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Things worth sharing in 2023

A major theme of the work done by the **Public Service Research Group** at UNSW Canberra is to not only undertake research but to use it to inform both policy making and implementation. As a consequence, we often publish in non-academic forums, including *The Mandarin*, *The Conversation* and blog-site *The Power to Persuade*. This short booklet presents some of the key contributions we have made this year to highlight the range and scope of the things we do.



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Working from home has worked for people with disability. The back-to-the-office push could wind back gains

By **Sue Williamson, Helen Taylor and Vindhya Weeratunga**.
Published online July 25, 2023 by **The Conversation**

A push is underway to get employees back into the office. The Commonwealth Bank kick-started this conversation recently, with reports the organisation is requiring staff to work at least half the week on-site.

A range of organisations are directing employees to return to the office. These reportedly include Amazon, General Motors, Meta and Disney.

But although COVID lockdowns have ended, many employees want to continue to work from home. Earlier research (by the lead author of this article) shows working from home has particular benefits for employees with disability.

So there may be more at stake for workers with disability when it comes to corporate mandates about where they do their job.

A much shorter commute

We began our research at the height of the pandemic lockdowns in 2020 (with the assistance of the Community and Public Sector Union). We repeated our survey of almost 5,000 public servants (just over a quarter who identified as living with disability) in 2021. We found disabled employees valued working from home highly.

Almost half (47%) of employees with disability would like to work from home two or three days a week. Over 40% want to work from home for four or five days a week.

Our findings tally with other research, including a small survey in the United Kingdom that found more than two-thirds of disabled employees want to work from home four or five days a week.

Why do disabled employees prefer to work from home? As with other employees, not commuting is a significant benefit. This is particularly beneficial for employees who have mobility impairments.

But commuting isn't the only issue

Working at home also enables better management of health conditions. Our disabled survey respondents experienced reduced negative sensory issues and increased capacity for focus. One respondent told us:

Due to disability, less distractions and calmer environment, [I am] able to manage my conditions better and perform better.

Another person said it means greater working capacity:

I am disabled, and [working from home] reduces fatigue and pain. I have few sensory issues working from home.

Working from home also reduces the time taken to manage disability or chronic health conditions. One respondent mentioned “less time spent trying to use facilities due to mobility issues”. Another asserted she was “no longer wasting time adjusting my environment to suit me”.

Respondents also said their mental health improved thanks to reduced stress, less anxiety and feeling happier at work. Almost two-thirds of disabled employees in our research believed they were more productive when working from home than at an office or external workplace.

Productivity gains are being realised by managers and organisations. We found disabled employees believe managers and organisations support them working from home, and these gains are likely to continue.

Benefits to organisations

In a tight labour market, organisations need to keep their workers.

A large study of almost 24,000 people across 27 countries found a quarter of employees said they would quit if forced back to the office. McKinsey researchers found disabled employees were 14% more likely to leave than employees without disability if they could not work in a hybrid way from both home and the office.

Increasing the employment of disabled people enables organisations to access an under-utilised talent pool.

Labour market participation is comparatively low for disabled people. Only 48% of adults with disability are in the labour force, compared to 80% of those without disability. Researchers have found the employment rate for disabled people in Australia has decreased over the past decade.

In the United States, labour shortages post-COVID have reportedly led to increased numbers of disabled people being employed. Australian human resource practices appear to be lagging, with the exception of the public service, which recently announced it would remove the cap on the number of days a week an employee can work from home.

What else can employers do?

Creating inclusive workplaces that value and accept disabled workers means including those working from home. This can be facilitated by:

- training managers in how to manage hybrid teams (who work from home and a central workplace), hybrid employees and disabled employees working from home
- assessing the skills and capabilities of disabled employees, rather than focusing on how they fit into a “traditional” workplace
- allowing employees with disability to work from home to increase their autonomy, productivity and health outcomes
- enabling managers to approve requests from disabled employees to work from home above any organisational cap. Higher levels of approval can be onerous and may deter employees from requesting to work from home.

Organisations need to take a nuanced approach to working from home. Some employees may benefit from spending more time in the office. For disabled employees, enabling them to exceed a mandatory – and often arbitrary – work-from-home cap may deliver the best outcomes for both organisations and employees.

APS bargaining is more than just improvements to flexible working and WFH

By **Sue Williamson**.

Published online July 13, 2023 by **The Mandarin**

We have witnessed a defining moment in enterprise bargaining in the Australian Public Service (APS). The Community and Public Sector Union (CPSU) and the Australian government have agreed to significant improvements to flexible working arrangements and working from home.

As reported, one of the most significant gains is that all APS employees will formally be able to request to work flexibly. Currently, the Fair Work Act limits the right to request flexible working arrangements to various groups of employees who have been with their employer for 12 months or more, and some casual employees.

The new provision agreed to by the bargaining parties will extend the right to request to all employees, regardless of length of service. More employees being entitled to formally request to work recognises that flexible working benefits both organisations and employees, and is now a standard way of working which should be available to all employees.

Another significant development is the agreement to remove the cap on the number of days an employee can work from home. As our 2021 research showed, APS employees overwhelmingly want to continue to work from home, mostly in a hybrid working arrangement. Our research also showed that a 60:40 arrangement was common, with agencies capping working from home to two days a week.

If employees want to spend at least some time on their employer's premises, and agencies are allowing employees to work from home a couple of days a week, why is the removal of the cap such a big deal? It is significant as it sends a powerful message to any recalcitrant agencies that are not allowing employees to work from home, that they should do so.

The lifting of the cap also demonstrates that the government has progressed its stance on working from home. The secretaries board released All Roles Flex: Principles of Flexible Work in the APS a mere three months ago. This ground-breaking policy encouraged agencies to facilitate flexible working but also stated that agencies could cap the number of days employees could work from home. This amended position reinforces that agencies should support working from home.

The agreed bargaining position also includes an "all roles flex" approach, reiterating the APS Principles of Flexible Work, as we recently discussed. This means that there is a "bias" to approve flexible working arrangements. It also recognises that all roles can have some degree of flexibility. This may not be working from home or hybrid working, but other types of flexibility, such as flexible hours.

The government and CPSU have also agreed that agencies consider "connection to country and cultural obligations" when reviewing requests to work flexibly by First Nations employees. This is significant as while other countries have a legislated right to request flexible working arrangements, initial research shows that these provisions do not explicitly consider First Nations peoples. The APS may well be leading the way in this area.

Taken as a package, the proposed new provisions represent a win for the CPSU, and the APS, as they will increase attraction and retention in a tight labour market. These developments, however, also send a powerful message to both public and private sector organisations that it is time to fully embrace flexible working, including working from home.

At a time when a former politician has reportedly called for employees who work from home to have their pay cut, and a major bank is reportedly calling for staff to come back into the office, this message could not be more timely.



A decade on, the NDIS has had triumphs, challenges and controversies. Where to from here?

By **Helen Dickinson** and Sophie Yates.
Published online June 30, 2023 by **The Conversation**

Officially launched in July 2013, the National Disability Insurance Scheme (NDIS) reached full rollout in 2020.

The idea for such a scheme existed since the Whitlam government in the 1970s, but only really gathered steam after Australia became one of the original state signatories to the United Nations Convention on the Rights of Persons with Disabilities, in 2007.

Against an international backdrop of increasing personalisation of disability services, disability campaigners in Australia fought to have an individualised scheme implemented here.

A decade later, Australians with disability, their families, advocates and support providers are waiting for the NDIS independent review and Disability Royal Commission findings, both due around October. The NDIS review published its interim report today, based on what they've heard so far. But we already know the scheme has been transformative for some, intensely disappointing for others and the subject of controversy. We explore some of these issues in our new paper.

The goal posts

Intended to be a no-fault insurance scheme for Australians with severe and permanent disability, the NDIS was to provide adequate support regardless of who they are, where they live or how their disability came about. It would be administered at the federal level with joint funding from state and territory governments.

It would also aim to foster inclusion and community awareness and provide information and referrals to services outside the NDIS (such as health and education). Specialised supports (such as personal care and therapies) for those with significant and permanent impairment, would be funded directly by the scheme and allocated via individual budgets.

But in the years since, most of the focus has been on personalised plans, with goals around inclusion and community falling by the wayside.

How much funding someone receives is determined through meeting with NDIS "planners", who explore participants' goals and what they need to achieve these goals. In determining supports, the National Disability Insurance Agency (NDIA), which administers the NDIS, must consider what is "reasonable and necessary" for the scheme to fund. Once a plan has been established, NDIS participants can engage providers from a market to deliver the services.

Importantly, the NDIS is meant to take a lifelong view of disability funding. Unlike the previous crisis-driven system, the idea of the NDIS is to invest money in the short term (early intervention) to save money in the longer term – when disability may have progressed to a point where the person can't live independently or undertake paid work. Investment in disability care improves social and economic participation and independence.

Debates and controversies

Many issues have surfaced over the first decade of the NDIS, including:

Co-design

The NDIA has also not always been seen to work in partnership with disabled Australians to co-design the scheme. A number of failed reforms have damaged trust too.

But in 2022, the NDIS Act 2013 was changed to embed the principle of co-design into the legislation and new funding followed. Changes in NDIA leadership saw, for the first time, the appointment of a disabled person to the chair of the agency, along with several new directors with disability.

Costs

Higher participant numbers than originally forecast have increased scheme costs. Now expected to cost A\$50 billion by 2025, the NDIS will overtake the cost of Medicare or defence. Critics argue the NDIS is unaffordable.

But looking at costs alone does not tell us everything we need to know about the scheme. For every dollar spent on the NDIS, \$2.25 is created in value for the Australian economy. As NDIS costs increase, so do the economic benefits.

Also, increased funding does not mean all people with disability have access to more support. The NDIS has arguably become “the only game in town” for disability funding, while the states and territories have quietly defunded previously existing programs. While some people who qualify for individual funding packages can access more supports than before the NDIS, services for the much larger group who are not eligible for individual budgets have largely dried up.

Some of the increase in NDIS costs can be traced to mainstream services ceasing disability services, meaning people must try and access the NDIS to get disability supports.

Inequality and administrative burden

NDIS participants report many problems with using their NDIS plans and appealing NDIS decisions. The complexity of how the NDIS currently works has resulted in high administrative burdens for some participants.

This is compounded by “thin markets” where there are often not enough providers to deliver services.

For example, Indigenous people experience high levels of disability, but research describes cultural and practical barriers to their full inclusion in the scheme.

Research also suggests women and girls, people involved in the criminal justice system, people from culturally and linguistically diverse backgrounds and people with psychosocial disabilities are also disadvantaged within the scheme.

In our research, incorporating the lived experience of NDIS participants, some people have said their lives have been transformed through the NDIS. But many other participants also report frustration, anger, despair, disempowerment and a sense that interacting with the NDIS constitutes a full time job.

Untapped potential

One reason the critiques of the NDIS are so fierce is people have seen what the scheme can do and want it to live up to the promise of promoting inclusion and wellbeing for all participants.

There are ongoing concerns about costs. These might be mitigated through better systems to reduce provider fraud and unethical practices such as overcharging, cherry picking the “easier” or more lucrative clients, and client capture (where a provider arranges to deliver all a person’s NDIS services).

Boosting the NDIA workforce, as announced by NDIS Minister Bill Shorten, should help and also reduce mistakes and delays.

And there needs to be capacity development for NDIS participants. It's currently very hard to learn how to use the scheme, but informed consumers can choose the right providers for their needs and speak up when they encounter problems and mistreatment.

A new decade

Next year will see re-negotiations of funding agreements with states and territories begin – with the federal government likely to ask them to address some of the gaps in mainstream and community services.

It is clear NDIS reform will stay front-of-mind for some time yet. It is crucial people with disability remain central and involved in genuinely co-designing the second decade of the NDIS and beyond.



Children of incarcerated parents: the 'invisible victims' of the criminal justice system

By **Caroline Doyle**, Joanna Cui, and Dr Lukas Carey.
Published online June 16, 2023 by **The Power to Persuade**

Needs of children with parental incarceration

In 2022, parliamentary inquiries in New South Wales and Victoria looked at policies that support children with a parent in prison and services that are available to them. These inquiries all identified that parental incarceration has a negative effect on children and that more needs to be done to support their needs. Previous research has identified some of the challenges faced by children with parental incarceration. For example, Aboriginal and Torres Strait Islander children with parental incarceration are more likely to be taken into out-of-home care and be involved in child protection and youth justice systems.

The importance of maintaining communication

By maintaining communication during imprisonment, children are able to maintain familial ties which can help with the post-release transition for both parents and children. A formerly incarcerated mother, Teegan, recently commented on the importance of communication whilst imprisoned when she said: 'for women, the punishment isn't being imprisoned, the punishment is being taken away from your family.' But there are issues with maintaining this communication. For example, in some jurisdictions, there can be high costs for making a phone call from prison. In Victoria, it can cost almost \$7 to make just over a 10-minute phone call, which can cost more than the daily wage people can make from in-prison employment.

At the only adult prison in the ACT, the Alexander Maconochie Centre, encouraging connections with family is a benchmark of rehabilitation and release preparation under the ACT Standards for Adult Correctional Services. However, some identified issues with visits at this prison include that the visiting schedule was often incompatible with children's school times, and the prison is geographically isolated so transport can be difficult. For example, buses are limited. Detainees are entitled to a minimum of one ten-minute social telephone call per week to a family member. But similar to other jurisdictions, the high cost of phone calls limits the number of calls detainees can make. The ACT Government has agreed to undertake a comparative jurisdictional review of phone service providers for better call rates, but outcomes of this review are unknown as of 2023.

COVID-19 impact on visits

The COVID-19 pandemic had a significant impact on prison visits due to the suspension of face-to-face visits and the introduction of video visits. Research on the pandemic's impacts on children with incarcerated parents, while limited, revealed some of the challenges for children using video visits. For example, children received less contact time with their parents in prison, and telephone and video visits were not suitable for some children's needs, particularly for younger children and children with disabilities. Despite these challenges, the technology holds some promise as part of a suite of interventions to connect children to incarcerated parents.

At the ACT prison, in March 2020, visits were temporarily suspended and video visits were introduced. These were limited to a single one-hour visit per week and subject to conditions about suitable behaviour, language and clothing. Over the following months, restrictions were eased and then tightened again due to increasing cases of COVID-19 in the ACT. Visitors were required to arrive up to an hour before their scheduled visit to undergo rapid antigen testing on-site, which meant some families spent a significant portion of their day to attend a visit and some families were refused visits due to lateness. The public transport route was also not updated to reflect the new entry requirements, meaning visitors could have to wait almost two hours before their visit. This also meant public transport wasn't an option for families attending the earliest visits.

Next steps

COVID-19 served as an opportunity for prisons to adapt to new challenges and change how they do things in ways that can have potentially long term benefits. Reports on the uptake of video visits across Australia identified how it can reduce the time, stress and financial costs of travelling to prison. Previous research has identified how video visits can even develop parenting skills in a manner more appropriate for children than written or audio-only communication.

The lessons learnt during the COVID-19 pandemic demonstrate the potential of video visits as a long-term option. We recommend that corrective services introduce in-cell communications technology, such as tablets. The use of tablets is being trialled in NSW and Victorian prisons with good feedback from detainees and prison staff. Tablets provide opportunities for continuous engagement with family through calls outside of standard visiting periods and can offer opportunities to support detainees' post-release transition and re-entry into the community.

We do however acknowledge that improving the accessibility of prison communication is only the first step in reconnecting families and supporting children. As the recent parliamentary inquiries have shown, there is significant scope for structural change, such as in access to support and collection of data on parents in prison. Our recommendations are therefore only initial steps towards improving contact between the 'invisible victims' of the criminal justice system and their incarcerated parents.

International development and gender: A return of the “invisible” woman?

By **Adrian Bazbauers**.

Published online June 13, 2023 by **The Power to Persuade**

“Gender” has been a priority in international development for decades. Achieving gender equality, promoting gender empowerment, and ensuring that women and girls benefit from economic growth was reinforced by the 2015 Sustainable Development Goals (SDGs), the current lodestar of international development.

The multilateral development banks (MDBs), a network of 32 international financial institutions operating across the world, greatly influence the trajectory of development practice. In 2020 alone, they approved \$250 billion in new projects, loans, equity investments, guarantees, and technical assistance. As ‘market makers’, what they are willing to finance signals to public and private investors what are and are not feasible development projects.

Since the 1980s, the MDBs have steadily built mechanisms to “mainstream gender” in their organisations and have greatly expanded their gender-focused investment portfolios. This is an accomplishment. It is vital that women and girls are not excluded from development; they are disproportionately impacted globally by economic, social, and political inequalities. In 2022, UN Women published Progress on the Sustainable Development Goals (SDGs): The Gender Snapshot 2022 which highlights that unless drastic change is made, ‘it may take close to 300 years to achieve full gender equality.’

And, so, it is important to understand and unpack how the MDBs are engaging with gender, especially since their engagement has often been controversially reviewed and uneven in practice. In a 2023 Women’s Studies International Forum article, I analyse four decades of MDB institutional gender documents – policies, strategies, and action plans – to evaluate how they have conceptualised and operationalised gender over time.

The development of gender in MDB operations

The rationale for why the MDBs engage with gender has been consistent for decades: the inherent importance of gender equality and women’s empowerment to alleviating poverty, building shared prosperity, reducing social vulnerability, and affirming human rights.

Yet, before the 1970s, gender was not really part of the development vocabulary. Women and girls were considered (if at all) as apart from productive economic growth. But, in the early 1970s, academic feminist analyses called for integrating women into development through financing women-focused projects and women-only organisations and expanding education, health, and employment services to women and girls.

Throughout the 1980s, a handful of MDBs attempted to adopt such an approach. Isolating women and girls as a special target group to be integrated into development, the MDBs sought to recognise the “invisible” woman in development, “invisible” because women ‘in many developing countries tend to be economically invisible’ and ‘are isolated in “female” employment.’

Not without criticism, it was at least an attempt by the MDBs to include women and girls. They were not, however, entirely successful in changing their organisations to embrace gender as a priority.

Mainstreaming gender and ‘retroliberalism’

The MDBs slowly came to adopt a new approach in the 1990s and 2000s. Spurred by the 1995 Beijing Declaration and Platform for Action and 2000 Millennium Development Goals, the MDBs attempted to “mainstream gender” in their organisations and shifted operational focus from women to the gender dynamics between women and men. MDB investment projects turned from integrating women into development to addressing the feminisation of poverty, supporting gender equality programs, developing community outreach initiatives, and rethinking the role and impact of men and boys in society. Again, not without criticism, but it was a considerable improvement over what little had been achieved in the 1980s.

Then the 2008 Global Financial Crisis changed the field of international development. A new global aid regime emerged that prioritised a return to economic growth as the main development outcome, a revised role for the state in sponsoring and facilitating the business, and the reframing of the private sector as an active development partner. We had entered era of “retroliberalism”.

How the MDBs approached gender consequently changed. Gone were rights-based concerns for the quality-of-life of women and girls and instead the MDBs devolved to integrating women into development but narrowly as private sector entrepreneurs. A woman- and not gender-focused throwback to the 1980s, but this time limited to women’s economic empowerment, employment opportunities, financial markets access, entrepreneurship, and asset ownership and control. Gender-focused projects now invested in entrepreneurial private sector opportunities and business skills training; gender equality and empowerment were reduced to matters of economic growth and market competitiveness.

The European Bank for Reconstruction and Development in its 2016-2020 Strategy for the Promotion of Gender Equality advanced three priorities indicative of this new era:

- To increase access to finance and business support for women-led businesses,
- To increase access to employment opportunities and skills for women, and
- To improve access to economic services.

As a more colourful – and troubling – illustration, the Inter-American Development Bank in 2013 approved a technical assistance project to Peru that proposed microfinance access and women’s economic empowerment would reduce the prevalence of intimate partner violence. With ‘one in three women worldwide experiencing physical or sexual violence,’ economic empowerment is important to minimising the vulnerability of women and girls. However, gender-based violence is multi-faceted and enabled by cultural, legal, economic, and political factors. It is questionable whether making entrepreneurs of individual women will address the systemic causes of physical and sexual violence.

Once again ‘invisible’?

Why does this matter? Cumulative MDB gender-focused investment projects peaked in the fifteen years since the 2008 Global Financial Crisis. Should we not celebrate the fact that there is more gender-focused projects than ever before? Yes. But the contents of these projects are a cause for unease.

Today, the MDBs are financing projects to make better economic units of women and girls for national development. Where is the concern for improving quality-of-life, alleviating gendered poverty, and addressing systemic gendered inequalities? The ‘market makers’ of international development are financing development projects – and thus signalling to public and private investors – that women’s productivity is more important than women themselves. The “invisible” woman in development has returned, for if women and girls are not private sector entrepreneurs they are once again unseen.

So, what could or should the MDBs be doing differently? We can consider their rationale for engaging with gender in the first place. To alleviate poverty, build shared prosperity, reduce social vulnerability, and affirm human rights, the MDBs may wish to remember that women and girls – that people – are more than their productive potential and that the inequalities facing societies cannot be resolved through economic growth alone.

How reliance on consultancy firms like PwC undermines the capacity of governments

By **Helen Dickinson**.

Published online June 8, 2023 by **The Conversation**

In the wake of the PwC scandal, there is renewed interest in the work of outside agencies within Australian government.

Earlier this year, an audit showed almost A\$21 billion was spent on external labour hire in the Australian Public Service in 2021-22.

Contained within this figure is a significant jump in the amount spent on consultants. While some outsourcing will be to fill genuine gaps, there is evidence that overreliance on consultancies can undermine the longer-term capability of the public service.

Consulting is a global business

Australia is not the only country with an interest in consultants. It is a truly worldwide phenomenon that spans government and private business. In 2023, it is estimated the global management consultants market is worth over \$US860 billion.

However, Australia's consulting industry (made up of public and private sector spending) is the fourth largest in the world, and significantly larger than other comparable countries.

External organisations undertake a broad range of functions, including giving advice on strategy, accounting services and IT services. Sometimes entire government functions (for example, operating offshore detention facilities) are outsourced.

The use of outside labour has a long and interlinked history. Their worldwide rise started following a number of reforms from the late 1970s that aimed to introduce more market-based structures into public services. This transformed the corporate structures of governments.

Governments were encouraged to outsource a range of functions (such as delivering disability or employment services) on the basis that they could contract this to firms that could do this more effectively and efficiently. Governments could stick to making policy and ensuring this delivered the outcomes consumers wanted.

But the separation of policy design and management from service delivery was not as simple as it might have first appeared. In separating these functions, many governments have experienced a "hollowing out", losing the knowledge, skills and institutional memory that is key to managing services.

And so this had a snowballing effect, with governments increasingly turning to consultants to carry out the jobs they once did.

Consultants in the Australian Public Service

Over the past decade, the total volume of consultancy work undertaken for the APS by the so-called "Big Four" consultancy firms has increased 400% from \$282 million in 2012-13 to over \$1.4 billion in 2021-22.

Most often the reason given for contracting consultancies is a "need for specialised or professional skills". This may be because, the rationale goes, the skills don't exist within the APS or because an external perspective is needed that can't be gained from internal employees.

But some believe a culture of preferencing advice from consultants over the public service has taken hold. At times, this can lead to governments receiving the advice they want rather than a more rounded view of an issue.

The use of consultants within government doesn't always mean these skills are not available in the APS. One important issue to consider is the level of APS staffing. After the 2015-16 budget, the previous government constrained the size of the APS to around the 2006-2007 average staffing level of just over 167,500. It is argued this cap on staffing numbers left the APS unable to undertake all the work it needed to do, making it reliant on consultants to fill gaps.

The Australia Institute argues the \$1.1 billion spent on consultancy services in 2018-19 could have employed an extra 12,346 public servants. It notes that, in reality, consultants are often paid at a much higher rate than public servants.

Implications for public service capability

A number of inquiries and reviews have expressed concern that reliance on consultants has long-term impacts for the public sector.

In 2019, the Independent Review of the APS found labour contractors and consultants were increasingly being used to do work that had been core public service capability, such as program management.

These findings were confirmed in a 2021 Senate Finance and Public Administration Reference Committee report on the capability of the Australian Public Service. It found that when government spends money on policy advice from private consulting firms, this undermines public service capability.

The Community and Public Sector Union has argued that consultants are often engaged to do more strategic and complex work that APS employees should be doing. All too often, public servants are asked to provide administrative support to consultants, and therefore miss out on opportunities to develop their skills and expertise.

These issues have also been noted in other countries. Most notably in the UK, Lord Agnew of Oulton noted the UK civil service was "too reliant on consultants. Aside from providing poor value for money, this infantilises the civil service by depriving our brightest people of opportunities to work on some of the most challenging, fulfilling and crunchy issues."

When consultants undertake entire areas of work, the requisite skills and knowledge are not transferred to the APS. In effect, this sets up a negative feedback loop, where APS employees lose skills and institutional knowledge because of the reliance on consultants, meaning the next project or piece of work needs the input of consultants.

Time for change

Although concerns about public sector capability have been around for more than a decade, there is some sign action might finally be taken. A Senate Finance and Public Administration References Committee inquiry into the management and assurance of integrity by consulting services is due to report by the end of September. It will likely make a number of recommendations about the use of consultants.

The recent federal budget announced the government was committed to rebuilding the capability of the APS, increasing average staff numbers by around 10,800. This figure includes a number of individuals on external labour hire arrangements who will effectively be brought in-house.

But restricting the use of consultants will be just one step in rebuilding the APS and its capability. Significant investment and a change of culture are both needed if the use of consultants is to decrease substantially.

Lessons learned from Robodebt

By **Jenny Stewart**.

Published online May 22, 2023 by **Jenny's Column**

Whatever specific findings the Robodebt Royal Commission makes, the main outlines of the story are now clear. Between 2015 and 2019, the Coalition government, keen to make savings, undertook a data matching exercise with the Tax Office and Centrelink, designed to flush out welfare fraud. The government was convinced many welfare recipients were under-declaring, or not declaring, income they had earned, which would have reduced their entitlements. Scott Morrison, Minister for Social Services at a crucial point in the saga, repeatedly urged that a strong 'welfare cop' was needed.

Unfortunately, rather than continuing to rely on experienced officers to conduct investigations, the then government authorised a method of automated debt calculation based on income averaging, which resulted in some 20,000 debt notices being illegally issued to income support recipients. Many were understandably traumatised by their experience, and there were a number of suicides. By the time the scheme was finally terminated, the Commonwealth was ordered to restore the money wrongly taken, and to pay compensation.

Many factors contributed to this debacle. But the key problem is the one virtually nobody, over the years, has been willing to talk about: politicisation of the Australian Public Service. Politicisation is a term with a number of dimensions to it. One is that public servants are appointed to their positions because of their political sympathies. Although, over the years, this has certainly happened, it is not the primary cause of concern. Rather, politicisation refers to a general atmosphere in the Service of not only giving advice the Minister wants to hear, but facilitating whatever the Minister, or more often the political staffers in the Minister's office, may want to do. Often confused with responsiveness, this culture, which has been endemic for many years, has now reached a point where even legality may be sacrificed.

Politicians on both sides must bear some of the blame for this state of affairs. Since the days of the legendary Mandarins, many members have understandably resented being patronised by over-mighty public servants, protected by tenure. In removing tenure, however, they introduced a risk to themselves which the Robodebt affair has highlighted only too well. An overly compliant public service won't tell you what you need to know.

It is difficult to see tenure being reinstated. But all Ministers need to make it clear that public servants are there to help them make the best decisions possible. And acting in accordance with law is fundamental.

It must be acknowledged, though, that the Australian Public Service, particularly those at the most senior levels, could – and should – have performed better. For those watching the Royal Commission's public hearings, many of the officials who appeared seemed evasive, helpless, or hapless. One senior figure in particular seemed to lack both professionalism and compassion. Whatever the fate of those who testified, what it means to be a servant of the public in these kinds of circumstances, needs further elucidation.

There are lessons relating to public service structure, process and procedure as well. The key issues in public administration often lie at the nexus between policy and implementation – Robodebt is a clear case in point. The specific circumstances of the social services portfolio as it has evolved over the past 20 years, demonstrate the hazards of separating policy (in this case the legal parts of policy) which resides with the department of Social Services, from Human Services (now Services Australia), which also includes Centrelink, where programs are implemented.

Had Human Services remained an integrated part of Social Services, it is much less likely that the manipulation of advice to the Expenditure Review Committee of Cabinet, in which the previously-advised need for legislation was mysteriously omitted, would have occurred. Disarticulation of policy from implementation was a flaw in the logic of new public management that was pointed out from the outset by academics, but (as is often the case) not taken seriously by practitioners.

It is not as if the Department of Human Services lacked legal advice, but the giving and receipt of such advice was so muddled by the constant change of personnel and priorities within the agency that no clear line seems to have emerged. Structural problems with information flows played a part as well. It is easier to skip crucial steps when processes are unclear, decision points are muddled or not properly recorded, people are constantly coming and going and, as the endless emails and attachments brought before the Royal Commission show, many are not quite sure what is going on. This confusion was particularly evident in the 2018-19 period, when the full extent of the debacle was becoming apparent, and panic began to set in.

Modern public administration is inevitably highly political, which means, paradoxically, that routine becomes more, rather than less important. The same goes for ethics. There have been many attempts to codify public service ethics, but none are proofed against the dangers of politicisation. It is only when – as clearly happened with the Liberals in government – the pursuit of political advantage overtakes everything else, that the ultimate accountability – electoral defeat – is exacted.

The public service must now think about its own accountabilities. The program of change outlined by the new Public Service Commissioner, which stresses ethics training, is welcome, but should be complemented by a long-overdue discussion of public service professionalism. Structures and the expression of values are closely related. Dismembering Social Security as an integrated department meant that standards of conduct had to be better, not worse, than before. As New Zealand academics Gregory and Hicks observed in 1999

It is not enough to ensure that people who work for government are efficient and accountable. They must also be responsible, and responsibly accountable.

The APS must now devote substantial energy, at the highest levels, to working out what this means in practice. It is an issue that will need to be addressed with clarity, courage and promptness.

Harnessing the power of the public service: APS survey results

By Russell Ayres, Trish Mercer and **Wendy Jarvie**.
Published online May 16, 2023 by **The Mandarin**

Politicians, the general public and many academics blanch at the thought that public servants should have power and influence, let alone that they should exercise it.

Arbitrary rule by the bureaucracy is not something any of us want; robodebt would pale by comparison.

But what if we shift the lens slightly? What if we take a closer, more nuanced look at the issue?

What if we didn't call it 'power' but instead focused on a related but different quality: 'agency'? What does that do to how we see the public service, and those who work within it?

These are the questions that sit behind our research, examining the professional agency exercised by the Australian Public Service (APS) as a whole, as well as at the level of organisations within government, and the level of individual public servants themselves.

A key part of that research is a survey of APS members. We are now able to report key findings from that survey.

To start with a definition: 'public service agency' is the inherent capacity of public servants — and their organisations — to influence the formulation and implementation of government policies. It lies at the heart of the administrative state, as an important means of promoting and sustaining democratic governance.

This agency is 'baked in' the modern democratic state: it is constitutionally essential and institutionally indispensable. The business of government is too big, too complex and too unpredictable for public servants not to have agency.

Bureaucratic agency can be used for good or poor ends. It can be used to influence government for good policy and programs, or for ill.

As discussed in *The Mandarin* in November last year, this means it must be actively managed, directed and developed. The worst strategy is to ignore, dismiss or arbitrarily constrain it.

One reason various administrative reforms have failed or had perverse consequences (think New Public Management, contracting out, short-term employment contracts, closing policy analysis units, etc), is because officials' agency was ignored, dismissed or downplayed.

Now you've got the picture, we can look at our survey and its results.

Between March 2022 and March 2023, we conducted an exploratory online survey of APS members to assess their experience and attitudes towards their professional agency. Entitled 'What sort of power or influence ('agency') do public servants have?', the survey received 135 responses.

The purpose of the survey was to gather some initial data. Although it is not representative of the APS as a whole, the responses indicate how the issue of public service agency is perceived, at least among the respondents, and have given insights to guide the next phase of the research.

As a group, survey respondents were most likely to be:

- female (60%)
- executive level or equivalent (62%)
- experienced in the APS (73% had more than 10 years in the Service) and in their current agency (one-third had more than 10 years in their current agency).
- working in implementation (30%), policy development (25%), or in another type of role or a combination of roles (28%)
- more positive (66%) than the APS as a whole (52%), in response to a question that appears in the APS State of the Service Survey, regarding whether their organisation encourages new ideas – a point to bear in mind when considering the tenor of responses to our survey.

What did we find?

Only a quarter (24%) of our respondents considered they were able to influence government policy-making “often” or “sometimes”, with women more positive than men. The level of positivity rose to well over half (57%) regarding their organisation’s ability to influence policy.

Unsurprisingly, the ability to influence policy was lowest (5%) at more junior levels (APS levels 1-6), rising to 28% for executive-level officers. As you would expect SES were the most positive – with almost half (46%) indicating that they “often” or “sometimes” influence government policy.

Those who worked in policy jobs were much more positive about their own influence, being three times more likely to say “often” than others. On the other hand, those with between 2 and 10 years’ service (ie, coinciding with the life of the previous Coalition government) were noticeably less positive regarding their own and their organisation’s influence on policy-making.

What do public servants see as the barriers to their influencing government policy?

Senior leaders (CEOs and executive leadership) were seen to be a barrier, with almost half (49%) considering they did not or only occasionally welcomed ideas from staff.

Supervisors, on the other hand, were more encouraging, with 58% of respondents considering they welcomed ideas ‘often’ or ‘sometimes’.

The jury is out on ministers and their staff: two-thirds (65%) of our respondents either did not know or did not believe the political level welcomed their ideas on policy or its implementation from their agency. However the majority of the ‘don’t know’ group were relatively junior (APS levels 1-6). In contrast, nearly two-thirds (64%) of SES respondents felt the Minister and their staff ‘often’ or ‘sometimes’ welcomed ideas.

Two caveats: our survey straddled the change of government, and the very different signals from government as to the importance of APS input into policy. We also decided not to ask respondents to identify which department or agency they were in, as a small sample size risked them being identifiable. An extended and larger survey would be revealing on both these fronts.

What could enable greater and more effective agency by public servants?

The extensive free-text responses in our survey are illuminating in this regard. We found five key themes:

- The ‘authorising environment’ matters – senior officials and/or ministers need to encourage public servants to contribute to deliberations on policy and implementation: what was needed was “people up the line who actively sought suggestions and were open to influence.”
- Trust matters – having a sense of mutual respect and trust, especially between ministers and public servants but also within senior and other levels, is foundational: “A wicked problem that no-one else had immediate answers for. It needed a fast and effective response. The trust between dep sec and team was essential – the dep sec served to assist and not to block”.
- Expertise matters – having specific and necessary knowledge and expertise increases the likelihood that public servants will be listened to: “the department’s senior leadership (primarily Deputy Secretary) had trust in the expertise of my team and that our advice was based on careful analysis.”

- Data and evidence matter – information from the ‘coalface’ of implementation and program delivery is especially important. A respondent captured this well:

“The [implementation] project team used evidence from the implementation of similar policies in overseas settings as well as business analysis techniques that highlighted the complexities, to influence the relevant policy department to simplify and streamline the eligibility criteria and reduce the risk of dissatisfied customers once the policy is implemented.”

Opportunity matters – being ‘in the room’ when the policy ‘window’ opens, eg, in meetings with ministers, senior officials or stakeholders. One respondent expressed this powerfully: “My CEO took me to a meeting with the minister when I was an EL2. I sat at the table! I was invited to speak despite being a 25-year-old woman amongst only men. The Treasurer asked me questions and my ideas were adopted. Invitations are everything.”

Of course, there was also pessimism, with suggestions that good policy process was sometimes subverted and that senior executives did not push back sufficiently when political pressure was exerted:

“Mostly the government of the day cherry-picked options and despite legitimate concerns by my immediate supervisor and myself, the FAS and Dep Sec at the time were not brave enough to challenge the Minister’s advisers. In the end [we] develop policy that we consider not hitting the mark and that would be difficult to measure outcomes.”

Where to from here?

Our study is still in its infancy, and there are many questions remaining. For example, the free-text responses suggest that officers in central agencies (Prime Minister and Cabinet, Treasury and Finance) appeared to be able to exercise greater agency than those in other departments. Some specific types of expertise (such as economics and data analysis) seemed to have enabled officers to have a more influential voice. We are now interviewing senior leaders in the public service and identifying case studies to find how it can be best managed and exploited, particularly for more junior staff.

There are also broader issues about the relationship between public service agency and democracy that need exploration, too. One thoughtful respondent highlighted this:

There is an uneasy tension between the idea of agency and the idea of representative democracy. Of course ministers are accountable to parliament for the whole activity of their agency. So a public servant’s agency should be limited by judgment about what a minister and the government would want, if they turned their mind to it. And that process necessarily involves judgment and leadership. It cannot be codified and rules based.

This captures the nuances and complexities of the agency exercised by public servants: it is real and significant, but it arises in the context of particular democratic and accountability structures and institutions.

Establishing and maintaining the legitimate agency of public servants and their organisations is not a ‘set and forget’ action; it is a constant process that requires judgement and leadership and goes well beyond codes and rules, important though those are.

Our research is aimed at bringing all that to light, as a contribution to the development of the APS as an institution and a profession.

APS can become exemplar of good practice in flexible work shift

By **Sue Williamson** and Cameron Roles.

Published online May 1, 2023 by **The Canberra Times**

The Australian Public Service has an opportunity to once again become a leader in flexible working arrangements.

The Secretaries Board's recent release of *All Roles Flexible: Principles of flexible work* in the APS may reinvigorate flexible working.

Revamped arrangements may also be included in enterprise agreements during the current APS-wide bargaining round.

The Community and Public Sector Union's bargaining claims, and the flexible work principles both envisage arrangements which go beyond the right to request flexible work arrangements contained in the Fair Work Act.

Both are designed to position the APS as an exemplar of good practice in relation to flexible work.

The principles are ambitious, stating that "flexibility applies to all roles, with different types of flexibility suitable for different roles". This is an all-roles-flex or flexible-by-default approach.

Both the NSW and the Queensland public services adopted all roles flex in 2015-16. Usage of flexible work arrangements subsequently increased and became embedded in these sectors. In the APS, the 2016 Gender Equality Strategy required agencies to review job roles and adopt a flexible by default approach.

The 2021-26 gender equality strategy again encouraged agencies to review flexible work policy and practices. It is not publicly known, however, if agencies actually did this. The principles will give agencies a much needed push in this regard.

The principles suggest that flexibility could be available in relation to when, and where an employee works. The document endorses hybrid working, however, agencies will be able to continue capping the number of days in a week an employee can work from home.

We understand that a cap of two days a week working at home is common across the APS.

The CPSU's claim for the current APS-wide bargaining round is for flexible working to be implemented without "undue restrictions", such as a cap on the number of days an employee can work at home.

Given the different positions of the government and union, caps are likely to become a bargaining issue.

Flexible work arrangements are to be implemented against the backdrop of the needs of the organisation, as well as those of each work area. The principles include an example of "anchor days" for teams, where everyone is in the office on a particular day, as a way of attempting to balance individual flexibility with the benefits of in-person collaboration.

The principles also state that flexibility needs to be "mutually beneficial to all".

This concept aims to ensure that flexibility benefits the organisation, the work area/team, and the individual. Research led by Dr Fiona Buick at UNSW Canberra and funded by the Australia and New Zealand School of Government advocates a team-based approach to flexible working.

This takes the burden of responsibility off individual managers, and also encourages greater use of technology, to increase purpose and community among employees. Even so, the requirement for flexible arrangements to be mutually beneficial may be used by agencies to refuse requests to work flexibly. This would be in accordance with the Fair Work Act provisions allowing refusal of a flexible arrangement on “reasonable business grounds”.

Research conducted by the first author during the pandemic showed that while managerial support of working from home had dramatically increased, resistance was still evident.

An education campaign, monitoring and evaluation of the implementation of the principles will be necessary to ensure compliance.

The principles also encourage agencies “to attract talent nationally”. The need to attract from a broader labour market is also evident in the government’s APS Workplace Relations Policy 2023. This policy sets out the principles underpinning the current round of enterprise bargaining across the service.

It states that the APS “is under increased competition from large private sector employers” in providing flexible work arrangements in a COVID-normal environment.

It also notes that “such pressure is anticipated to increase over time”.

This relatively benign language disguises the urgency of the task faced by the APS - it absolutely must restore its competitive advantage in the area of flexible work.

Likewise, unions will wish to use the current bargaining round to entrench Flexible work arrangements into enterprise agreements which extend employee rights beyond the principles.

Given both sides need to get an outcome on flexible work, we anticipate significant progress to be made concerning service-wide flexibility. The principles are also future-focused and strategic. Endorsing a work-from-anywhere approach, considering technology, and office configurations as working practices change signals to agencies that they need to be future-focused.

This will also assist the APS to be agile.

Strategically, the principles encourage agencies to “consider improving many other aspects of how we work, including recruiting from diverse national talent pools, mobility, learning and development [and] performance management”.

This statement indicates a strategic human resource management approach to flexible working. This occurs when all HR practices align to achieve organisational aims.

Recognising that flexible working also interacts with all these other facets will assist in embedding this way of working. It will be fascinating to see how agencies implement the principles of flexible working, and how this manifest in enterprise agreements. Both agencies and employees stand to gain from these developments.

The NDIS is set for a reboot but we also need to reform disability services outside the scheme

By **Helen Dickinson**.

Published online April 19, 2023 by **The Conversation**

NDIS Minister Bill Shorten yesterday announced a “reboot” of Australia’s National Disability Insurance Scheme and six major areas of reform. Getting the NDIS back on track, Shorten said, will require reform across all disability services.

It’s a difficult time to announce an NDIS reboot. The federal budget is weeks away and, in the context of a cost-of-living crisis, some argue NDIS costs need to be reined in.

At the same time, two major pieces of work are underway and due to report later this year: the royal commission into violence, abuse, neglect and exploitation of people with disability; and the independent review of the NDIS exploring how it can be made sustainable over the long term.

Shorten has continuously said any changes to the scheme need to be guided by people with disability, meaning it would make it difficult to make announcements about substantive changes ahead of the review reporting.

So what do we know so far, and what are the key challenges to overcome?

Tackling bed block

Since Labor came to government last year, the government has made a number of changes to the scheme, including decreasing delays to NDIS participants being discharged from hospital.

Delayed discharge means a person is medically fit to be discharged from hospital but they cannot return home safely as appropriate supports are not in place.

In his speech to the National Press Club yesterday, Shorten explained that last year, NDIS participants in Victoria waited, on average, 160 days after they were medically fit to be discharged from hospital.

After significant action from the National Disability Insurance Agency (NDIA), this fell to a 29-day average wait to be discharged. This is a better outcome for the people involved and is estimated to have saved the health system A\$550 million.

This shows the NDIS does not exist in a vacuum. How the NDIS operates has implications for the costs of mainstream services such as health and education – and, conversely, how mainstream services operate has implications for the NDIS and its costs.

6 ways to reboot the NDIS

The government will focus on six areas for reform to ensure the NDIS is fit for purpose, which won’t come as a surprise to those familiar with the scheme.

Very little detail has been announced about these reforms and in many cases we will need to wait for the independent review to report and outline precisely how these will be achieved.

- 1. Increase the size of the NDIA workforce**, make sure staff are appropriately trained and the agency has the technology and capacity to do its work.

2. **Move participants to longer plans**, where appropriate, rather than needing a new plan every year. This will give participants more certainty and allow them to focus on making their current plans work.
3. **Make sure all money is spent effectively**. This means not spending on “shoddy therapies” and ensuring supports are evidence-based and benefits are maximised for participants.
4. **Review supported independent living services**. Around \$10 billion of NDIS funding goes into these services each year and supports around 30,000 people with significant disabilities to live independently. Yet too often, they don’t support participants and families in the ways that they want. The Royal Commission has also heard significant abuse and neglect occurs in these settings.
5. **Target misuse of NDIS funds**. This involves targeting fraud within the scheme, but also unethical practices by some providers who overcharge for services or pressure people into spending money on services that they may not want or need.
6. **Increase community and mainstream supports** so people who aren’t eligible for the NDIS can access other services. This isn’t focused on the NDIS but the services that sit around it.

These six areas target many of the areas that are in need of reform within the scheme and some have already seen some initial reform attempts. The real question is how these will be delivered and whether there is genuine commitment to co-design with people with disability around these areas.

More to disability care than the NDIS

The NDIS was never designed to be accessed by all people with disability. The initial scheme design supported participants via a tiered system:

- Tier 2 was for all Australians with disability and their carers by providing information and referrals to relevant services outside the NDIS (for example, mainstream services such as health and education). This tier also aimed to link people with disability into their local communities.
- Tier 3 was designed for people with disability who have significant and permanent impairments. It provides access to specialised disability supports funded directly by the scheme and allocated via individual budgets.

While much of the attention on the scheme is around Tier 3 supports, a major driver of costs is a lack of investment in Tier 2 services. If we do not see adequate investment in mainstream and community services, such as in health and education, people with disability are more likely to require Tier 3 services.

The NDIS has been called the “oasis in the desert” where people need to get services and supports through the scheme because there is a lack of other mainstream supports available. Research shows 90% of disabled Australians who didn’t have NDIS funding and took part in the research were unable to access the services and supports they needed.

We have seen particular growth in the number of young people with autism and developmental delay entering the NDIS, far beyond what was originally projected at scheme design. One in ten boys aged between five and seven have an NDIS plan when starting school.

While this could indicate the original scheme estimates were not correct, it’s likely that a significant proportion of demand for scheme entry is being driven by a lack of other available supports through mainstream services.

The government seems committed to disability services reform but it won’t be quick or easy. It will involve more than just changes to the NDIS – we need a rethink of all disability services. And this can’t be done without people with disability who need to play a strong role in designing this new scheme.

Three ways to legislate for gender equality in the APS

By **Sue Williamson**.

Published online April 18, 2023 by **The Mandarin**

Big changes to employment relations are happening in the Australian Public Service.

The federal government has commenced negotiations for an APS-wide collective agreement. This will reverse a quarter of a century of bargaining that has fragmented terms and conditions of employment.

The moribund Maternity Leave Act is being reviewed and agencies will be required to report to the Workplace Gender Equality Agency on how they're progressing gender equality.

More than 20 years ago, academic Linda Dickens proposed that a tripod of regulation was necessary to progress gender equality. The tripod consists of legislation, collective bargaining and human resource/gender equality policies.

Further, for regulation to be effective, the different forms need to be complementary, and 'fit' together.

Linda Colley and I have examined the three main forms of regulation covering the APS, going back four decades. We have found that while the APS has progressed gender equality, the regulatory tripod has limitations and does not fit together particularly well.

This is evident in three ways:

- First, public sector legislation has weak diversity and gender equality requirements and public reporting mechanisms are only starting to be introduced.
- Second, collective bargaining for gender equitable provisions has been stymied due to restrictive bargaining policies implemented since 1997.
- Third, human resource/gender equality policies have resulted in patchy and uneven progress across the APS.

We recommend the following regulatory changes to progress gender equality in the APS. Our approach would strengthen the legs of the tripod and result in a more effective fit between the forms of regulation.

This would progress — and embed — workplace gender equality.

Reforming gender equality legislation

Last year, the Australian government amended the Sex Discrimination Act. Employers are now required to implement a positive duty to prevent sex discrimination and sexual harassment. While preventing discrimination is an important principle, the federal legislation potentially has a narrower focus than do some state jurisdictions.

For example, Queensland and Victoria have introduced positive duties to require public sector agencies to actively progress gender equality — not just prevent sex discrimination — and develop and report on gender equality action plans. The government should consider broadening the scope of positive duties in any further amendments.

Reforming bargaining

The government has commenced negotiating APS-wide negotiations for core common terms and conditions. Two of these common conditions are flexible working arrangements and paid parental leave.

Standardising these provisions across the APS could increase equity in access. Additionally, the government could fulfil its stated mandate of wanting to become a model employer and increase the quantum of paid parental leave (PPL) to 26 weeks. Such an approach would foreshadow increases to PPL announced by the government for all employees.

Incorporating 26 weeks' PPL as a common term would therefore make this provision complementary to broader legislation. To ensure regulatory fit, any new PPL legislation for the APS would reflect these new minima.

Similarly, common conditions around flexible working arrangements would not only standardise access throughout the APS but would also complement provisions in human resource policies. However, we also recommend a subsequent round of regulation, which would see bargaining for equality initiatives mandated through legislation.

In France, legislation requires organisations with more than 50 employees to negotiate gender equality issues as part of regular collective bargaining.

Reforming human resource policy

Agencies should develop and implement gender equality plans. After all, they will be required to report on progress to the Workplace Gender Equality Agency, so having a plan in place will be crucial.

To date, however, few departments have a gender equality plan that reflects the APS-wide plan.

Human resource and gender equality policies will need reviewing, in light of the 'All Roles Flexible' policy recently released by the Secretaries Board. This policy states that every position in the APS can be worked flexibly, and it also encourages agencies to access national labour pools by enabling remote and hybrid working.

As existing policies are reviewed and amended, aligning this policy with the core common flexible working arrangements, the provisions in the Fair Work Act and the APS gender equality strategy would result in all these forms of regulation being complementary and working together.

To sum up, the developments in the way the terms and conditions of employment are regulated for APS employees have the potential to progress equality between genders. Now is the time to look towards the next tranche of innovations and reforms, and to build on the positive developments underway.

Part-time work is valuable to people with disability – but full time is more likely to attract government support

By **Helen Dickinson**, Dennis Petrie and Zoe Aitken.
Published online March 29, 2023 by **The Conversation**

Work isn't just about getting paid. Employment can provide a number of benefits for people in terms of health, wellbeing, social, economic and financial inclusion. It can also reduce reliance on government income supports. Arguably, work is even more important for people with disability, who are more likely to be in lower socioeconomic groups and socially isolated.

Our new research shows part-time work is valuable to people with disability and supports their wellbeing. It can also lead to reduced costs for health care.

But if more people with disability are to be supported into part-time and full-time work, we need changes to existing programs and services.

Employment and disability

In Australia, 54% of people with disability are employed, compared with 84% of the wider population. This gap is worsening. In the last ten years, employment of people with disability has decreased by 3%, while the rest of the population is up 23%.

Australia's federal and state governments invest significant resources in employment supports for people with disability. Notable is the A\$800 million spent each year on Disability Employment Services. There are also significant investments through the National Disability Insurance Scheme (NDIS) and other programs.

People with disability are twice as likely to work part time as people without disability. Yet, many of the government-funded programs for people with disability focus on getting people into full-time work.

The right fit

For our research, funded by WISE Employment, we spoke to 25 current Disability Employment Services clients. They told us part-time work can have a positive impact on many areas of wellbeing by building confidence, helping people better engage with families and communities, increase social networks and improve financial stability. As one person explained,

before becoming chronically ill I worked full time and had a lot of pride being independent. Being able to re-join the workforce has given me back that sense of self-sufficiency.

For some people with disability, capacity limitations and having to balance family and medical appointments means that they may only be able to work part time.

I'm recovering from cancer [...] I'm hoping I'll get my energy and stamina back. It's hard after having time off work and then coming back. I'm just coping with part time, I wouldn't cope with full time.

Returning to work or entering the workforce for the first time can be a difficult transition. Part-time work can be a helpful springboard into full-time employment.

Care also needs to be taken to match people to the right job – one that uses their skills, with appropriate supports in place. When people go into unsupportive jobs that do not make appropriate

accommodations for disability – or if the job or environment is not a good fit – it can have a detrimental impact on their mental health and wellbeing.

The numbers

We also looked at client data from several sources (including service provider WISE Employment and Personal Wellbeing Index questionnaires completed by Department of Employment Services participants each year) for links between part-time work and wellbeing, mental health and health-care costs.

We found wellbeing scores are higher for those who are employed compared to those who are unemployed. There was no difference in wellbeing scores if individuals were employed full or part time. But we did find evidence those employed in casual jobs have slightly lower wellbeing.

We also drew on data from the Household, Income and Labour Dynamics in Australia Survey, which collects information annually on a broad range of topics, including demographic, social, economic and health characteristics of individuals. This data shows engagement with employment is associated with large mental health gains compared to being unemployed. And these effects are more pronounced for people with disability compared to those without disability.

As people work more hours, we see greater mental health benefits for people with disability. These effects seem to be greater for women engaged in part-time work, although the impact is the same for men and women with disability in full-time work.

And it saves health dollars

We also drew on integrated data from sources, including the census, social security payments, tax records, death records and Medicare records. This shows a gradual reduction in costs associated with overall health-care services, mental health services and mental health scripts as the number of hours worked increased.

Finally, we applied the results of our analysis to current Disability Employment Services participants and people with disability on jobactive (now Workforce Australia).

We estimate that if those who are not working were instead working part time (14–29 hours per week), it would save approximately \$62.5 million per year in health-care services (including mental health services) and mental health prescriptions.

The need for reform

Our research suggests there is value in part-time work for improving the wellbeing of people with disability. This comes with reduced health-care costs. But if we are to increase the number of people with disability working full and part time we need to change existing programs and services.

There needs to be careful thought given to brokerage processes that engage people in part-time jobs and the kinds of incentives offered to employers.

Rather than the frequently “blunt” mechanisms used by Disability Employment Services and the NDIS that categorise people as “working” versus “not working”, there needs to be ways to recognise the potential of part-time work to improve wellbeing.

Breaking down barriers that create the gendered digital divide in the public sector

By **Sue Williamson**.

Published online March 8, 2023 by **The Mandarin**

The UN theme for IWD 2023 is “Cracking the Code: Innovation for a gender equal future” (not “embracing equity”, which is an IWD theme developed by a conglomerate of commercial enterprises). “Cracking the Code” refers to ‘cracking’ current behaviours, beliefs and systems that hinder gender equality.

Part of cracking the code includes closing the digital gender gap. Globally, lack of access to technology excludes many women from the digital world. Online abuse also limits women’s involvement. UN Women states that almost a quarter of women worldwide have reduced their internet usage because of online abuse.

Online abuse in Australia may be tackled through two recent legislative amendments. First, last year, the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 was passed. It amended the Sex Discrimination Act to include a positive duty requiring employers to take action to prevent sex discrimination and sexual harassment at work.

A positive duty requires employers to be proactive rather than just reactive. The positive duty may also extend to preventing online harassment.

The positive duty also applies to the Australian Public Service (APS). Agencies will need to proactively take “reasonable and proportionate measures” to eliminate sex discrimination and sexual harassment. These changes will become enforceable 12 months after the passage of the legislation, and it is important for agencies to start taking action now.

Second, late last year the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill was passed. This bill amended the Fair Work Act to prohibit sexual harassment “in connection with work”.

This provision is based on workplace health and safety legislation, with broad applicability. The prohibition applies to workers, persons conducting business and third parties, which include customers and clients. This provision therefore also covers those who harass women online, where it is related to a woman’s employment.

As well as reducing online abuse, the other area which still needs attention is women’s representation and participation in information and communications technology (ICT).

Women’s representation in ICT

While women have been making inroads into ICT, progress has been slow. The most recent data shows that ICT is the third-most male-dominated occupation in the APS, after engineering and technology and trades and labour. Women continue to be clustered in the “soft” occupations, namely service delivery; human resources; and administration, communications and marketing.

Occupational segregation hinders gender equality. Increasing the numbers of women and gender-diverse people at all levels within STEMM areas means that women and gender-diverse people are being provided with the same opportunities as men and are able to fully use their skills and knowledge.

Tracking the numbers of women in STEMM areas is key to assessing progress. The public sector has not been required to publicly report on progress to achieve gender equality. This has led to patchy results. The amendments to the Sex Discrimination Act also included a requirement for APS agencies to report to the Workplace Gender Equality Agency (WGEA).

This is a landmark development, as my previous analysis shows that public reporting on gender equality in the APS has not been comprehensive. Agencies will be required to report for the 2022-23 period. State and territory governments will also provide their data to WGEA.

These regulatory changes are part of a suite of reforms and initiatives aimed at progressing gender equality, including for the public sector. They include an extension of paid parental leave, the introduction of paid domestic and family violence leave, cheaper child care, legislative provisions around pay transparency and strengthening the legislated right to request flexible working arrangements.

These changes are important not only in substance but also help to create a climate to progress gender equality.

The author would like to acknowledge the assistance of Alicia Pearce in the preparation of this article.

The importance of diverse perspectives

By **Sue Olney**.

Published online February 20, 2022 by **The Power to Persuade**

Power to Persuade has been examining opportunities and challenges in social policy around the world since 2011. Through our blog, Twitter, and occasional symposiums, we offer a platform for exchanging ideas and evidence to people involved in designing, implementing, researching and/or navigating social policy – government, academics, the community sector, and people whose lives are shaped by it. Over the last twelve years, the lines between those groups have blurred as more people move between them. But at times, even within their own ranks, they have contrasting views of how social policy should be designed, translated into practice, and evaluated.

No single person, organisation or institution has the solution to complex policy problems, and we can't assume consensus on the nature and causes of those problems either. This was starkly evident in the early days of the COVID-19 pandemic in Australia, when known fault lines in social policy cracked fast. There were terrible human costs, but also rapid advances in collaboration across jurisdictions and sectors, marshalling resources, listening to people affected by policy decisions, and changing ways of working. Whether lessons from the pandemic will stick remains to be seen.

Modern governments design, implement and evaluate social policy on shifting sands. They're juggling citizens' changing expectations, declining trust in institutions, shifting power relations, rapid technological change, competing interpretations of evidence, competing needs and priorities, and global social, economic, health and environmental forces. In line with the priorities of Ministers, decisions are made within different parts of the public sector about how public services should be delivered and by whom, and how service delivery should be monitored, with varying regard for ripple effects. Decision-makers frame policy problems and solutions, and choose and apply policy instruments, within parameters they can manage. The resulting institutional landscape is a messy and changeable mix of government and non-government actors collecting and interpreting data for multiple and competing purposes, and designing and delivering services to citizen 'clients' within a broad range of governance structures, legislation, performance measures, direct and indirect funding mechanisms, rules, processes and philosophical standpoints.

So how can a platform like Power to Persuade help people both with and without power to better understand and solve immediate policy problems, and shape the future of social policy?

It begins with recognising and respecting the value of different forms of knowledge and networks. On our blog, you'll find articles from acknowledged experts, early career researchers, policymakers, frontline workers, and people and communities affected by policy decisions. Our content is moderated on a weekly roster by an incredible team of volunteers from Australian and international universities and the community sector, backed by people with deep expertise and long-standing interest in social policy.

Power to Persuade invites everyone to contribute to knowledge and debate around social policy, to draw on lessons from around the world, and to build constructive connections with people with different experiences and expertise. We encourage you to share your experiences of navigating policy processes and of social policy initiatives, programs and projects. We want to hear what works well in Australia and internationally; stories of unintended consequences; challenges you have faced or are facing in social policy; and things you'd like to see done differently.

Through open, constructive and respectful debate and discussion on this platform, our combined voices can be a powerful force for change.

Losing the natural world comes with major risks for your super fund and bank

By Madeline Combe, **Megan C Evans** and Nathaniel Pelle.
Published online February 3, 2023 by **The Conversation**

As the economist Herman Daly pithily said, the economy is a wholly owned subsidiary of the environment – not the reverse. Nature makes our lives possible through what scientists call ecosystem services. Think healthy food, clean water, feed for livestock, building materials, medicine, flood and storm control, recreation, and attractions for tourists.

Despite this, Australian businesses and financial institutions have so far failed to track how their activities both rely on and affect nature. This means our investments and superannuation could be exposed to hidden financial risks because of nature loss – and may also contribute to the destruction of nature.

That's set to change. The private sector is waking up to nature's value (and the risks of losing it). The world's biodiversity rescue plan agreed to last year could help motivate governments and businesses to clean up their investments by directing more money to protect nature and less towards bankrolling extinction.

There's one crucial plank we're missing though – mandatory reporting of how businesses both depend on and impact nature.

Nature and financial health are inextricably linked

Fully half of the world's total economic activity – around A\$61 trillion – is moderately or highly dependent on nature and its services.

In Australia, that figure is very similar: around half of our GDP – \$896 billion – has a moderate to very high direct dependence on ecosystem services provided by nature.

Australia's economy and industries are dependent on nature. GVA refers to gross value added to the economy by industry. Australian Conservation Foundation

What happens when we breach nature's limits? Ecosystem services seize up or collapse, eventually disrupting these sectors. The tireless pollination work of honeybees, for instance, is valued at \$14 billion a year. Or take Australia's wheatbelt, where poor soil health is now costing farmers almost \$2 billion a year in lost income.

Ecosystem services are not hypothetical. They have real value – and we will absolutely notice if they are gone.

What does this have to do with my super?

Australia's super sector is responsible for the retirement savings of around 12 million Australians. Super funds are directly exposed to financial risk from nature loss through their investment portfolios.

Just as farmers can't grow crops without healthy soils or pollinators, developers can't build apartments without timber or environmental permits. In turn, that has implications for their value as investments.

And because so many sectors are exposed, classic investment strategies such as diversification may no longer protect your super from losses.

So what are our super funds and banks doing about it?

To find out, we surveyed ten super funds and ten retail banks about their responses to nature-related risks. The survey – commissioned by the Australian Conservation Foundation – is the first time this has been done in Australia.

The findings? Not ideal. Every participating super fund and bank agreed the loss of nature now presented a serious risk to investment returns. They all agreed it was part of their responsibility to members and customers to measure and manage these risks. But only 20% of super funds and 10% of banks had attempted to assess how exposed they were.

Of the ten super funds and ten banks we surveyed, just 10% of banks (left) and 20% of super funds (right) had assessed their nature-related risks or opportunities. Half of the banks and 30% of super funds had plans to, while 40% of banks and 50% of super funds had no plans yet. Australian Conservation Foundation

Again, this is not abstract. Super funds often have large holdings in the big four banks. Together, these banks have \$170 billion in exposure to agriculture, mining, fisheries, and forestry – sectors directly reliant on a functioning natural world.

So why isn't it a higher priority? One issue may be that many financial institutions are currently focused on climate change, given how rapidly impacts are mounting. But climate change and the breakdown of natural systems are twin crises. Nature offers far and away the largest method of taking carbon back out of the atmosphere, for instance. But that only works if salt marshes and wetlands and forests are intact.

Net zero targets for our banks and super funds are not fully credible unless there is a commitment to end the financing of deforestation. Only one organisation, Australian Ethical, had made such a commitment.

You would think Australia's super funds and banks would be interested to find out how exposed their investments were to this growing risk. Tools to do this such as IBAT and ENCORE are readily available.

But to date, our survey findings don't indicate banks and funds will do this voluntarily.

Banks and super funds may soon have to report these risks

The biodiversity rescue plan agreed to last year – known as the Kunming-Montreal agreement – is intended to set expectations for responsible finance and business globally, as the Paris Agreement did for climate change. That means Australia will be expected to introduce disclosure requirements. If this comes to pass, banks, super funds, and the businesses they invest our savings in will have to measure and publicly report their impact on nature – as well as how much they rely on nature to make a profit.

First, though, the Australian government must introduce mandatory nature risk reporting. It's already moving ahead with plans to make climate risk disclosures mandatory.

Treasurer Jim Chalmers has indicated nature is also on his radar.

The question then will be whether making this information public will actually do what we hope it will and use money to help natural systems rather than extract from them.

What happens next?

Since taking office, the Labor government has pledged to take action on the perilous decline of the natural world with plans such as bringing the value of nature into our national accounts.

While positive, the real action won't happen until nature risk reporting is mandatory, environment laws with teeth are introduced, and until both governments and private industry direct serious money into helping nature, not harming it. Risky nature credit markets aren't going to cut the mustard.

You don't have to sit back and wait. Why not ask your super fund and bank what nature-related risks they are exposing your money to?



Unregistered NDIS providers are in the firing line – but lots of participants have good reasons for using them

By **Helen Dickinson, Raelene West and Sophie Yates.**
Published online December 15, 2022 by **The Conversation**

There has been a lot of debate recently about the quality, safety and cost of National Disability Insurance Scheme (NDIS) services. Some of it relates to the types of providers people purchase services from.

Some NDIS service providers are registered with the NDIS Quality and Safeguards Commission. To be registered, service providers must undertake compliance and auditing processes, which can be time-consuming and expensive. Some providers choose not to do this.

All NDIS participants can purchase supports from registered providers, but some (those who are self-managed or plan-managed, rather than NDIS-managed) can also buy services from providers who are unregistered. Around two-fifths of NDIS spending goes to unregistered providers. Unregistered providers tend to be smaller operators than registered providers, and more numerous. For NDIS participants who are plan-managed, only 10% of their providers are registered but they represent 60% of payments.

We interviewed 30 NDIS participants and plan nominees who use unregistered providers, to find out why they do so. What is different about their experiences with this type of provider? And what do they see as some of the benefits of using unregistered providers?

The types of services used

We recruited interviewees of different ages and genders from around Australia via social media with the help of disability advocates and community organisations.

Interview participants purchased four main types of services or supports from unregistered providers (also called non-registered providers). Each comes with its own considerations for risk, quality and safety.

1. Consumables

Purchasing basic pieces of access equipment, medical supplies and assistive technologies from unregistered providers often represented significant cost savings and reduced delays, with no difference in the quality.

2. Household services

Participants did not experience discrimination or an elevated sense of risk in the delivery of non-disability household services such as cleaning or gardening services delivered by unregistered providers. They liked the option of being able to use local and small businesses and said this helped them feel more connected to the community. There were often cost savings and improved service quality.

3. Allied health and other therapies

While many allied health providers and therapists such as occupational therapists, physiotherapists and psychologists are not NDIS-registered, these providers typically hold

registration or accreditation with appropriate professional bodies. Interviewees generally felt NDIS registration would not provide greater safety or quality.

4. Support workers

Unregistered support workers can be employed as sole contractors (such as via online platforms), through a provider who is unregistered, or through direct employment. This category of supports is arguably the most controversial in discussions about registration given some of these supports involve personal care often delivered in domestic contexts.

Some groups have expressed concern unregistered support workers might increase risk for participants and workers as they are less closely regulated. The argument has been made this might increase potential for abuse and exploitation of both participants and workers, although some recent and shocking cases of abuse have involved registered providers.

But for many of our participants, using unregistered support workers equated to more flexible shift times, increased choice of workers, greater consistency with workers, and the ability to set worker wages. They said it meant they could move away from “agency rule book” limitations, and they felt more empowered within the support interaction.

Several participants told us they’d had negative experiences with support workers from registered agencies. They spoke of high staff turnover and “just anyone” being sent for shifts. They described feeling safer and better supported when they chose their own support workers through unregistered pathways.

Unregistered providers are sometimes the only option

Some NDIS participants find it not only desirable to purchase services from unregistered providers, but essential.

Interviewees described push factors (reasons they preferred to avoid registered providers) and pull factors (reasons they preferred or required the services of unregistered providers).

Push factors included negative experiences with or perceptions of registered providers. These often related to services they had received in the “bad old days” of pre-NDIS block-funded services, where they had little or no choice in service provision and coordinators acted as gatekeepers. Interviewees described bad behaviour by some registered providers, incompatible “deficit” culture (where people with disability are framed around what they can’t do, not what they can), invasive scrutiny of their lives, inflexibility, “price gouging”, and distrust of large organisations.

Pull factors included perceptions of better, more person-centred service, flexibility, innovation, choice, empowerment, social inclusion, and improved cost-effectiveness associated with using unregistered providers. Contrary to public perception, many of the participants we spoke to said using unregistered providers allowed them to be more cost-savvy with purchases.

But some interviewees reported having to do work to support some unregistered workers with things such as getting an ABN, invoicing, insurance, and tax and superannuation obligations.

‘Thin markets’

“Thin markets” also contribute to these decisions. A lack of providers, long waiting lists, or a lack of registered providers with the required expertise meant interviewees often had no choice but to use unregistered providers.

The supply of support workers has also been affected by COVID and related policy responses, as well as some people are leaving disability care to work in aged care. Using unregistered support workers helps increase the pool of available staff.

Upset at the thought of losing unregistered services

The participants we interviewed had concerns about what would happen if they were only allowed to use registered providers.

Nearly everyone mentioned inconvenience or hassle, but there were far stronger reactions too. "It would be absolutely devastating," a participant we'll call Davina* said.

"I'd lose everything," said Harriet, while Kim said she would "be extremely upset". Gabrielle predicted "it would be chaos". Yasmin said the thought make her "feel sick in my stomach" and Owen got "anxious just thinking about it".

Choice and control

Ultimately, the ability to use unregistered providers is about exercising choice and control through the NDIS. In light of this, we've set out the implications and some possible ways to preserve two kinds of providers in the disability service market. This affords NDIS participants the "dignity of risk" in choosing freely between registered and unregistered providers.

Our findings indicate both clients and providers may need support to navigate the unregistered provider space. We suggest helping NDIS participants and providers to understand their options, legal rights and obligations.

For NDIS participants this would mean they get a clear sense of what they should expect in terms of quality and safe services and how to speak out if they feel something is wrong. This would be of benefit not just in using unregistered providers, but also registered providers. For providers and workers, building capacity would give them a better sense of their responsibilities and the processes for delivering effective services, and help guard against exploitation.

Indeed, capacity development of NDIS participants is likely to have positive implications far beyond the unregistered provider space. It would work towards continuous improvements and benefits across the entire scheme.

Without Indigenous leadership, attempts to stop the tide of destruction against nature will fail

By Zsofia Korosy, Anthony Burke, Daniel Robinson, **Katie Moon**, Margaret Raven and Michelle Lim.

Published online December 14, 2022 by **The Conversation**

At the crucial COP15 nature summit in Canada, almost 200 countries are reckoning with the world's extraordinary loss of the variety of life. Climate change, mining, urban development and more are threatening Earth's biodiversity to an extent never before witnessed in human history.

The conference will see countries negotiate a global 2030 plan, called the Global Biodiversity Framework, to set worldwide targets for a range of issues, from establishing national parks to habitat destruction. The framework will hopefully be delivered by next Monday (19 December).

But so far, the draft text is lacking a fundamental element: adequate inclusion of language and perspectives from Indigenous peoples and local communities. Without Indigenous and local community leadership, any biodiversity targets will remain out of reach.

Despite comprising less than 5% of the global population, Indigenous peoples protect an estimated 80% of global biodiversity. Yet, the capacity of Indigenous peoples and local communities to continue to exercise this stewardship is being actively eroded across the world. Issues of power and inclusion in the current draft framework must therefore be resolved.

Indigenous and local community leadership is critical

Indigenous land management delivers better outcomes for biodiversity – the fabric of life on Earth.

Indigenous peoples influence management of more than a quarter of land on Earth. Indigenous lands account for at least 40% of global protected lands. And an estimated 80% of global biodiversity is on lands owned, occupied or used by Indigenous peoples.

A 2019 study involving Australia, Brazil and Canada found total numbers of birds, mammals, amphibians and reptiles were highest on lands managed or co-managed by Indigenous communities.

Another study last year looked at tropical forests in Africa, central and South America and the Asia Pacific region. It found deforestation rates on Indigenous lands were between 17 and 26% lower on average, compared to unprotected tropical forests worldwide.

Yet, maintaining and expanding Indigenous forms of land management is threatened by other interests, such as mining, transport, energy production and distribution, and commodity production.

The former Bolsonaro administration's attacks on Indigenous rights in Brazil is a clear example. There, the combination of human rights violations and unsustainable extraction led to murders, cultural erosion, and degradation of forest ecosystems.

Meanwhile, in the Pacific Islands, climate change reduces the capacity of local people to care for their ecosystems and threatens their livelihoods. For example, warming waters due to climate change will alter the breeding patterns and habitats of many coastal fish species.

Indigenous and local knowledge is key to ensuring the resilience of marine ecosystems in the Pacific in the face of global environmental change.

Resolving issues of power and inclusion

The Global Biodiversity Framework is important because, if concluded, it will set more than 20 worldwide targets for biodiversity.

One key target being negotiated is to protect 30% of land and sea by 2030, commonly referred to as the 30x30 Initiative.

Another addresses inclusion and participation, particularly as it relates to Indigenous peoples and local communities. This target exists thanks to efforts of the International Indigenous Forum on Biodiversity.

But considerable disagreement still surrounds the language of targets such as these.

In negotiated text, square brackets are placed around words on which countries do not yet agree. Much of the current text of the framework remains in brackets.

As we enter the final week of negotiations, the extent of remaining disagreement is deeply concerning. There is a risk that, even if the framework is concluded, it will include, at best, heavily watered down targets.

Indigenous representatives have raised significant concerns about the lack of language and perspectives of Indigenous peoples and local communities in the framework's draft text.

The International Indigenous Forum on Biodiversity highlights issues with the negotiation process as well as the text itself.

For example, the 30x30 Initiative aims to use area-based conservation measures, such as protected areas or parks. Many Indigenous people are concerned about how this target could affect their rights.

Indigenous people worldwide have experienced exclusion from their ancestral homes, often in the name of "conservation" or under the guise of "wilderness". The rationale is that it's necessary to remove people and their practices to protect land and seascapes rich with diverse life.

For example, in South East Asia the traditional farming method of swidden cultivation has been banned or disincentivised as part of larger conservation programs, despite evidence that the practice supports livelihoods and ecosystem health.

Such exclusion of Indigenous people ignores their important roles over millenia securing and maintaining biodiversity over lands and seas for thousands of years.

The negotiation process makes it difficult for key voices to be heard. Large Ocean Island States of the Pacific – such as Fiji, Kiribati and Cook Islands – often have to negotiate as a bloc to ensure their voices and concerns are heard amid competing changes to framework text.

This is even more difficult for Indigenous peoples. During negotiations, countries speak first on which text they'd like amended. This ordering process means Indigenous peoples have two options.

One, they can work with countries to negotiate on their behalf. Or two, they have to wait until all countries have had their turn to speak.

Waiting for other countries to speak can take a long time, often leading well into the night before Indigenous peoples and observers can speak and texts are accepted (if there is agreement).

There are positive signs

Encouragingly, Indigenous participation and influence in global environmental agreements has increased over time.

There are also positive signs from the High Ambition Coalition for Nature and People – an intergovernmental group of more than 100 countries. This coalition has increasingly shifted its position to acknowledge the people who help conserve nature as the negotiations have progressed.

But Indigenous representation at these forums, including voting for preferred text, remains vital. And Indigenous people's rights must be reflected in the way targets are set. Different types of Indigenous conservation areas around the world must be recognised and, importantly, properly funded and resourced.

Also crucial is for all Pacific nations, including Australia and New Zealand, to ratify the Nagoya Protocol on Access and Benefit-sharing, which deals with the respect for and protection of Indigenous knowledge.

Unless rapid and transformative change occurs across societies and economies, we risk losing much of the variety of life. Indigenous leadership is fundamental to stop this from happening.

We should be proud of the NDIS, not fearful of costs

By **Helen Dickinson**.

Published online November 23, 2022 by **The Sydney Morning Herald**

If you have heard one thing about the NDIS recently it is probably about the scheme experiencing a “cost blow out”. But what you likely haven’t heard discussed are the benefits of the scheme. This one-sided conversation misses the bigger picture around why the NDIS is a worthwhile investment and why it is important we get the scheme right.

The NDIS was always designed under the assumption that the benefits of the scheme would significantly outweigh the costs. The scheme would support the independence and social and economic participation of people with significant and permanent disability by providing reasonable and necessary supports.

The NDIS was never designed to be a welfare scheme but an investment. It would support people with disability to have choice and control over their lives and in turn also make a significant contribution to the economy.

The NDIS now covers around 535,000 participants and is expected to cost \$35 billion this year. The scheme has been predicted to have an average forecast growth of 14 per cent a year over the next decade. This might mean the NDIS could eventually cost more than \$50 billion per year within four years and be more expensive than many other federal government social programs. Although as the NDIA’s Annual Financial Sustainability reports demonstrate, the scheme actuaries have consistently overestimated scheme costs so we may want to be wary with these estimates.

Money spent on the NDIS generates a number of direct and indirect economic impacts.

We can start with the jobs that the NDIS creates. Beyond the 11,500 in the public service, NDIA and contractors who help support the scheme, there are around 270,000 workers from around 20 occupations who have their employment directly linked to NDIS funding. Beyond these are many more who benefit indirectly from spending in the sector, such as in manufacturing of relevant goods and products.

People with disability have significantly lower workforce participation than those without disability. Around half of working age people with disability are employed compared to 80 per cent of those without disability. As has been pointed out by Australian of the Year Dylan Alcott, amongst others, this is a large untapped potential workforce.

The NDIS has a role in supporting participants around employment goals. By providing support with daily activities, physical assistance and personal care, NDIS participants can find and maintain paid work. This might involve helping to purchase new assistive technology like a wheelchair, prosthetic or equipment to help people who are visually impaired to navigate independently. For some people with disability a lack of these aids means it can be difficult or even dangerous to leave the house.

The NDIS can help to pay for needed therapies, such as physiotherapy or speech therapies to help engage in daily activities. It might involve engaging support workers to help with daily needs such as personal care, cleaning or food preparation. The NDIS should play a role in levelling up the field and helping to give people with disability the same opportunities as those without.

Supporting NDIS participants to engage in work generates taxable income for the economy, but there is also evidence to suggest that being in good-quality work can have positive implications for broader individual health and wellbeing, which could lead to reductions in spending in other areas of government, such as health.

The government recognises that there is more to do to support NDIS participants in work. According to current figures, 23 percent of working-age NDIS participants report being in a paid job for two years or more. But one of the challenges for the NDIS is that it can't achieve everything alone. NDIS funding can help to support people with disability in work, but it can't change views of employers who might discriminate against disabled people.

The NDIS can also help sustaining employment of carers and family members. With the establishment of the NDIS a significant number of unpaid carers have been able to re-enter the workforce. For example, between 2016 and 2020 we saw nearly a 10 per cent increase in employment for carers of 0-14-year-old NDIS participants. Caring roles are highly gendered, with women making up nearly three-quarters of carers. Providing supports so that carers can take on paid employment will also have an important impact on gender equity in the broader workforce.

Spending on the NDIS has an impact on participants, workers and families but also radiates through other areas of the economy. Last year Per Capita tried to bring together the various types of economic impact that the NDIS has and estimates that for every dollar spent on the NDIS, \$2.25 is returned to the economy. They argue that under-investing in the NDIS may lead to a significant reduction in jobs and ultimately Australia's GDP.

People with disability are parents, friends, active members of the community who contribute to our society in myriad ways. As a society we should be proud that we have such a world-leading scheme that supports people with disability to be full members of Australian society.

The federal government has brought forward the NDIS review seeking to explore how we can make the scheme operate more effectively. No doubt there will be discussions of the affordability and sustainability of the scheme as part of this process. Hopefully we can also hear some discussion of the many benefits of the NDIS and not just the costs.

Smashing the barriers faced by female public sector leaders

By **Sue Williamson**.

Published online November 23, 2022 by **The Mandarin**

This year I interviewed dozens of senior women public servants about their career aspirations. My findings shed light on the barriers women still experience to becoming senior leaders, and how these can be overcome.

Australia's public sector is female-dominated, yet parity in the most senior leadership cohort is elusive. In 2021, women made up 60.2% of employees in the Australian Public Service but only comprised 44.6% of the most senior levels of senior executive service bands 2 and 3.

Statistics from state governments generally tell a similar story. While the number of women in leadership positions has been increasing, why has parity at the most senior levels not yet been achieved?

A wealth of research has examined the barriers to women attaining leadership positions in the public sector, including the most senior roles. These barriers include a lack of career development, difficulties integrating work and caring responsibilities, leadership cultures that exclude women and unconscious biases. Women's lack of networking and access to senior decision-makers also contribute to the gender gap in leadership.

My research shows that while networking is crucial, exposure is just as important to enable women to progress to the most senior levels. About half of the women I interviewed wanted to progress; all had encountered some barriers. Two barriers were prominent: a lack of exposure to leaders and imposter syndrome.

Barrier 1: Lack of exposure

Over the years, my colleagues and I have examined how the merit principle is applied in the public sector, and how 'merit' is accrued and assessed. My recent research shows that exposure is equated with being meritorious. In other words, being seen equals being competent. Exposure can therefore affect promotion opportunities.

Women leaders need exposure so that their work is known and they're talked about favourably by senior leaders. However, exposure isn't equally available to all. It's more difficult to gain exposure in a line agency and female-dominated areas, such as human resources and corporate, tend to provide fewer exposure opportunities for women. Exposure comes through undertaking high-profile work, such as that involving a whole-of-government approach.

Sponsorship of women can rectify this situation somewhat. Requiring agency heads to report against KPIs and targets that measure how they have sponsored women can assist in overcoming women's lack of exposure and visibility.

Additionally, formal and informal mobility programs have been shown to be a good form of career development, including for women. Moving around the public sector can increase visibility and exposure. However, interviewees told me that mobility was limited and sometimes difficult.

As with other industries, occupational segregation is endemic in the public sector, where women predominate in the 'soft' or enabling areas of agencies. Once streamed into these areas, it can be difficult for women to move into other, higher-profile areas, such as policy.

Sponsorship and mobility programs rely on targeting individual women – they are a ‘fix the woman’ approach. Researchers, including me, have identified that for gender equality to progress, including increasing the number of women in leadership, organisations need to be ‘degendered’.

In other words, human resource practices and systems, ways of working, communicating and relating in the workplace need to be reconfigured not to be based on an ‘ideal’ worker model. This model assumes the ideal worker is male, without caring responsibilities and able to work long hours.

Flexible working arrangements, job redesign to increase flexibility, and breaking down occupational segregation can all help to dismantle the ideal worker model.

Barrier 2: Imposter syndrome

International research shows 75% of women executives in North America have experienced imposter syndrome. What I’ve found, however, is that imposter syndrome is compounded: some of the women interviewees believed they were ‘lucky’ to have secured their senior position.

Others have also noted that women are more likely than men to attribute career success to ‘luck’ or being ‘in the right place at the right time’. This undermines their achievements and further indicates that women have doubts about their worth and may not believe they are meritorious. It’s also an internalised form of sexism – women consider they’re less meritorious than men and are, therefore, ‘lucky’ when they secure a coveted, senior position.

Traditional methods to alleviate imposter syndrome target individuals, including increasing women’s confidence through sending them on courses. Appropriately recognising women’s performance would go some way towards overcoming imposter syndrome. Researchers, however, have also found that even when women perform better than men, their performance and potential are underrated.

A systemic approach would see imposter syndrome overcome through inclusive workplace cultures that embrace a range of leadership styles – not those traditionally associated with ‘masculine’ leadership. Inclusive leadership training at all levels can assist in this endeavour.

These solutions adopt a ‘bottom-up’ approach by focusing on individual women and preparing them to move upwards. A ‘top-down’ approach is also needed. This goes to the issue of whether appointing more women to senior roles has a ‘trickle-down’ effect that can increase the number of women at the feeder level to senior levels.

Research has found that the trickle-down effect works in the public sector. It’s most effective within the first two years of appointing women to senior roles. Researchers have found that a 10% increase in women public sector executives led to a 5% increase in women in the executive feeder group. This impact held until women made up 45% of executives.

The data shows that women are progressing through the leadership ranks in the public sector. Stubborn barriers remain, however, highlighting the shifting contours of gender inequality.

A systemic approach to progressing women in leadership offers the best way forward, with a focus on both bottom-up and top-down strategies.

The budget sounded warnings of an NDIS 'blow out' – but also set aside funds to curb costs and boost productivity

By **Helen Dickinson** and Dennis Petrie.
Published online October 28, 2022 by **The Conversation**

In this week's federal budget the costs of the National Disability Insurance Scheme (NDIS) have been revised upwards, with average forecast growth of 14% a year over the next decade.

It looks like the NDIS could cost more than A\$50 billion per year within four years and could be more expensive than many other federal government social programs.

But provisions have been made in the budget to identify and reduce areas of spend and improve the value for money we are getting from the scheme.

What will the NDIS cost?

The objective of the scheme was to support the independence and social and economic participation of people with disability by providing "reasonable and necessary" supports. What is reasonable and necessary not only depends on the individual, but also on what barriers our society places in front of them.

The original 2011 estimates for the scheme were that the NDIS would cover 411,000 participants and cost \$13.6 billion per year. The total cost of the scheme for this year is expected to reach \$35 billion to cover 535,000 participants.

While some of this increase is due to rising costs (including pay rises awarded to social and community services employees), it is clear there are many more participants than was originally envisaged.

Spending to save

The budget has made provision for initiatives that should help rein in funding.

Within the budget, \$385 million has been added to funding for the National Disability Insurance Agency (NDIA, which administers the NDIS). These funds will be used in part to recruit 380 new staff.

NDIA staff numbers were originally planned to sit just under 11,000. But in 2014, the Abbott government imposed a staff cap of 3,000. Over the years since, the number of staff has gradually increased but still falls short. External labour hires have been used to fill the gaps.

There is also money in the budget to examine plan appeals. Since 2016, appeals against decisions made by the NDIA have risen by more than 700%. The legal costs are high for the NDIA, and the process can be very difficult and time-consuming for participants. Labor's new budget commits \$12.4 million to develop an expert review process to reduce the number of cases being heard by the Administrative Appeals Tribunal.

A new Fraud Fusion taskforce is budgeted to receive \$126.3 million to address issues of misuse of scheme funds. The Australian Criminal Intelligence Commission chief estimates as much as \$6 billion per year is being misused.

Finally, the budget commits \$18.1 million to the NDIS review, which has been brought forward by a year, to examine the design, operations and sustainability of the scheme.

Taken together, these funding commitments should help to address areas of the scheme where funding is not being used to appropriately support participants.

How do state and territory governments figure?

The NDIS is jointly funded by the federal government and Australia's states and territories. Under current arrangements, however, any scheme overspend beyond the initial agreements falls to the federal government.

The state and territory governments have a keen interest in making sure the NDIS works as it has implications for other services.

This interplay is seen where NDIS participants in state and territory-funded hospitals, who are medically ready for discharge, are unable to leave as appropriate services are not in place. The NDIS has launched a new plan to address discharge delays.

What states and territories do in terms of mainstream services also has important implications for the NDIS. The more barriers there are in accessing mainstream services (such as education or healthcare) for people with disability, the more reasonable and necessary supports are needed to overcome these barriers.

An 'oasis in the desert'

Shorten has suggested the NDIS is seeing larger numbers of people who have less complex disabilities and do not require 24/7 support. The scheme was designed to support people with permanent and significant disability.

One reason given for the high numbers entering the NDIS is there aren't alternative options for people with disability – including those who experience episodic disability, such as some kinds of psychosocial disability or neurodegenerative conditions like multiple sclerosis – to access services.

The NDIS has been described as the "oasis in the desert" as mainstream services have moved away from offering disability supports.

Making mainstream services more accessible and providing support to those on the edge of the scheme is crucial to a successful NDIS.

Not just a cost but an investment

While the costs of the NDIS are being spoken about widely in media coverage, what is often less acknowledged is that the NDIS is an investment scheme. We should be more concerned about whether we are getting the best returns we can from our investment.

One big driver of participant numbers has been children and young people with an autism diagnosis. This has been partly driven by the increased recognition that early supports for these young people can have large future benefits and reduce the supports they will need down the track.

The NDIS was designed with the view that supporting people with disability should not only allow people more control over their lives, but also support some participants and families to work, and this would mean they would contribute to the economy via taxable income. We are unlikely to be fully realising this potential yet, but these returns will likely continue to grow as the scheme improves.

NDIS funding employs more than 270,000 people and contributes indirectly to the employment of many more workers. It has been estimated that for every \$1 billion the NDIS is underfunded, there is a drop in around 10,200 jobs and a reduction in the national employment rate of 0.1%.

Last year, a report estimated that every dollar spent on the NDIS creates \$2.25 in the Australian economy. This means that when NDIS costs increase, the benefits to the economy also increase significantly.

Ultimately, there is no silver bullet in reforming the NDIS and curbing the costs of the scheme. But we do know where some of the issues are, and the budget has allocated investment to help tackle these.

How the scheme continues to grow depends not just on how it operates, but also on what is available outside the NDIS. We need to ensure people in the scheme are getting the most value they can out of the funds provided.



The government hopes private investors will help save nature. Here's how its scheme could fail

By **Megan C Evans** and Martine Maron.
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This week's federal budget reiterated the government's plan to establish a new scheme for encouraging private investment in conservation, called a biodiversity market (now, rebranded to a "nature repair" market).

A biodiversity market would see landholders granted certificates for restoring or managing local habitats. Landholders could then sell these certificates to, for instance, businesses.

But the effectiveness of such schemes overseas and in Australia can at best be described as mixed. Whether biodiversity markets can actually improve the dire trajectory of our native plants and animals depends heavily on two things:

1. whether they reward environmental stewardship, which delivers overall benefits for biodiversity or
2. whether they rely on the use of "offsets", and the loss of biodiversity elsewhere, to generate market demand.

Unfortunately, the government is sending mixed messages on this critical issue. Federal Environment Minister Tanya Plibersek has said while the market "is not designed to be an offset scheme", companies could still buy certificates to compensate for damage they cause to nature.

In submissions to the recent public consultation on the proposed market, we and other experts argued the scheme should explicitly rule out the use of certificates as compliance offsets for biodiversity damage. Here, we give three major reasons why this is important.

What sort of market?

The term "biodiversity market" refers to a range of approaches that can operate quite differently.

For example, "environmental stewardship schemes" reward land managers who benefit native ecosystems, such as by planting trees and restoring rivers.

"Biodiversity offset schemes" similarly offer financial incentives to land managers, but with a critical difference: on-ground work to benefit nature is used to offset, or compensate for, biodiversity losses elsewhere.

This means offsets don't usually result in overall improvements to nature, but rather maintain existing declines.

The government hopes voluntary private sector demand will drive this biodiversity market. This is because the government says it cannot afford the A\$1-2 billion a year needed to adequately protect Australia's natural environments and reverse biodiversity decline.

This sounds like a lot, but let's put \$1 billion into perspective.

It's about one-tenth of the public money spent every year subsidizing fossil fuel extraction in this country. It's about a fifth of the cost of cancelling the submarine contract with France.

And it's about a 25th of the annual cost of the stage three tax cuts promised in this week's federal budget.

It is completely unknown, however, whether businesses will want to voluntarily purchase enough biodiversity certificates purely for corporate social responsibility to make the market work.

On the other hand, allowing businesses to use the certificates for legally-required offsets now – or sometime in the future – will certainly generate more immediate market demand. But this would open up the market to a host of problems, and ultimately undermine its very purpose: to improve biodiversity.

Three reasons to rule out offsets

First, almost all biodiversity offsets in Australia are legally required as conditions of approving new developments, under environmental policies and laws. These policies have strict requirements – and for good reason.

For example, offsets must be “like for like”. In other words, the compensation must be for the same type of biodiversity as the loss.

Such like-for-like requirements limit the number of possible trades in a market, but are crucial to protect Australia's most threatened species. Otherwise, for instance, allowing replanted koala habitat to count as compensation for the loss of cassowary habitat simply means cassowaries are more likely to become extinct.

The problem is that biodiversity certificates will certify activities (such as tree planting or fencing), rather than specific outcomes (such as increased population size) for particular species or ecosystems.

So it's not clear how these certificates could be used to compensate for biodiversity losses in line with the national environmental law.

Second, the new biodiversity market is sold as a good news story: willing land managers creating benefits to nature that the private sector wants to support, to help turn around Australia's atrocious environmental record.

But in practice, offsets have never been a good news story, with scheme failure, misapplication and abuse regularly making headlines. Including offsets in the mix might scare off buyers and sellers.

Third, offsets are legal requirements, so a market that encourages a land manager to supply them achieves no additional benefit for the environment through that trade. It may become cheaper for businesses to acquit their current or future compliance obligations – but it would be a zero sum game for biodiversity.

A better way forward

The proposed biodiversity market is a central response to Australia's damning State of the Environment report earlier this year.

But previous government attempts to attract private investment to encourage biodiversity have fallen flat, so it would be wise to learn from these experiences.

A better way to stimulate market demand is for the federal government to make an initial public investment in protecting biodiversity to boost private sector confidence. The Queensland government did this in 2020, when it announced a \$500 million Land Restoration Fund.

Another source of risk is that the government proposes the Clean Energy Regulator would be responsible for the biodiversity market, as well as for Australia's carbon credit scheme. It seems wise to await the findings of the current independent review into Australia's carbon scheme before loading complex new responsibilities onto the carbon market regulator.

We argue that instead, the biodiversity market should be administered by a specialised regulator – such as the proposed new Environmental Protection Agency.

This market is not a silver bullet. It is also no substitute for adequate public investment or law reforms needed to stop nature declining in the first place.

But if it's carefully designed, with an initial investment from the federal government as a kick-start, a biodiversity market for genuine additional benefits to nature could prove its worth.



FOR MORE INFORMATION



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