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Sunday
Canberra Times

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Inside the fight to save the NDIS

Fierce opposition forced a major backdown on changes to the NDIS, writes DAN JERVIS-BARDY.

LINDA Reynolds' inbox started to fill soon after she was announced as the new minister for the National Disability Insurance Scheme on the afternoon of March 29.

Some 7500 participants, family members and supporters, aided by the grassroots campaign which had fought for the scheme's introduction, began bombarding the WA senator with a pointed emailed message.

We don't want independent assessments.

Reynolds was at the time still on medical leave, having been hospitalised amid intensifying scrutiny of her handling of the alleged rape of her former staffer Brittany Higgins in her Parliament House office in 2019. But the message was waiting for her when she returned to work.

Reynolds was, according to one of her Liberal colleagues, handed the portfolio just as the "bomb was about to explode".

The pressure from disability advocates, political opponents and, crucially, the states and territories, would only escalate as the former Defence minister attempted to push through reforms she inherited from her predecessor Stuart Robert.

Late on the afternoon of Friday, July 9, the bomb went off.

The controversial changes, which had been hyped as the only fix for a social security scheme careering out of control and tens of billions over budget, were reduced to rubble.

Independent assessments were dead and

wouldn't be resurrected. A raft of mooted legislative changes were shelved.

The Canberra Times has this week conducted almost a dozen interviews to help piece together the key events which led to the major government backdown; from the damaging internal leaks and interventions from prominent figures, to the co-ordinated grassroots campaign to pressure state ministers in the days before this month's crunch meeting.

'I had to kill it quickly'

The alarm bells started ringing for Craig Wallace about 12 months ago, when he and other disability rights activists caught wind of a tender calling for contractors to deliver a new system for assessing the functional capacity of NDIS participants.

The use of independent assessors was envisaged by the original designers of the scheme, had been trialled in 2018, and was recommended in certain cases in David Tune's major review in 2019.

But what the government planned - what Robert announced on August 28, 2020 - would go well beyond their recommendations.

The agency intended to subject current and prospective participants to mandatory independent assessments, using the same "toolbox" of tests for each regardless of their disability.

Participants would no longer have to source and pay for reports from their own doctors, creating what the government believed would be a fairer and more consistent system.

"I twigged and said, 'Oh shit'," Wallace said this week.

"This is something that could change the



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entire scheme from an entitlements scheme, where people get supports based on their individual goals and aspirations to a scheme where people get supports based on their condition and set personas. I knew I had to kill it quickly."

Wallace, and others, went public for the first time with stories of historic abuse at the hands people who didn't understand their conditions. The activists were prepared to stop at nothing.

"If we were prepared to crawl up ramps at NDIS offices during the plague - imagine what we would have done during an election," he said.

Leaks and revelations

As opposition from participants, supporters, academics and medical professionals started to coalesce and intensify, Robert and

his agency - led by boss Martin Hoffman - pressed on determinedly.

Just three days after public consultation on a highly complex and scheme-altering plan wrapped up, the agency announced it had appointed eight companies to deliver the independent assessments with contracts which could have netted them a combined \$339 million over three years.

Not only had the agency not given itself the time to consider 700-odd submission before appointing the panel, legislation needed to bring in the new regime has not been presented to parliament, let alone passed.

The second independent assessments trial was under way and wouldn't wrap up for months.

There was little indication Robert and Hoffman would relent or anything could halt their plan.

Key players in the fight believe that changed on March 26, when Nine newspapers revealed details of leaked draft legislation which hinted independent assessments were merely the tip of the iceberg.

Robert at the time dismissed the 300-page document as merely one of 70-odd drafts, never intended to see the light of day.

Early last week, after independent assessments had been dumped, the now employment minister acknowledged the damage that leak had caused.

"And that's very sad because what was leaked had nothing to do with what government was going to do," he said.

'We're not negotiating - it's all crap'

The leaks and revelations only became more frequent after Robert was replaced by Reynolds.

There was the one about the public servants who inserted a chapter in the Tune review advocating for independent assessments, and the internal memo revealing the agency had set up a dedicated taskforce to cut costs.

The damaging headlines didn't cease after Reynolds announced a "pause" on the rollout of independents assessment to allow for more consultation.

Labor's NDIS spokesman Bill Shorten seized on each leak - many of which came to him directly - to craft a narrative the Morrison government was plotting to destroy a scheme relied upon by 450,000 Australians and their families.

Shorten's campaign was significant, but not unexpected. He is a member of the opposition.

Less expected was the vocal criticisms from two other key public figures: former NDIS chairman Bruce Bonyhady and Liberal Senator Hollie Hughes, whose son has autism.

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The inside story of the campaign to kill NDIS overhaul

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'Nobody is putting me in a box'

Key figures point to the NDIS committee's public hearing at Parliament House on May 20 as a significant moment.

Seated in a wheelchair next to ACT Minister for Disability Emma Davidson, veteran disability advocate Dougie Herd delivered a powerful and deeply personal message.

"Very simply, nobody, *nobody* is putting me in a box and giving me a score," he said.

At the same hearing, Parkinson's disease sufferer Jeffrey Smart fought back tears as he described how he felt "offended and belittled" as his assessor ran him through questions which were not only inappropriate but irrelevant to his condition.

'An unsustainable trajectory'

Originally sold as a matter of fairness, equity and consistency, the government started talking openly about another justification for the sweeping reforms: cost.

The federal budget set aside almost \$30 billion for the 2023-24 financial year, some \$5 billion more than predictions made just seven months earlier.

That grew to \$60 billion by 2030, in a summarised version of the secret financial report which the government dropped six days before the crucial ministers meeting.

Reynolds wasn't naive to the challenge she faced trying to win support for the reforms - particularly in parliament.

But in her mind, there was no other option.

In the week before the crunch meeting in

which Reynolds planned to ask the states and territories to endorse her contentious plan, Davidson's inbox was inundated with more than 2560 "Help Save Our NDIS" emails.

The Greens minister believed that number would have been even higher had she not publicly declared her intention to oppose the plan.

Ahead of the the meeting, Reynolds published a report from the government's own NDIS advisory council which recommended independent assessments "in their current" form be abandoned.

The council and the agency also suggested major changes to the assessment model, which Reynolds hoped would be enough to win the support of the states.

It didn't work.

'We won't stop fighting'

The Canberra Times sought an interview with Reynolds for this article, but was told she was not available. The ministers agreed at the meeting to develop a new "person-centred" assessment model in consultation with the disability community.

El Gibbs, a spokesperson for Every Australian Counts, the grassroots campaign which help coordinate the email barrage after Reynolds' appointment and ahead of the ministers' meeting, said the government needed to work hard to rebuild the trust it had broken with the disability community. "The NDIS has to work well for every single person with disability who needs it," Gibbs said.

"We won't stop fighting until it does."