**Reasonable and Necessary – Special Election Series**

**Senator Jordon Steele-John on his vision for the future of the NDIS**

**George:** Hi I’m Dr Geroge Taleporos and welcome to our special election series of Reasonable & Necessary.  You’ll hear what Australia’s NDIS portfolio leaders have planned for our NDIS.

And what a line up!!! Linda Reynolds, Bill Shorten and Jordan Steele-John. And in our final episode, we’ll bring together Australia’s leading disability advocates to analyse everything that’s been said.

And the questions that I’m asking, have come from you. Sourced from advocacy organisations who have partnered with me to bring you this very important series. On today’s show, we speak with Senator Jordon Steele-John. Check it out.

**George:** Hi, Jordon. Thanks for joining us.

**Jordon:** My absolute pleasure. Thank you for inviting me to be part of it.

**George:** If the Greens hold the balance of power after the next election, what changes would you try to negotiate on the NDIS?

**Jordon:** That’s a really great question, George. There’s a couple of key things that we have heard from the community over the last 4 years particularly, that we will really be pushing for. First will be a lifting of the staffing cap that is currently placed on the agency which prevents it from hiring above a certain level of staff and we want that cap completely removed so that the agency is able to hire the 10,000 people that we have known since 2009 that we needed to ensure that the agency can meet the basic needs of the community.

What that means is you’ll be able to ring up and speak to somebody directly, you’ll be able to speak to the same person multiple times, build a relationship, build trust with that person and at the same time, we’re going to ensure that those staff members are trained properly. So that they actually get it when you speak to them, they have an expert knowledge of the subject matter and have also been able to build a relationship with you.

We then want to see a total transformation of the IT system so the NDIS has now what it always should’ve had, which is a bespoke system that actually allows the complexity of our lives as disabled people to be recorded, reflected and stored in the system. So, no more of this kind of permanent - primary or secondary disability that the system currently forces you to record. So, get rid of that system that currently exists, implement a new one that’s able to reflect us properly. We want to see at least 50% disabled people on the board of the NDIA so that the decision-makers and the decisions that are being made about our plans, about the future of the scheme, are being shaped by disabled people.

**George:** What about 51%? 51, Jordon? The majority, yeah?

**Jordon:** Well, I think that there is a strong case for 50% of the board and then potentially a disabled chair of the board so you would end up with a kind of 51% majority but I think we need to have that lived experience in there and have that lived experience defined as, “Is a disabled person,”. Not what we currently have at the moment, which is “Yeah, I’ve got lived experience because my brother’s auntie’s uncle’s dog was disabled” or “I’m the parent of a disabled” which is a lived experience, but it is not the lived experience of a disabled person.

And then of course, building on all of that, what we want to see is an end to the cuts that people have experienced in their plans and a return of the funding that they need. As well as a total shift in the way that the agency’s culture operates, from one that is currently focused on gatekeeping resources to one that is about flagging unmet need. And that’s so you’re finding ways to get more disabled people into the NDIS as part of a process of bringing down those current barriers like the age barrier that currently exists that cuts you off supports at 65. So, we want to see that go, so that if you are somebody that acquires a catastrophic injury at 66, you’re still able to get the support that you would’ve been able to get if you were 64.

**George:** Yes, thank you. Are you concerned, Senator, about sustainability of the scheme? We know there’s a lot of talk about sustainability. Do you have concerns and do you see any areas where we need to look for savings?

**Jordon:** Well, I think what concerns me most at the moment, George, is that we’ve had 10 years as a community having come together to found the NDIS, to force it into being, where it is too often felt like we’ve had to fight the very scheme that we set up. To struggle against and with people that run that scheme, to get the basic supports that we need to live a good life and I think you see that in the awful decline in people’s funding packages, particularly if you’ve got certain types of disability at the moment. I think when we talk about the NDIS, we’ve got to centre disabled people in that conversation and focus on the actual outcomes for disabled people. What are the supports they’re getting? How does that align with us meeting our goals? How does that contribute towards bringing an end to ableism in society?

When we talk about the role that finances play in that, that money plays in that, it is of course an important conversation to engage with but it needs to be one that’s engaged with in a context of, “We’re not actually doing this because of XYZ,” insert some rationalist argument about money. We have an NDIS in existence because of the moral obligation that we have and the legal, human rights based obligation that our collective society has to support us as disabled people to live our lives in the face of the ableism that we experience. Now, I’ve spent a long time hearing from the Government, a lot of worries about the financial sustainability of the scheme and my observations would be firstly, that the Commonwealth continues to have every lever in its toolbox that it could ever possibly need to fund the NDIS to whatever extent is necessary to get people those supports.

Even the current amount of money that it is costing, in terms of how much is expended by the Commonwealth every year on it, is miniscule next to the amount of money that the Federal Government has say, handed over to rich people through their stage 3 tax cuts or that they invest in massive defence projects.

So, I think we’ve got to view that in context and the last thing that I would say is that there needs to be more research on the economic impact of the NDIS because we do have research now coming to us that seems to suggest that for every dollar that is expended on the NDIS, it actually generates about $2.50 of economic activity, meaning that in 1 financial year alone, 2021 financial year, the NDIS contributed $56 billion to the economy. Which is significantly more than it cost the Federal Government but that, George, is not the reason why the NDIS should exist as a thing. That’s a happy by-product but actually, I think we need to stay connected with the reality that this isn’t a question of cost, this is a question of moral and legal obligations and that should be the north star of these conversations.

**George:** Yes, and you can have funding and not be able to find staff, so let’s talk about workforce. It’s a serious issue, especially in rural and remote areas. What do you think we should do to address the workforce shortages, especially with unemployment being significantly lower than it was a few years ago? How are we going to find people to do the work?

**Jordon:** It’s a really good point and I think when I was going through the budget papers from the last Federal Budget in relation to the NDIS, you really see this disconnect which is what you’ve highlighted here, between the amount of money you might get funded in your plan and that shows up in the budget papers, is how much money is being committed, versus how much money is actually being able to be spent by disabled people on the supports that we need. And the differential between those 2 figures in the last budget paper was huge. It was like, $17 billion up to that point in time had been committed in funding and only $12 billion had been spent. And the reason why there’s this disconnect is exactly as you say. The workforce shortages are a massive part of it.

You might be funded for a certain amount of hours that you actually can’t get enough people to provide or actually being funded for services more broadly that maybe don’t exist yet in your area. So, I think to address the workforce element - and I know this might sound a bit wonky in some ways - we really have got to look at the process of becoming a support worker holistically and decide what kind of support workforce are we trying to build and what are the best ways to do it? I would say the ideal disability workforce is one that is quite significantly made up of disabled people ourselves and if that’s the conclusion, then we’ve got to be looking at finding ways of supporting more disabled people to be support workers for other disabled people too.

Getting that peer-to-peer working happening is incredibly important in the same ways that we’re developing that in the mental health space. I think we also need to be looking at the training and qualifications emphasis, the focus that we are putting on kids in the education system because to me, there seems to be a really difficult and concerning mismatch between the focus that we are telling the kids in school around STEM subjects and those kinds of priorities in school and in early tertiary education, versus what are the actual needs of the workforce into the future, which are arts and human interface-related work and the caring workforce. So, those are the spaces where we have real need for more people.

So, I think what we’ve got to actually do is begin to reform the education system so that we have a focus on arts and the humanities all the way through in a really comprehensive way. Building that emotional intelligence in people that is so important to working in the caring industries and then ensuring that there are high-quality pathways for them to study or become qualified if they want to in those workforce areas, learning from a curriculum that is co-designed by disabled people ourselves. Not what some academic somewhere thinks you should know as as support worker and provide that as a career development pathway if that’s something that they want to do. While always being really careful not to create unnecessary barriers to playing certain support roles for disabled people.

There’s a view that exists in some parts of government and policy worlds, that the only kind of support worker that is ever acceptable is a formally qualified support worker and I think that that is a bit of a myth that’s quite dangerous in some places. To assume that just because somebody has a certain qualification, that means they have a certain capacity to deliver service. Because often what I’ve found is the quality of cert I, cert II, insert whatever you like TAFE qualification actually focuses far too much on compliance and report writing rather than what is actually needed to effectively work with a person and there is -

**George:** Can I add to that, Jordon?

**Jordon:** Yes, of course.

**George:** I think the other thing that I hear and also from my own experiences, is that it’s the attitudes and values of the workers that are key, not necessarily a piece of paper. And often, these pieces of paper are training delivered by people who aren’t people with disabilities and we want people in the sector who listen to us and what we need that don’t come into the sector with their pre-planned views on how to support us.

**Jordon:** Yep, I totally agree and I think that one of the things that is important is that when we talk about the values and mindsets that we want to see, they are again the values and mindsets that we - the yardsticks if you like, that we as disabled people set rather than what a service provider organisation might believe are the values and mindsets that you need to work with a disabled person. Because often I hear sentences like, “Yes, we very much hire based on values and mindsets here at dippity-doop service provider,” but actually, the values and mindsets that they’re looking for is “Do you really care for the person you’ll be working for? Do you get a lot of joy out of working with those less fortunate?” and from my perspective, no, it is not about any of those things.

It’s about respect, it’s about understanding of human rights, it’s about understanding of boundaries and different communication styles. Whether or not you love disabled people is neither here nor there because it’s not a Starlight Foundation thing. It’s a job.

**George:** I agree with you. Let me add one to that. Do you listen to people with disabilities? Because that’s the number 1 thing that people say, they want workers that listen to them. Listening to them is really key. I’m going to move us onto an issue that I’m very concerned about and that’s people with disabilities who are stuck in hospital waiting for their NDIS plans. Some are waiting for many, many months. How long do you think it should take for the NDIS to make these decisions around housing and supports?

**Jordon:** I think there’s a 90-day window, I think, for decision-making that’s set down in that new participant service guarantee that was passed through the parliament if I remember rightly. But I think even that gets very long in the tooth for some of these critical housing decisions. We’ve got a case here in WA at the moment of an individual who has a quite significant package but for a number of different reasons, the relationship with the service provider has fallen through. They live in a rural and regional community so that’s the only service provider near them. The service provider has withdrawn service and this has landed the individual in the hospital, in the rural hospital and they’ve been there for a month now.

So, some people have plans and backups and all these kind of things and they all fail and then they just end in the hospital bed as the provider of last resort, which is not at all what we envisaged in the system. So, I think really, the question is, “How do we want the agency to respond to crisis situations to actually be able to properly intake information, triage cases, respond quickly?” and that again comes back to culture and staffing capacity to do that. I always remember Bruce Bonyhady saying to me back when I first took on this job that the thing that so many people missed about the NDIS, the things that many politicians and bureaucrats didn’t understand, was that it was fundamentally a relationships-based scheme.

The planner, the decision maker, needs to be supported to develop an understanding of the individual, hear their needs, record that information, transfer it if necessary and build a relationship with the individual or their support people around them. What that enables you to do is respond quickly if there is a crisis or ideally, see the thing coming in the first place because it’s very rare that one of these crisis situations comes out of the blue. It’s very rare that you’re like, “Everything’s fine and I’ve got all the funding that I need and my housing situation is awesome,” and then a meteor falls out of the sky and, “Now, my house is destroyed and I need extra help.”

There’s a bunch of different factors, underlying causes that explode in a crisis and somebody ends up in a hospital bed and if you’ve got that relationship, if you know what the signs are to look for, then you can actually put those preventative measures in place that mean we don’t get there.

**George:** And that goes back to what you said earlier about having staff in the agency that know the person and that can support them in their journey. I want to turn now to something that you’ve advocated for and that was the Royal Commission into Disability Abuse, Neglect, Violence and Exploitation. We’re a couple of years on, right? What do you think we need to do to really seriously address this with action and not just with words?

**Jordon:** Well, I think one of the things that will be absolutely critical, George, is ensuring that when the recommendations of the commission are handed down, that there are disabled people in decision-making roles in relation to how the Government responds to the recommendations one way or another and that’s why you may have seen in the last couple of days, I’ve put a call out that the next Minister for Disability should be a disabled person and that we need to take that step in conjunction with more disabled people on the board and actually an institutionalised structure within the agency which builds co-design, actual, authentic co-design into everything it does.

That’s partly to do with the NDIS but it’s also partly to do with when these recommendations come out, they’ll be one of two things. They’ll either be recommending the transformational change that is needed, in which case it’s really critical that Government quickly begin the process of actioning those recommendations so that we don’t see a massive lost opportunity like we’ve seen in the past with some Royal Commissions where Government has just left it to go dusty on the shelf, or some of the recommendations may be actually counter to a humans rights based agenda to disabled people.

It is possible, given that the Commission is made up overwhelmingly of non-disabled people, that the conclusions the Commission draws are wrong. They come out and say things like, “People are really struggling on the NDIS and the uncertainty of the planning cycle is causing an extraordinary amount of anxiety, therefore we need a return to stable funding, block funding if you will,” and that would be - if the Commission was to say we’re going to go back to block funding, segregated education is fine and there’s no way to get rid of ADEs because there’s always going to be a bunch of people that need to work in these kind of settings -

**George:** Can I add to that? I’m concerned that they’re going to advocate for mandatory qualifications for everyone when that is not - the 1 size fits all approach is not what we advocated for in the NDIS.

**Jordon:** Absolutely and I think - so, again, if that’s what they come down as recommendations, we need disabled people in those decision-making roles to push back on that and push back on those recommendations because this is the critical thing I think is so important to remember about why we campaign for a Royal Commission to look into these issues. We campaigned for it because we understood as a community that there was a need for a judicial inquiry of the highest nature to be able to extract the evidence and hold to account the individuals that were currently able to hide behind systems and processes and avoid responsibility for their role in violence, abuse, exploitation and neglect, or the complicity or contribution of certain policies to those phenomena.

We did not pull it together to spend 3 years going, “Inclusive education, is it possible?” or, “Independent housing, can it really be done?”. We know the answer to those questions. That was not what - well, to put it more simply, we employed the Royal Commission, we campaigned for the Royal Commission to investigate and hold to account those violating our human rights as disabled people. We did not employ them and campaign for their existence to weigh our human rights up against the practicalities of their implementation and if it is the case that those are the kinds of recommendations that are made, then we as a community are going to have to band together and push back and call out the inherent ableism that will sit so ironically at the heart of those assumptions in those recommendations.

**George:** Absolutely. Let’s turn to appeals and the fact that there was a 324% increase in the number of AAT appeals last year. I’m in 2 minds about this. I think it’s good that people are challenging decisions because ultimately, we want people to be empowered to go to the AAT but I’m also concerned that there are that many unhappy people out there that feel the need. So, what do you think needs to be done to address this really exponential growth in AAT appeals?

**Jordon:** Absolutely. I think that you’re absolutely right to say that it is good that people are utilising the system and if we were seeing a bunch of increase in people utilising the system and this carrying through to not only a 300 or a 400% I think it was, increase in the number of people applying to go to the AAT, if that was matched with a 400% increase in people going through the full tribunal process and getting an outcome, then that would be the system functioning as it’s meant to. It’d be a warning sign that depending on which way those cases resolved themselves in the tribunal, there’d be a warning sign that there was maybe some problems going on in decision-making. But in fact what we are seeing is a significant discrepancy between applications lodged and the number of cases that actually go through the full hearing process.

The vast majority of these applications for hearings at the tribunal are resolved by the agency out of the tribunal process. So, what that tells me is that rather than more people utilising their right to appeal, what’s happening is the agency is making bad decisions, forcing people to go to the AAT or betting that they won’t because of the bureaucratic nature of the process and the stress involved in it and then if people do, settling with them before then going through a further part of the tribunal process. So, they’re effectively utilising the tribunal’s - the difficulty of engaging with the tribunal to put a blocker on disabled people getting the supports they need because they’re making a bet that if they make a bad decision that is unjustifiable, that we as disabled people will be too tired, too stressed, too anxious to actually follow through and assert our rights through the system.

**George:** What do we need to do? Are you saying the solution is to get the decision right to start with, is that effectively what you’re saying?

**Jordon:** Well, I think the whole structure of the Administrative Appeals Tribunal needs to change because we have a system at the moment that relies upon the individuals who are members of the tribunal being qualified to do that job. And at the moment they’re not qualified to do that job. They’re often political hack appointees who are mates of whichever side of government was in power at the time the appointments came up and they’re often like, former state MPs and people with no judicial or administrative backgrounds at all.

So, I think we need to change the whole way the tribunal functions and probably resource it better so that it can process the backlog that it has. But ultimately, yes, you’re absolutely right, we need to be making the right decision the first time and not fighting disabled people when we say, “Hey, this is actually the support when we need. I need a psychological support dog to be able to meet the goals in my plan. This is the type of wheelchair that I need to be able to meet the goals that I’ve set in my plan. These are the number of support hours or number of times that I need to be able to see my particularly qualified psychologist in order to meet my goals,” and the answer from the agency, unless there is a very good reason, should be “Abso-bloody-lutely, go for your life.”

**George:** I want to turn to an issue that we all know is at the core and at the foundation of the NDIS and that is choice and control and a lot of us are lucky enough that we exercise that quite deliberately and quite competently but not everyone is in that position. What action do you think is needed to build capacity so that more of us, hopefully all of us, can exercise choice and control?

**Jordon:** I think there’s a couple of things we need to do. One is we need to fund individual advocacy at the state and federal level, far higher than we do, so that people can access advocate services and have the support they need to navigate these often complex systems and it’s really - one of the things that frustrates me most is that since the NDIS has come in, state governments particularly have slashed support to state-based advocacy services right at the moment when they were needed more than ever to help people engage with this new system. So, we have to fund those properly and we also have to ensure that we are funding both individual and systemic advocacy at the state and federal level and then I think what is also needed is more cultural investment in the disability community.

What do I mean by cultural investment? What I mean is there needs to be those bedrock cultural institutions for our community that exist for many other communities like dedicated ABC funding to disability content and platforms like the previously existing Ramp Up that used to exist way back when. There needs to be funding from the Commonwealth to develop peer-to-peer based support and advocacy capacity and community. And a lot of this is existent at the moment but running on the smell of an oily rag or literally volunteer time. So, that actually needs to be funded and recognised as providing the value that it does and then finally, I think what we need to be doing is ensuring that the systems that people are asked to engage with are simple and easy to access.

We need to be going through the NDIS application processes, the appeals processes, the IT interfaces and ensuring that those really good design and communication principles around easy English and easy read and actually making it - getting the bureaucratic speak out of it and creating a system that supports people to find information, as well as supports them to engage in things like pre-planning effectively. So that you have the time to think about what you want in your plan before you get to the meeting.

**George:** And I’ll also add to that that we need more support for people to self-manage their funding so that they can be in control that way.

**Jordon:** Absolutely. It’s our money. We should be able to increase the number of people using it ourselves.

**George:** Can I hand over to you to make a final pitch I guess, to everyone listening out there as to why you think that they should vote for you? Ultimately, that’s why you’re here, isn’t it Jordon?

**Jordon:** Absolutely, George and thank you so much for the opportunity. As I look back on the last 10 years of our disability community and our experience as disabled people in Australia, what sticks out to me is the multiple times that we have had to struggle against this Liberal Government, the decisions that it has made and the decisions that it has failed to make. Whether it’s cutting our plans, to trying to force us to undergo an independent assessment process that was diabolical that would’ve forced us to disclose our most private aspects of our lives to people we’d never met, didn’t know anything about us because the Government thought that we were trying to rort the system.

Whether it’s the pandemic and the way in which we were left behind and excluded and deprioritised to the point where even now if I, George, got COVID-19 and popped my clogs, I would not be counted under any Australian Government system as a disabled person that had died because the only data they collect is disabled people who have died who are also NDIS participants. Or whether it’s the floods, the terrible floods and natural disasters that we’ve experienced over the last 10 years where we have consistently been forgotten. Isolated, left behind, unable to access the supports that we need, the common thread through all of that has been disabled people asking for the supports that we need, demanding the systems fixes that we experienced firsthand and therefore know need fixing in certain ways and those calls being either ignored, distorted, dismissed by decision-makers who are not disabled and therefore, do not get it.

I think as we as a community look to what do we want the next 10 years to be, whether it’s fixing the NDIS or education or employment, housing or making infrastructure more accessible or implementing the good recommendations of the Royal Commission, what we need is more disabled people in those positions of power to get that work done and ultimately by voting Green on election day, you’re putting your vote and support for the only Australian political party that endorses disability pride, the only party with a comprehensive policy agenda that touches all parts of our experience as disabled people and the only party that wants to see the next Minister for Disabilities be a disabled person. And for all those reasons, I really hope that people consider voting Green on election day.

**George:** And if Labor and the Greens end up in a coalition, will you be our next disability minister for them?

**Jordon:** Wouldn’t that be a wonderful outcome, George? That would be something that we would have to negotiate but I will say that in the ACT, the Greens and the Labor Party are in a coalition government and the ACT Disability Minister is a Green and she’s one of the key reasons, Emma Davidson, that independent assessments did not become a thing because sitting around that disability reform council table when the Minister was trying to ram it through, there was somebody willing to say no and listen to the disability community when we made the demand that we would not be subjected to these assessments.

So, I think we’ve already seen the benefit that Greens in these spaces can bring and if I was to do that job, mate, I would very much focus on continuing the direct relationship and the direct connection that we’ve built together between the Greens and the disability community and ensuring that co-design and the authentic disabled voice is always at the centre of decision-making that affects us as people.

**George:** Thank you, Jordon and best of luck on the 21st of May.

**Jordon:** Thank you so much.

**George**: That’s all we’ve got time for on today’s episode of Reasonable & Necessary. Remember that this is just 1 of a series of episodes for the Federal election. So make sure you check them all out. Including our final analysis episode, which is a ripper. To be notified of all 6 episodes, don’t forget to hit the subscribe button and the notification bell. You can also follow me on Twitter @drgeorgethecripp. Thanks for listening, and until next time stay well and reasonable.