think you’ll find over time that we will start cementing a role for people with disability visibly in decision-making in this country, which is what we need to do.

**George:** Yeah, let’s do that. So, the final topic is the NDIS review that you mentioned earlier. Can you give us a bit of a taste of what to expect there?

**Minister Shorten:** This was a review which was originally scheduled for next year, the 10-year anniversary of the NDIS, to be done by the productivity commission. Labor took a policy to the last election to have a focus on a range of aspects of the NDIS and bring forward this review so we’ll be announcing more on that pretty soon to be honest. It’ll be a steering committee, there’ll be people with disability involved in the steering committee, there’ll be a secretariat. It's not about cost cutting and in terms of a razor gang or reinventing the Liberal independent assessments.

It’s about basically pulling together all the work that’s been done about suggesting and forming it, it’s about codesign with people with disability. How do we learn the lessons of the last 9 years and make the next 10 years of the NDIS better and brighter? We already know a fair bit of what needs to be done I think, and I think this review will help pull together a lot of the threads. It’s not a forever review. I want to see its work and results coming to fruition by the budget of next year so that we can start making sure the NDIS is more responsive than it is. The NDIS -

**George:** Are you involving disabled people on the terms of reference?

**Minister Shorten:** Yep, that’s happening. We have the terms of reference taken from the bilateral agreement with the states so they’re already set in stone and the other issues that we want to look at in the review, we put to the Australian people before the last election but the actual review will be done a lot with people with disability. I can guarantee that.

**George:** Bill, it’s been a very interesting discussion. What final words would you like to share with people listening across the country?

**Minister Shorten:** We’ve got a lot to do and I feel an obligation not to waste a second of a minute of an hour of a day and I just want to start fixing up the pain. This scheme is about empowering people, not causing pain. At the moment, I still think it’s causing more pain than it should, so let’s get that right.

**George:** Bill, I think there’s a lot of excitement and positivity in the community about your role as our minister. You were the man who effectively advocated for this at the highest level and we’re very grateful for that and we look forward to seeing the good work that you’re going to do as minister.

**Minister Shorten:** It’s a collective effort. It’s a collective effort and people with disability will be at the centre of how we do it, what we do, why we do it.

**George:** Thank you, Bill. Thanks for joining us on the show and I’ll see you very soon.

**Minister Shorten:** Yeah, look forward to catching up soon, George. Thank you and thanks for what you do to help provide reliable, honest, accountable information to people.

**George:** That’s all we have time for on today’s episode of Reasonable and Necessary. To be notified of future episodes, don’t forget to hit the subscribe button and the notification bell. Thanks for listening and until next time, stay well and reasonable.