Reasonable & Necessary - NDIS Review: Early Findings with Co-Chairs Bruce and Lisa

**George:** Hi, I’m Dr George Taleporos and welcome to Reasonable & Necessary, Australia’s premier podcast series on the National Disability Insurance Scheme, brought to you by the Summer Foundation. But before we go any further, please, do me a favour and hit the like button, subscribe to the channel and select the notification bell so you can be notified of future episodes.

On today's episode, we're joined by Bruce Bonyhady and Lisa Paul to hear about what the NDIS might look like in the future as they give us a sneak peek into some early findings from the NDIS review. Check it out.

Hi Bruce and Lisa. Welcome to the show.

**Lisa:** Hi George. Thank you.

**Bruce**: Great to be here, George.

**Lisa**: Great to be here.

**George**: Look, I have to start with the announcement by the PM on Friday. The PM announced the cap on the growth of the NDIS up to a maximum of 8%. Bruce, you set up the NDIS as a demand-driven system. So what's your take on that announcement?

**Bruce**: Well George, can I just first of all acknowledge the traditional owners of the land on which I'm meeting today, the Ngunnawal people and say how delighted I am to be talking to you and in particular about what happened last week.

I really feel for people with disability and their families. For whom last week's announcement came out of the blue. And as a review panel, you know, we are deeply committed to ensuring that this Scheme delivers on the vision that we all fought for a decade ago. If I just pick up a couple of points in what you've said, I think it's very important to recognise that what the Prime Minister talked about was a target. He didn't talk about a cap.

And in response to your comment, this is a needs-based scheme. It's not a, and this is, I don't want to be too pedantic, it's not a demand-driven scheme. It's a scheme designed to provide reasonable and necessary supports. And so that's what this review that Lisa and I and the review panel had the privilege of leading, and are totally focused on; to make sure that this scheme delivers on the vision.

When Minister Shorten announced the review, he talked about NDIS 2.0 and what we've heard from people since we commenced the review 6 months ago is a need for a very different scheme, a quite different scheme to the one that's emerged which hasn't aligned what we originally thought. And at the press club a couple of weeks ago, Minister Shorten talked about the need to reboot the scheme. He talked about why we need reform. And what the review is totally focused on, is how we get that reform. How do we get the scheme that we all fought for?

It's important that the scheme is sustainable. It must be there for, not just people with disability today, it's got to be there for the future. And so sustainability was always part of this review, was always a key part of our terms of reference. But I think we need to think about sustainability as an outcome rather than as a goal in itself.

And so the first thing that we need to make sure of is that this scheme is fair and equitable. And I particularly welcome 1 point that National Cabinet focused on last week, which is that this scheme needs to be fair and equitable, not just to people who are in the scheme, but also people who are outside the scheme. No one ever anticipated that this scheme would emerge as an oasis in the desert, which is where it is today.

And so I think what National Cabinet has done has put down a really important marker. And so for people listening to this podcast, I want to really emphasise the point that you cannot look at this scheme in isolation from the supports that people get outside the scheme, it can’t be the only life boat in the ocean. The second thing that we really need to focus on is what is reasonable and necessary. You know, and I think it's very appropriate we're talking on a podcast called Reasonable & Necessary because that is, remains, deeply contested, which is probably why you called it Reasonable & Necessary, okay.

**George**: Indeed!

**Bruce**: You know, you cannot have a good planning experience, you cannot have a sustainable scheme when reasonable and necessary is a source of huge debate, huge disagreement. And so as a review, we're also focused on the question of what is reasonable and necessary, and working with the disability community in terms of how that should be better defined, better articulated, better able to represent and reflect the individual needs that people have. And then, so I think if we focus on who the scheme is for, what do you get if you're in the scheme? And then what do you get if you're outside the scheme, so it's not the only life boat.

What we will find is, we get a sustainable scheme. And in the process, what we'll also get, for which the costs are predictable, but where we're also measuring the outcomes from the scheme because, you know, at the moment it's a very, very 1-sided debate, you know, so the announcement from National Cabinet was all about, you know, what's the scheme going to cost, what's the growth trajectory going to be in terms of those costs. And so a really important part of the review is creating a much more balanced debate, where we talk about the benefits of the scheme, as well as the cost. And all of this needs to be done in a way which engages people with disability.

**George**: Absolutely. What do you think Lisa, do you think that we're going to see people's funding plans cut as a result of this 8% target or cap? I mean really, let's be honest, an 8% target cap, it's the same kind of thing that the Prime Minister doesn't want to see the cost going above that area. So, Lisa, do you think we'll see people's plans cut?

**Lisa**: No, I don't, George. And this is the reason why. I think Bruce has said a lot of why I don't think that's going to happen. Because the review is for 2 big reasons. Number 1, the review is working on… how do we get the scheme to be what it was meant to be? How do we get the scheme to actually reflect what is reasonable and necessary? How do we get a focus on what the outcomes are for people? Are people, you know, are they segregated still? Are they... able to have, live celebrated lives in inclusive communities, you know, are they supported to get into employment?

Those are the questions that we're looking at. Now, everyone knows that the scheme needs reform, like everybody says that. And so I think if we continue along the line that our terms of reference give us, and we do that good work, we're going to come up with the right scheme and it'll return to its intent.

**George**: Now the minister recently, very recently, announced lots of initiatives to address some of the things that we're talking about. Was the NDIS review and the 2 of you as co-chairs, involved in those recommendations?

**Bruce**: George, I think the way to think about those recommendations is that they represent a down payment on the sorts of reforms that are needed. I think all of those recommendations are important in terms of establishing NDIS 2.0. as a review, you know, we're thinking about what additional reforms, you know, 1 of the pieces of feedback that people have given to me is, well, what's the review going to do now that, you know, Minister Shorten has announced these 6 very important changes.

And I just want to emphasise that they are really important changes. But clearly the review was thinking about more reforms that that, and potentially some bigger reforms than that. And I think allied to what Minister Shorten talked about was an investment in the agency's capability and you know that's been, further details of that have arisen post the National Cabinet announcement last Friday.

Again, I think of these as really important. You know, we all know that there has been insufficient investment in the capability of the agency in terms of delivering this scheme in the way that was intended. So I think what's happening here is that some of the foundations on which the review recommendations will need to be built are being put in place already so that when the review makes its recommendations later this year in October, there will be an opportunity to, and hopefully implement them as quickly as possible. So I think we're in a really strong position in terms of you know, what the Minister announced and the way the review is working with the agency. Ultimately, all of this needs to come together, not just with the agency, but the Quality and Safeguards Commission across governments, because that's what people with disability want. They want a whole-of-system response and they’re less concerned about who does it, than whether they get the outcomes and the supports they need. Lisa?

**Lisa**: Yeah George, I just wanted to add that, thanks Bruce for all that. Several of the, when you look at the ministers, 6 major reform areas that he spelled out at the press club recently and what I thought was a really good speech. Certainly they reflect many of the themes that we're working on. So that's good isn't it? So we feel quite chuffed about that.

**George**: I was under the impression from what I read recently that you were involved in advising the Minister on these reforms and I would hope that you were involved otherwise why are we paying you?

**Lisa**: Mm. Haha! There you go. So we have been working closely with the Minister and with the agency and I've got to give full tribute to Kurt Fearnley and Rebecca Falkingham in the agency. I think most of these reforms have an impact mainly on the agency and I think Bruce is right in saying they're down payments but we were also really, really delighted to see his announcement of the expansion of the Inklings trial, which is the trial to support parents of neurodiverse kids at a really, really early age, which has been proven through random control trial to make a real difference to kids' futures and families, and the families as well.

So that was really good because we've spent quite a lot of time on working with people in the sector and participants in the early childhood area. So that's just 1 example. But if you look at things like his second theme long-term planning. Well, you know, it was just something we found that was obvious. If people want, you know, like he said in his speech, if people want a longer plan, then they should be able to get a longer plan. If they want a short plan, that's fine too, but there's no reason to intrude on people from the agency's perspective if they don't need that and they don't want it.

**George**: Alright, I want to talk now quite deeply into the key findings that you're coming out with in the review. You've... How long has it been now? Probably close to 8 months that the review has been running, and I'm interested in what you're finding. So how about we go through a few of the key areas, and I'll start with... access and planning. What are some of the key areas and findings that you've discovered so far in that area? Can I start with you, Bruce?

**Bruce**: So, I mean, clearly, you know, the participant experience is absolutely central to our terms of reference. We've received more than 700 submissions and over 70% of them have focused on the participant pathway planning and assessment experience. So... We absolutely recognise the need for that to be reformed. I think there are a number of building blocks that will go to a better experience.

One is the investment that the agency is now about to embark on in terms of its own capability. There's never been an investment in the scheme in what I would call best practice planning and assessment. You know, there's never been an investment in multidisciplinary teams, you know, seeing the participant in the environment in which they live, so taking account of environmental factors, and really deeply trying to understand people's goals. So if we think about the international classification of function, which has always been central to the NDIS, it’s never been operationalised in the full way in which it should have been. It's always been cut price planning and the consequence of that is that it's not equitable and ultimately it's not consistent with a sustainable scheme. You know, I've always seen it as penny wise and pound foolish. So I think clearly there's a need to have a more capable workforce.

I think there's also a need to be clear about what information participants need to provide in order to support planning and assessment. Again, there's no clear guidance on all of that. I think there's a lot that we can do to help provide for a better participant experience. And I guess the other key point of course is that so long as who this scheme is for is deeply contested, as long as there's no supports in tier 2, as long as reasonable and necessary is deeply contested, you're never going to have a good participant experience. You're never going to have a good access and planning experience. So I think we're trying to get, you know, I think you can see from what I'm saying that the poor access and planning experience is actually a consequence of a number of key things. And so in this review, we're trying to focus on the cause of problems rather than the symptoms of problems.

You know, once you've got... a much more shared understanding about what's reasonable and necessary, then you don't need to have as many plan reviews as we currently do. We can also look at flexibility in plans. It was never intended to have all these different subcategories. And so the original thinking was always about having just core supports, capacity building supports assistive technology and housing, you know, and we've got 18 or whatever it is subcategories now. So I just think we need to think about how we simplify some of this stuff and then what we can then do is ensure that people actually have genuine control and choice once they've got their plan.

You know, at the moment that's all quite circumscribed by and restricted by the way the plans are structured. And I don't think that benefits anybody. So we will, and this has also been, let me say, the feedback we're getting from people. People find the whole thing incredibly complex. And so how do we strip away some of this complexity? Because we know, quite frankly, that some of this complexity was introduced in order to... make it more difficult for people to spend their plans. So, you know, we've...

**George**: I want to follow up on what you mentioned there around assessments. You were an outspoken ally of the disability community in your, what you had to say, about independent assessments. Now you're making some decisions. What can we expect to see from you in relation to assessments, Bruce?

**Bruce**: It's a good question, George. Look, as you know, as you just said, I was a very vocal and outspoken critic of independent assessments for a number of reasons. The way those tools were being put together was not transparent. There was no evidence that those tools were valid. There was no evidence to suggest that the people who were going to be using those tools had the necessary training or background, it was in fact part of a process that was designed to effectively automate planning and reduce the amount of time that people spent on planning.

And so... I think, you know, I say you can be very confident that the review will not be recommending independent assessments 2.0, we’ll be recommending NDIS 2.0 but not independent assessments 2.0. But let me just make another really important point, which is, and this comes from all of the feedback that we have been getting, which is that people see enormous inconsistencies in what people receive. So people want more both valid and consistent application of what's reasonable and necessary. We've got nearly 600,000 people in the scheme. So there is a real question I think about how that you know, one can get to a point of greater consistency, greater validity. And I think the only way to do that is in a process of deep engagement with people, to see what they think is the solution to the current inconsistency. And so, it's a conversation. George,

**Bruce**: And also recognising, you know, the origins of this scheme, as you know, were accident compensation schemes, okay. And there are only 3 types of very significant disability that arise from accidents, which are spinal cord injury, acquired brain injury, and very severe burns, okay. The issues that those schemes grapple with are therefore inherently much less complicated than we're grappling with here in the NDIS. You know, we've got... people with autism, we've got people with cerebral palsy, we've got people with muscular dystrophy, we've got people who've experienced strokes at a young age, we've got young onset dementia, you know, we've got a whole range of... functional impairments that arise from these different conditions. There are often multiple conditions. So, you know, 1 of the things that I think is, you know, we didn't fully recognise a decade ago, is the prevalence of mental health issues with other forms of disability. We need to think all of this through in a way that leads ultimately to something that is fair. You know, fairness is at the heart of it and we need to make sure that people who… and equity, and we need to make sure that people from less advantaged backgrounds, from disadvantaged backgrounds, are treated equally with people from advantaged backgrounds.

**Lisa**: The thing I'd add to this conversation too, George, is that I've just been coming into this area fresh. I've been gobsmacked really, that the scheme in the way it's been implemented has disempowered people. It's disempowered people. They get a plan inflicted on them as it were rather than being shown a draft. They get a review every year when they don't need a review every year, etc. So as well as all the directions that Bruce is saying, I would also add that everything that we need to work with participants and people that care for them and represent them on, is what should it look like and 1 of the founding principles of that is, how should the scheme empower people, actually actively empower people to live the life they want to live.

**George**: Absolutely. Speaking of early drafts, are you going to share with the community an early draft of your recommendations before they go to the Prime Minister?

**Lisa:** So do you want me to start that, Bruce?

**Bruce**: Oh yeah, you can have a go and then I'll...

**Lisa**: We are as 1, George, so it doesn't really matter. And I always bow to Bruce, of course.

**George**: Don’t we all Lisa

**Lisa**: So I'll just start, Bruce can finish off. We're kind of at a tipping point now, George. So it's probably fair to say that 6 months in, we've heard a lot. We have heard a lot about an enormous range of difficulties with the scheme, things that are working, things that aren't working, et cetera, et cetera, et cetera. Now what we need to do is to start to come out with, OK, so what could the solutions look like? Asking, what could the solutions look like? We would love your listeners to get onto our website, ndisreview.gov.au<embed link> and if they haven't already, give us the benefit of wisdom about what should access look like, from their point of view, what should the participant experience look like, feel like, and what's the touch and feel that it should be. Anyway, that's kind of the point we're at. Bruce?

**Bruce**: Yeah, so look George, I think what we're, in fact we've got a 2 day workshop we're in right now, we are thinking about some early findings, you know, which I think will, if you like, point the direction in which the review is going to go. I mean, there are going to be some pretty obvious things, like the fact that the NDIS is an oasis in the desert, that there's an insufficient support for people who are outside this game. But then we're going to go on, you know, just to build on what Lisa said, to ask people questions, well, what do we do about this? Like, what are the practical steps? You know, because everyone talks about tier 2, but... what should tier 2 look like? Does it look different for adults and for children? And if it is different, how should it be different? How does the NDIS, if we're talking children, link to the emerging early years strategy? So there are some also some big, other big tectonic shifts that are taking place that we need to be at least cognisant of and potentially align with. So I think you will find some early findings.

But I think in terms of the final report, our aim is to come up with a series of recommendations that will not cause surprise, okay. So the engagement between now and October is really critical because you know, that's the way, you know, so if you think about other reviews, they tend to work, you know, behind closed doors and out pops a report at the end. You know, I think the tech, you know, the thing that we're keen to do is to get to a point where people say, gosh, these, these were the big things that the review had identified. We've been involved in crafting the solutions. We've at least had the opportunity to be heard and to inject into the conversation our lived experience, our ideas, so that what comes forward, our review will be... accepted by government, quite frankly, if the disability community is behind it.

**George**: Absolutely.

**Lisa**: Yep. Absolutely.

**Bruce**: It comes back to the NDIS. Why did we get an NDIS? Because we identified a problem. We identified a solution. We engaged government in it. They engaged us in it. There was a lot of to-ing and fro-ing between when the Productivity Commission report came in and when the Scheme was implemented. And we're going to engage on those issues too. I mean, we've already started engaging with... First Nations people around alternative commissioning, not just in remote communities, but more broadly around culturally appropriate services. So it's not us doing… you know, it's us working with people to jointly craft solutions. You know, we're having similar engagement around early childhood. Everyone agrees that the early childhood component, you know, the early childhood in the NDIS is not delivering the outcomes that people want. There's best practice that's being ignored, that it's not family-centred enough.

**George:** Just on the hard issues, like the 3000 young people that are still stuck in aged care?

**Bruce:** Look, I don't think there are any hard issues that we're not gonna tackle. The reality is this was always a very short period for a review of this magnitude, okay? So, the way we're thinking about this is that there needs to be a number of key issues where we're going to get, recommend big shifts. Because if you get those big shifts, you're going to be able to get the Scheme aligned with, back to what we all fought for a decade ago. We've got to get that bit right.

There are some things that we can really nudge, or if you like, shove. And then there are going to be some areas where there is enormous complexity, and we'll be able to make some observations. You know, what I would call as really important observations. But in the time frame we've got, we're not going to be able to address.

So I'll give you an example of the last category. The interaction between accident compensation schemes is not working as intended. You know, there are gaps and there's double-dipping and all sorts of things going on. We'll be able to make some important observations about that because they have got some implications for sustainability of the NDIS. We could spend the whole review on that issue, but it doesn't, you know, we've got to think about the 600,000 people in the Scheme. But even more, we have to think about the 2.5 million Australians with a disability under the age of 65. So just embrace all of that, not just the people who are in the scheme, because the scheme's got to be built on firm foundations.

But now going to your specific point, young people in nursing homes. You know initially there was good progress on that, now there's very little progress on that. We are going to have some very important observations and recommendations to make around capacity building. Because I think in many cases what we're seeing, you know, people with disability are like all people, you can't imagine a different future when all you've experienced is a very different past. You can't imagine different housing solutions or different living arrangements if you haven't had that opportunity to experience something different. So I do think there's a very important piece of work to do around capacity building and then there's also a very important piece of work to do around how you build alternative supply.

A number of the people that are still in residential aged care are in rural and regional settings where there's no alternative source of support for them. And that sort of comes to sort of the broader issues around how do we make you know, how does the NDIA fulfil a role as a social insurer and contribute to more inclusive communities? You know, we know that local area coordinators have been planners, not local area coordinators. So there's quite a piece that we will make significant recommendations on that will influence that particular outcome that you and others have been fighting for.

**Lisa**: You can see George, we're trying to get to the causes of things, as well as knowing the results, but get to the causes of things because you can only get to the solutions if you know what's causing the problem.

**Bruce**: I was just going to say, George, the more we can focus at that systemic level that applies across all participants and then therefore maximise the benefit, while at the same time not losing sight of particular circumstances that need to be improved. It's the way we're thinking about all of this. Because I mean, this is sort of, you know, I think the other point to really make here is that it was always clear when this review was established in October last year, that this was, in many ways, not just our best chance to get the NDIS back to what we all fought for, but it was really our only chance. And I think last Friday underlines that point. This is our only chance.

And so this is the moment when people with disability and their families and carers and all the people, all the Australians who care deeply about this game need to really work with us. And that's our plea, you know, in this, in this conversation with you, that people really come together in the same way as we did a decade ago, to work together to fashion the future. And I also just want to say that when it comes to sustainability, our political leaders need to understand that it is people with disability and their families and carers who have the greatest interest in the sustainability of this game.

And all the responses we've had to date from the disability community tell us that people understand that. They want to engage. And the other really important point is that... this Scheme now stands, you know, really side by side with Medicare as one of the pillars on which the decency and fairness of Australian society is built. You know, it's what makes Lisa proud to be Australian and what makes me proud to be Australian, because this Scheme exists nowhere else in the world, and now's our chance to get it to that next level.

You know, we've learned, you know, the other thing is we've learned an enormous amount that we could not know and did not know a decade ago. This was always meant to be a scheme where it had inbuilt learning, you know, where we listened, we learned, and we then built, and then we delivered, and then you'd go through the cycle again. So the process of improvement of this game... cannot stop with this review. We are a punctuation mark in a journey, okay?

**Lisa**: Nicely said.

**Bruce**: I'd like to be an exclamation mark, but you know … but that's all we are. There's another sentence to follow, there's another process to follow because there'll be more data, there'll be more opportunities for research. We're getting a national disability data asset that will link the NDIS data to other data to enable us to think much more holistically and identify much more holistically the benefits of this Scheme. So... Lisa and I are just 2 punctuation marks at the end of a long, long sentence.

**Lisa:** Well said.

**George**: I want to thank both of you for joining us. Clearly the review is a very important opportunity for people with disabilities and families to have a say in NDIS 2.0. I encourage everyone to go to your website and check it out. I know that every Australian counts, and I've run some workshops as well. And there are... workshops that are going to go on all around the country. And any final words from either of you before we go.

**Lisa**: It's a, just for me, it's a fabulously timed to be able to come onto your podcast today and in every way, and I just want to thank you, George, for everything you do for people with disability, their families and carers and representatives, and just thanks from the bottom of my heart for the opportunity.

George: Thanks Lisa.

**Bruce**: Yeah and George can I just say how much I've enjoyed talking to you today. What a privilege it is to have appeared with Lisa on your podcast and to thank you for all you do for people with disability. And... you know, I'm very much looking forward to this next part of the review because this is where the rubber hits the road. But we can only, the rubber will only hit the road as hard as people engage with us. So thank you for inviting people to get in touch with us and we look forward to the many, many important conversations in the weeks and months that we have till the review completes. Thanks, George.

**George**: Thanks guys. Looking forward to the report.

That’s all we have time for on today’s episode of Reasonable & Necessary. We love your feedback so hit the like button and share your thoughts in the comments section below. Thanks for listening, and until next time stay well and reasonable.