Exclusive First Interview with NDIS Commissioners: Louise Glanville and Natalie Wade

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Content warning

George: This episode discusses violence and abuse of people with disability. If you need support please call Lifeline on 13 11 14.

Teaser

Natalie: Never has there been a better time for us all to invest and ensure that we are clear on what good-quality, safe services look like. We are absolutely done, we are done with people with disability dying preventable deaths, of being raped and abused in services, we're done with people with disability not getting what they need from services. It's incumbent upon all of us in these privileged roles to ensure that we are absolutely investing our time and our effort and our focus on ensuring that there is an absolutely better, better future for people with disability in this nation.

Louise: We want providers who understand what good quality services look like, providers who've asked their clients or people with disability, "What's a good service look like for you? How does it feel?" I was recently told by a group of people with disabilities that the most important thing in quality is timeliness, that you don't want to be sitting around waiting for your services to arrive.

Intro

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. I'm coming to you from Wurundjeri land and pay my respects to Elders, past present and emerging. 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 speak with NDIS Commissioner Louise Glanville and Associate Commissioner Natalie Wade. What plans do our new leaders have to increase the quality and safety of our NDIS supports. Let's find out.

Interview

George: Hi Louise and Natalie, welcome to the show.

Louise: Hi George.

Natalie: Hi George, thanks so much for having us.

George: So glad to have you on. How about we start with some introductions, and I'll start with you, Louise.

Louise: Thanks so much, George. It is great to be here. I'll be acknowledging the Traditional Owners of the lands that I'm on, so Wurundjeri land here in Melbourne, and I note that their Elders past, present and emerging and that they have never ceded these lands. I also want to acknowledge people with disability, both online today, and also those listening to us in different ways. My name is Louise Glanville. I joined the Commission as the Commissioner back in October last year, so a few months now in, and getting a really good feel for it (the Commission). I'm someone who's very committed to the NDIS personally, and really loving the work, particularly with Natalie, at the moment. So great to be on this podcast with you to talk about that further. Thank you.

George: Great to have you, Louise. And Natalie.

Natalie: Hi George, thanks so much for having me on again. I am joining you from Kaurna land and pay my respects to their Elders past, present and emerging. And of course, as a proud disabled woman, I acknowledge all people with disability around the nation, and their continued efforts to advance the rights of people with disability in this nation. I today, unlike other shows we've done together, George, am coming as the Associate Commissioner to the NDIS Quality and Safeguards Commission. I joined alongside Louise in October 2024. And it's a new role for the Commission, designed to increase the bandwidth of the Commissionership of this Commission to create better focus on policy and reform, but also an excellent opportunity to embed disability leadership within the Commission. So I'm really keen to talk to you more about that today.

George: I'm so pleased, and grateful, to have you on the show. I was especially pleased when I saw you Natalie on Senate Estimates and to see a person with a disability fronting Senate Estimates was really exciting for me as a disabled person. How was that experience for you?

Natalie: So I appeared on Senate Estimates as Acting Commissioner for Louise while she was on medical leave, which I'm sure she'll explain in a moment, and to appear, as you say, George, as a disabled person leading one of the three key agencies responsible from a government perspective of the NDIS was a deep privilege and honour. It's absolutely paramount that people with disability lead the NDIS, but also have significant leadership roles within the Australian public service, and I'm just incredibly honoured. I was absolutely very nervous, if that helps, but mostly honoured.

Louise: And George, just so I set the record, I didn't deliberately hurt my leg so I couldn't go to Senate Estimates because I personally love Senate Estimates, and I think it's a great opportunity to actually tell not only the Senators but more broadly the community about the work that the Commission does and the importance of the NDIS and how we work together. But yes, I was hit by a very fat staffy. Staffy lovers don't like to use the word fat, but around the 35 to 40 kilos barrelled into my leg while I was walking my own couple of whippets, and that sent my knee into fracture mode, and so I had to have a knee replacement. And how wonderful it is to have a colleague in Natalie who can step into the Commissioner role, to watch how well she took up that role, and for us all to learn more thoroughly about partnerships in leadership that can be as inclusive as this one.

George: Louise, was that your idea to have an Associate Commissioner with a disability in Natalie in particular appointed? How did that come about?

Louise: It's been a long time coming really. When I was at the NDIA – I have to say I was very proactive as a person who did a lot of the recruiting in the early years of the NDIA, so I'm talking about a decade and a bit ago now. George, having as many people with disability as possible in not only roles in the organisation, but in executive roles in the organisation. I've often talked about this issue with people like Bruce Bonyhady who was then the Chair of the Board. I certainly had spoken about it with the former Minister in Bill Shorten. So when he suggested that this might be a possibility, I was also delighted that Natalie Wade was the name in contention there, and that was because I knew Natalie, not in a really deep way, but we've had connection because Natalie, in a great moment for me to think and remember about that, launched the Disability Action Plan at Victoria Legal Aid where I held the role of CEO for the last six years.

So I knew Natalie, I knew of her great work, I knew of her rights orientation which is very aligned to my own, but mainly I thought this is the time. This is the time to really embrace this as a real possibility, and I am delighted that I'll get a chance to talk about this more broadly to the APS in a few events in the coming weeks about new, different, innovative, creative ways of leading, and what that can look like in the APS.

George: I'd love to see that more throughout government, throughout the private sector as well. Very, very important. Louise, you're the third Commissioner for the NDIS Commission that I've interviewed. I've interviewed all of them. I always ask this question, and that is what are you as the head of the Commission going to do to address the serious abuse, neglect and exploitation of people with disability, and in particular people with disability in group homes where we know how rife that abuse is?

Louise: Thank you for that. That's a great question, and I'd start by saying that as the Commission is a human rights regulator abuse and neglect and death as a consequence of how people are treated, or the services they receive or don't receive, is such an abhorrent thing to see, and for me it's one of our primary obligations to work well with people with disability, and to ensure that their human rights are protected in the way that we would want all our human rights to be protected. So how does that translate, George, I think you're asking? Well firstly, I look it in the eye. I look at it and see it and think about it a lot. For example, Natalie and I recently travelled down to the VALID conference down there, and I travelled in the taxi with Natalie, and I observed firsthand that, for example, she couldn't see whether her chair had been bolted properly in that taxi.

And for me it was such a salient moment because I thought well, people die from not being bolted well in taxis, and people who live in other sorts of settings that are reasonably closed often don't have the very necessary supports and people around them that have the right training to be able to ensure that they are receiving services safely, that those services are of good quality, and that people are able therefore to live their lives in a meaningful way. So it starts with looking and seeing what’s happening. It starts by having a regulatory approach that is based in human rights, but where we see deaths as a consequence of failures in service delivery, whatever they may be, are to be completely unacceptable. For me it is totally unacceptable that someone can be being fed, assisted with their intake of food for their own nourishment, and that is the cause of their death.

These things we must look at clearly, we must advocate for the strong regulatory responses that we need, and we are seeing quite a few of those now but we have more that we want to get done, most importantly I think you have to retain humanity inside yourself that says, quite clearly, that we are all in this together, that impact on someone impacts on all of us, and that we have to call out at the highest levels the unacceptability of these sorts of abuses, and indeed deaths, that occur when people are not receiving the quality and having the safeguarding of the services they need to ensure that they are safe. It’s fundamental, it’s vitally important to the Commission, and Natalie and I have this as a very high priority, including looking at our own possibilities for better understanding how deaths occur and how they can be prevented. Can I say, George, I think it’s really important that we work with others in this space as well.

I did attend a terrific session with Fire Safety Victoria where we spent a lot of time talking about how people with disabilities are often the highest group that die in house fires and in home fires, and this is because there is not enough attention paid to what people need to support them in that living, and to support them to be able to access or egress an environment. So it is linked to the NDIS, but for me as Commissioner I see much broader applicability of the human rights approach, the importance of quality and safeguards, and the importance of holding people to account, particularly if there are people that have not really taken up their role in the way that we would expect that they do. And that’s recognising that a lot of people take up their roles really, really well, but this is a particularly critical feature for us at the moment.

George: It certainly is, and I think you’re right, we need a whole of community response –

Louise: Yeah.

George: – around this issue. Natalie, as the Associate Commissioner and also as a person who’s part of our community, you would've heard a lot of people in the community say, “The NDIS Commission, it’s a toothless tiger”, they don’t necessarily do anything helpful when they have a problem. What would you say to them as Associate Commissioner?

Natalie: It certainly is the case, George, that I have observed both when I was actively working in civil society but also from many different roles that I have had that the NDIS Commission plays a really important part, and it’s a relatively new part, in safeguarding services for people with disability. It’s only six-seven years old, and I think that that relative newness is important to acknowledge, because I think one of the inherent dangers of designing complaints mechanisms for responses for services for people with disability is not to do it with people with disability.

And I think something that Louise and I really want to get to the bottom of is where we have a statutory mechanism for complaints, as the example, how does that be effective for people with disability and their families ensuring that it actually delivers what they need it to deliver? How does it actively ensure that providers are doing better, and are called out when they’re not doing the right thing? So even though there’s a lot of talk – there’s been a lot of talk for a lot of years about backlogs, about time to respond, about the ways in which the Commission does or does not stand up for people with disability.

Something that Louise and I are very keen to get to the bottom of is actively walking alongside people with disabilities, and using the statutory powers in a way that people just really need them to be used. I for one am certainly not, even as a disabled person, going to assume that I know what is best for people and what people need, and we need to absolutely create approaches that don’t just become what we think is best, but is actually what the disability community want it to be. Because for too long it has been the case that people with disability have received poor-quality, or even dangerous, service delivery, and had nowhere to go, and haven’t been able to make a complaint.

And so it’s really important to us that that process, and the use of our statutory tools, hits where people with disability want to hit.

George: Thanks, Natalie, that’s critical. Do you think they have the capacity now? There was lot of talk that there weren’t enough staff, that this was a result of a huge backlog. Do you now have the capacity to do the work that you need to do, Louise?

Louise: We’re very grateful for what the government’s provided to date. It’s enabled us to be an organisation of around 1,000 staff, so that was certainly much better than the 450 staff that there were.   But I think people do have to bear in mind that we are a national regulator, we are across the country, we are in every jurisdiction, and that essentially, George, we need to be able to take up our role as regulator, with the NDIA, who’s the administrator, and with our department as the policy, and DSS is the policy driver, we need to be able to play our part in ensuring the sustainability and the quality in that space, as well as cost, of the NDIS. That is our job.

So I think the question of the quantum of resources that’s necessary is we accept what we’ve been given. We always advocate for more as you’d expect, but we take up what we have, and we want to work well with our ecosystem of the NDIA and the DSS to really deliver a sustainable, quality NDIS for people with disabilities across this country. That is our job to do that, and that requires us being a formidable regulator, it requires us not being fearful to take people to court if that’s what we need to do, and there’s several recent examples of that. But essentially what we want is for people – what I want to see is that people work well with people with disability, they listen to what people with disability want, they attempt and try hard to bring about those circumstances, and they close loops with people, they don’t leave people hanging so they don’t know what’s going on.

So there’s some really basic parts to it, and there’s some really complicated parts to it. But we’ll continue to be a good advocate for resourcing. We accept what we get from government, we don’t make those decisions, and we will work well with whatever we’re given.

George: You’re about to get some more powers with some law changes that will result in changes to the NDIS Act, and a lot of these are based around quality and safety. Can you tell us about the impact you hope those changes will have?

Louise: So I think in an introductory sort of way, George, what we want is the same powers as other regulators have. So that’s a pretty basic platform. But we think there are some platforms that regulators have that we currently don't have that would be hugely useful for us in enabling us to take up our role as the regulator in terms of the way the NDIS Act intended that to occur. Some good examples of that are we can't access material that might be held overseas by a provider because we're just not enabled to do that by the legislation that currently exists. There are some areas of civil and criminal penalties that we would like to be more significant, and to actually attend to, in a way, the amount of harm that's done in circumstances where that is done.

So we want to be having penalties that are very significant and not something that can be not looked at pretty clearly and said, "Well this is a significant issue that's occurred, and so therefore there should be some recognition of that." We also want providers to be offering as best quality service as they can. Many do, I acknowledge that, but we want to be able to see and know things like who their key personnel are so that if we're wanting to understand something that's happened we know who those key personnel are. That's not readily available to us now in that way. So they're just a few examples around penalties, around getting information we need to do the regulatory work, or by knowing who are the right people to contact in organisations.

So they're some of the legislative changes we would like to see in terms of the powers that we have to be able to work better. But we also have some desires and some hopes for broader legislative reforms as well, and for ways in which we can ensure that this Commission, like many other regulating commissions, can take up the sorts of what we would call formidable approaches that we would wish to take up, and that we would have those ready for us to be able to do that. So I understand how legislation works, and it's lots of competing interests in getting legislation up, and we have to work hard to make our case. And so of course we're looking forward to the next few months when we might be able to more thoroughly begin that sort of advocacy work again with government. But, Natalie, you might want to add some of the other areas we're looking at broadly.

Natalie: Yeah, sure. So, George, the Commissioner has been actively asking the community and sector around what we have affectionately called 'The Bill 2 Measures.' So Bill 2 references the NDIS Getting Back on Track Bill Number 2 following Bill Number 1 that went before the parliament mid-last year. So as Louise explained, the purpose of those measures is about bringing the NDIS Commission up to other regulators, and ensuring that our powers recognise the valuable role a regulator will play in advancing the rights of people with disability, which is critical. And we certainly heard through those consultations that both the disability community and the sector are very supportive.

There was some questions, really good questions, raised around ensuring that changes did not impose significant regulatory burden, or did not slow down service delivery, and they're really important points and ones that are very live in Louise and my mind. But we were really pleased to see the groundswell of support for the proposed measures. And it really indicated to me, George, that both the disability community and the sector are firmly committed to having a regulator that sits in the space of ensuring the NDIS delivers what it is intended to deliver, and that is for people with disability to be great contributors to Australia. And so we're looking forward to those measures continuing to be discussed over coming months.

George: One of my favourite changes that you're wanting to achieve is equality between the penalty for harming an employee and a person with a disability. I think it's appalling that currently the maximum fine is $450,000 if you have a disability, and it's one point five if you're an employee. It makes no sense. I'm looking forward to that change.

Louise: It's a terrific point, George, and I think it highlights what I feel about you've got to look and see people, you've got to understand what they need, you've got to see the humanity in us all. And it's a classic example of how we shouldn't be treating people lesser because they have a disability that you see in that type of a differentiated amount for harm to a worker for example, one point five million, and harm to a person with a disability of four hundred and fifty thousand. I sort of feel that it's really important to call those things out because it tells us something about what we're prepared to walk past, and we can't walk past these things anymore.

You raised a question about deaths, that has to be one of the highest priorities. People dying unnecessarily, if I can put it that way, that has to be the highest priority, and it's something that Natalie and I are very, very committed to making a difference in relation to those issues.

Natalie: Could I just say, George, that that focus on increasing civil penalties where a person is harmed is not at all to take away or substitute from the criminal act that may occur in those circumstances. It is absolutely incumbent on those involved in the criminal justice system to ensure that where a person with disability is abused or is killed, then that is dealt with in the appropriate way through those avenues. But what is important also to acknowledge, as Louise says, we must see that people with disability are receiving services when harm occurs, and we must ensure that that is addressed in addition to any criminal acts that may have occurred. So I just want to be really clear with your listeners that it's not to say where a provider receives a penalty, that that is instead of any criminal proceedings that may follow. It is absolutely not acceptable that people with disability die.

George: Thank you, Natalie. The Commission is also looking at mandatory registration. I think as of the 1st of July, if these changes go through parliament, all supported independent living, and support coordination services will need to be registered and I believe platform providers. What does this mean for people with disability and for providers?

Natalie: Thanks so much, George. The proposed mandatory registration of platform providers, supported independent living and support coordination is in response to recommendations made by the NDIS Review, Disability Royal Commission, and the NDIS Provider and Worker Registration Taskforce. These are service types that have been identified by the government, not by the Commission but by the government, as being significant areas of risk where registration is critical to create visibility and also uplift the quality within the service. So the Commission is currently consulting with community and sector on the proposed reform, what that would look like, what it should look like, how it might work, ways in which it won't work, so that we can take that all into account. The proposal is for mandatory registration to apply in the current way that registration works.

So within the Disability Royal Commission, NDIS Review and the Taskforce there were recommendations made around different types of registration and different types of standards that would sit within registration. The government were very clear in September last year that it's paramount that these three service areas are registered, and so the Commission will move forward with registering them. So we're consulting actively about what that needs to look like and how that would work, and we're really grateful for everyone who's providing their contributions to that work.

George: Thinking about choice and the control in this context, is there going to be a reduction in choice for participants when this occurs?

Natalie: So, George, you and I have spoken a lot about registration and choice and control. As I have spoken about with many of your listeners before as well, it's a topic of great passion and interest of mine, as you know, to ensure that we get this balance right. That we get the balance between ensuring that people with disability are able to use their NDIS funding on whatever it is they want and be able to choose the services that they want, but also ensuring that the regulator, the Commission, has visibility of the marketplace, and is able to intervene, but also demand certain levels of standard and quality within the NDIS market, if I can use that term very loosely.

Through our consultation, George, around the registration of supported independent living, support coordination and platform providers Louise and I are keeping a particular ear to choice and control issues that may arise in the way in which mandatory registration would look for those services, but we're certainly deeply committed to balancing those elements. And as you know, George, as well as I, it is a balance that we need to strike, and it's really important because people with disability deserve to receive quality and safe services of their choosing.

George: Absolutely. On the issue of choice and control, Natalie, your former role as the Chair of the Provider and Worker Registration Taskforce recommended a new category of registration called self-directed support. I'd love to hear from you about what you wanted to achieve by making that recommendation, and what you expect will come out of it now that you're in the Commission?

Natalie: Yeah, thanks very much, George. It's been a great privilege to be able to walk from the Taskforce to the Commission and continue my deep work around registration and ensuring that that does reflect the human rights of people with disability. Of course, as you would expect, everything that I had to say about the recommendations made by the Taskforce I said in the Report which I, for better or worse, decided to write most of it word for word. And so certainly that is the source of what your listeners are able to refer to to determine better what the Taskforce was thinking.

But now at the Commission, you would be aware, and for those who are not please do be aware, that our colleagues in the Department of Social Services are consulting on self-directed supports, and are really working closely with community and sector around what that needs to look like going forward. So I'm really looking forward to seeing where that lands.

George: Thanks, Natalie. You know at the Summer Foundation we're really keen to see people who have high support needs have a lot more options and a lot more control over where they live and who they live with, and we have a focus on individualised living arrangements and how we can grow those. Do you think that a self-direction registration category could support the growth of the individualised living arrangements?

Natalie: At the Commission, George, we have recently done a stream of work around a redevelopment of our practice standards that support independent living, and have probed quite deeply into that, and again very grateful for everyone who has contributed to that work. That has been on foot since Louise and I started, and that is absolutely an important piece to evolving and developing the ways in which people with disability explore individualised living arrangements. I think with respect to self-directed supports, it is really going to come down to what it works out to be when further work is done by government and community, and I don't think that it is settled yet. And it's really up to everyone involved in that conversation to lift it to a space where the human rights of people with disability can choose where they live and who they live with is absolutely advanced.

George: And there is a lot of interest and excitement about that, so that's why maybe have another conversation when the policy decisions are made. Before we wrap up I'm really keen to hear from both of you about what you'll be doing to ensure that the voices and the interests of people with disabilities are at the centre of the changes, and also what is your message for the community? We have lots of people with disability and family that listen, and providers, what would you like to say to them? I'll start with you, Louise.

Louise: Personally I have a long history and am very much on the record as saying that cocreation is really important for getting the right sort of solutions for people that – times have changed where you can just sit and decide things from a little office where you think you've got all the evidence and information and lived experience you need and you put something out there. I don't think the Commission always gets this right, but certainly under Natalie and my watch, we want to increasingly become better at cocreation, we want to be better at listening to what people are telling us. We have examples all the time where people have told us we haven't listened well enough, and we listen to that and take that on and think how do we do this better, how do we do this in a more inclusive way, how do we ensure that we're hearing from all those that we need to hear from?

That is a strong commitment that I have personally, but I think it's very important for NDIS organisations, such as the Commission, to actually really embrace that, and that people can see that being embraced, in terms of how we do our very important work on behalf really of people with disability in lots of ways. I would wish us to be transparent, to be open to criticism, to be always looking at how we can do things better. I know that the best solutions come from cocreation. I've seen it, I understand it. It's often not the quickest way, but it is the way to get, I think, more enduring and sustainable outcomes. So I remain very committed to that. I think sometimes it's hard to do within government, but you have to work at it, and certainly the Commission has that orientation noting, as I said, we don't always get things right.

Sometimes we talk at people; we don't want to talk at people, we want to talk with people. And that's a really important part of our message and the way in which we would wish to do our work. Can I say too, we do want to work as well as we can with the other parts of the NDIS being the agency and also our department in DSS. It is very important that these agencies come together in ways which can support the interests and requests of people with disability. So that's another important feature of our leadership that I think we're going to focus on particularly in the coming year.

George: Louise, before I go to Nat, do you have a message for providers that might be listening?

Louise: Yeah, I have lots of message for providers. I love meeting with providers, I try and meet with providers quite a bit. I travel around the country of course meeting our own staff, of course meeting advocacy organisations and people with disabilities as well. But meeting providers is very important to me to understand some of the challenges and concerns and good news stories that they have about the work that they're doing. We want a strong market, if I can put it that way. We want providers who understand what good quality services look like, providers who've asked their clients or people with disability, "What's a good service look like for you? How does it feel?" I was recently told by a group of people with disabilities that the most important thing in quality is timeliness, that you don't want to be sitting around waiting for your services to arrive. You want it to be there happening when you need it.

And as someone who's now had a knee restructure and is going through the pain and difficulties of managing life when you're trying to rehabilitate that part of yourself, I know what it's like, in a more direct immediate way at the minute, what it's like not to get what you need when you need it. So for me providers are essential to be engaging with all the time as well. We want to work with. We want to ensure that we are doing our bit as well as we can in the Commission. And I note the comments that Natlie made earlier in relation to the short history of this Commission with many Commissioners, as you said at the beginning, it's not been an easy organisation to create in lots of ways, and we've got a lot of work ahead of us to be as good as we can at the engagement piece you're referring, not only to people with disability but to providers as well.

George: Thank you, Louise. Natalie, final words, to you.

Natalie: Thanks so much, George. I think my message to people with disability and their providers is that your time is now. Never has there been a better time for us all to invest and ensure that we are clear on what good-quality, safe services look like. We are absolutely done, we are done with people with disability dying preventable deaths, of being raped and abused in services, we're done with people with disability not getting what they need from services. It's incumbent upon all of us in these privileged roles to ensure that we are absolutely investing our time and our effort and our focus on ensuring that there is an absolutely better, better future for people with disability in this nation. And I'm just incredibly honoured to be standing alongside Louise and contributing our work to that effort at this time.

George: We are done. We are definitely done, we're done with all that, and we're done with the podcast. Thank you, both of you, for all of the incredible work that you do, for taking time out of your very, very busy schedules to be with me today. Looking forward to lots more conversations in the future, and let's make sure that we do everything that we can do deliver quality and safety to our community. Thank you for your time, Natalie and Louise.

Louise: Thanks, George, it's been a privilege. Thank you.

Natalie: Thanks very much, George.

Louise: See you later.

George: That's all we have time for on today's episode of Reasonable and Necessary. As you know we love your feedback so please share your thoughts or questions in the comments section below. Thanks for listening and until next time stay well and reasonable.