

The Potocnik Report 2015.

Submission to the Parliamentary Electoral Matters Committee by Matthew Potocnik;
8th July 2015. I am available to appear before the Committee.

I wish to thank the Parliamentary Electoral Matters Committee for inviting me to make this submission.

Section 1

INTRODUCTION

In 2014 I worked as the Education and Disability Engagement Officer for the Victorian Electoral Commission. I am an experienced individual, family and systemic advocate in the Disability Sector and have worked for "Advocacy in Disability in Ethnic Communities" (ADEC). I am an employee of the Department of Health and Human Services (DHHS) working in Disability Accommodation Services (DAS) and was the first Human Rights Ambassador in DAS. I am a key stakeholder in the 2006 Disability Act. I am the father of a severely intellectually and physically disabled boy aged 13. I have belonged to numerous disability-focused organizations including the Moreland Council Disability Advisory Group, Yooralla's Acacia Street Advisory Group and Disability Connections Victoria. I regularly engage with the Office of the Public Advocate, the Auditor General's Office, the Victorian Ombudsman and the Victorian Equal Opportunity and Human Rights Commission. I have contributed to the reform of the disability sector and been personally responsible for changes in service practice also strengthening incident registration and vicarious responsibility at Yooralla. I have been instrumental in ensuring the Victorian Ombudsman Inquiry into Abuse; Terms of Reference includes recording incidents.

It is my hope that all eligible citizens with disability, who require support, will in future be able to enroll and vote, and do so with legislative compliance and accountable service provision; where accountability is employed to ensure that human and civic rights are protected and individuals are adequately supported to participate in elections at a Local, State and Federal levels.

I am calling for an end to the abuse of people with disability via the denial of their democratic rights to vote; no longer should people with disability be overlooked by bureaucracy, the democratic process and elected Victorian and Federal governments.

OUTLINE OF RECOMMENDATIONS:

- (1) VEC - Disability workshops should continue and be provided and disseminated through Advocacy groups, Day Programs and Municipal Councils.
- (2) Additional VEC Education programs should be further developed in partnership between the VEC, Carers Victoria, Communication Rights Australia and other Government Departments.
- (3) A VEC Education program should be developed to parallel the 'Passport to Democracy' program but tailored to Victorian Special and Specialist Schools.
- (4) The development of automatic enrolment and/or registration (Smart Roll) for Victorians

who are in receipt of (a) National Disability Insurance Scheme (NDIS) funding, (b) an Individualized Support Plan (ISP) State funded by the DHHS and recorded on the Disability Services Register, (c) Disability Accommodation Services (DAS) in DHHS and Community Service Organizations (CSO's) and (d) those who are engaged via workshops and the specialized 'Passport to Democracy' program.

(5) The full time appointment of a VEC Officer employed to maintain the Smart Role database and the 4 main areas of automatic enrolment – (as specified in Recommendation 4)

(6) The VEC must be educated to the role and accountability of disability service providers and the VEC's duty to ensure whole of Government legislative compliance in accordance with disability reform provisions.

(7) The VEC must ensure delivery of supporting information and citizen enrolment as an essential part of their mandate; other Government Departments and Councils must also be required to co-operate and support the VEC in this regard and must co-operate in the provision of information needed by the VEC for this purpose.

(8) All the above processes should be subject to independent accountability and audit – so that Parliament is assured that all those willing and able to vote have been offered the support they need to do so.

Section 2

ESSENTIAL BACKGROUND

It is important to understand that from 1985 the Disability sector has changed enormously. In 1985 Victorians previously housed in institutions were moved into group homes called Community Residential Units (CRU's). These people have been supported via a Victorian State block funded arrangement.

Understanding reform and the how changes in the law have affected the rights of individuals living with disability takes time. Bureaucracy and government departments have not kept pace with community expectations and the changes and accountabilities required from service provision and the implementation of the Human Rights Charter of 2007 and the State Disability Act of 2006.

Fundamentally the greatest change has been in the dynamics between the Service Provider and the individual. Previously, a Service Provider would receive funding to provide services designed to support individuals. Today, individuals with disability receive funding to purchase support enabling them to participate actively in a society that seeks to be inclusive of the rights of all citizens.

- The first model of individualized funding was called the ISP (Individualized Support Plan). This idea was developed in England by Simon Duffy. In 2012, 400 ISP's were provided and in 2014, 14,000 ISP's were provided; however the level of funding differs for each individual, depending of the level of support they require. While the concept of individualized support has been successful, funding sustainability has been a huge challenge.

- It is important to recognize the magnitude of the supports and funding needed. There are one million Victorians – or 18.4% of the population – with some form of disability. The Australian Bureau of Statistics reports that over 338 000 Victorians have a ‘profound’ or ‘severe’ disability. There are currently 296 organizations funded to deliver disability services. This covers both provision by the Victorian Government, and Community Service Organizations (CSOs) with funding from the Victorian Government. The DHHS reports a provision of 5,041 community-based shared accommodation beds in CRU’s.

Hence, the introduction of trials for the National Disability Insurance Scheme (NDIS) was implemented in each State and currently has 11,500 individuals nationally, in receipt of NDIS funding.

Currently in Victoria there are 3 main ways people with disability are funded and supported:

1. “Disability Accommodation Services, (DAS)”.

This service provides supported accommodation in (CRU’s) to people with disability. It is State funded, via the Department of Health and Human Services, (DHHS); previous to 2015 called the Department of Human Services, (DHS). This Department also provides Community Service Organizations (CSOs) with funding to provide supported accommodation.

As government and government funded organizations these service providers must conform by law to government legislation in their service provision and this includes compliance with the Victorian Human Rights Charter and the 2006 Disability Act, amongst other laws. These residents are currently block funded by the State Government. They are regulated by government and “**Duty of Care,**” subject to “Whole of Government legislative compliance” and for the purpose of this submission this refers to government funded service provision supporting individuals and their rights in accordance with all government legislation. **This includes participating in the electoral process;** failure to do so is a breach of Human and Civic rights and civic obligation and if unaccountable constitutes individual and systemic abuse.

2. “Unsupported disabled and the ISP group”

Most other people with disability fit into group 2. “Unsupported disabled and the ISP group” - the broader community - where services are either non-existent or **State funded** ISP’s. Hence some people may receive some funding and others may not. These individuals are not supported in DAS and live in the community; or with a guardian or their family. Those with funding have not been resourced with funds specifically to support them to participate in the electoral process. Unless this changes before the next election it is unlikely these people will be voting. While 5,500 people live in **DAS**, this is only 7% of the people living in Victoria who have severe disability; hence 93% live in the community. There are more than 14,000 people are supported by ISP’s in Victoria.

3. "NDIS recipients"

People who are participants in the NDIS trial sites nationally are group 3. NDIS recipients' are **Federally funded**. It is also important that this group receives specific funding via the NDIS to exercise their right to vote.

ISSUES OF CONCERN

The critical issue is that the VEC does not have database information for any of these three groups, who are in receipt of State or Federal funding. This arrangement means there is a lack of accountability for the rights of individuals and their participation in the democratic process. This is a disgrace and a serious undermining of Australia's' democracy.

The NDIS is to be launched nationally on the 1st of July 2016, the year of the Federal election. By 2020 it is expected that 420,000 people will be in receipt of funding, at a cost of \$20 billion per annum and service delivery will be via an additional 89,000 workers, nationally.

At the Victorian Electoral Commission in 2014 in the capacity as the Education and Disability Engagement Officer I developed and delivered a Project though Disability Accommodation Services, in CRU's. Both DHS and CSO's took part.

The project became totally marginalized when the VEC was unable to get from DHS an email/address list of DHS/CSO CRUs to ensure accountability and implementation to individuals in supported accommodation. It is important to note that HACSU Union has this list.

Residents have good reason to vote, as they need and are entitled to parliamentary representation. The DHS attempted to increase the cost of supported accommodation for residents in care. About 6,500 people signed a petition and Villamanta Legal Services managed to get permission to have the case heard at VCAT. Subsequently DHS dropped the rate increase. However under the Liberal Government a Bill was put forward to prevent this from happening again. The Bill ruled that residents couldn't have complaints heard at VCAT, (lawful discrimination) – however the Bill was not passed.

It was imperative for these people to be supported to exercise their civic obligation and Human Rights via **their democratic** process; DHS failed to ensure "**Duty of Care**" and the VEC failed its mandate and failed to secure accountability of the rights of eligible citizens.

Since 2010 the VEC has had processes available to it under the Electoral Act 2002 to directly enroll eligible citizens. Victorian citizens are automatically notified if they change rental properties to another electorate either via the rental register or by the change of their address on their vehicle license (This is called "Smart Role"). Students are notified when they turn 17 that they need to enroll to vote in the Victorian State election. No provision is available to use this "Smart Role" for people with disability and yet central funding and government registers exist. Excluding people with disability from this direct enrolment process neglects the rights of people with disability.

Despite the fact that the VEC Commissioner wrote to DHS pointing out why DHS and the VEC need to share information, DHS refused to co-operate by providing the required information. It is important to understand that abuse happens in the disability sector often from the top down and in this case the failure of the VEC to use its powers under the Electoral Act meant that the VEC abdicated its responsibility at the expense of people living in government funded and/or supported services. The VEC did not comply with the democratic process or its own mandate.

This perspective was very obvious at a forum at the Rydges Hotel on Bell Street in August 2014, where Colleen Hartland MP, Jenny Mikakos MP and Andrea Coote MP presented their respective party policies. A woman stood up and addressed Andrea Coote and asked, "why would I; ever, ever, ever vote Liberal again?"

Whole of government policy to support people with disability in exercising their right to vote failed at the Victorian State election, in 2014. Out of about 5,500 people in supported accommodation across the State only about 54 enrolled and/or voted. This constitutes huge systemic abuse. It highlights the fact that whole of Government legislation needs to be accountable and implemented properly at the Direct Care level in order to deliver support and Duty of Care to individuals living with disability.

The question is whether the Victorian Electoral Commission is capable of ensuring the rights of citizens and accountability for the electoral process? Are Victorians and Australians with disability going to be able to support the national roll out of the NDIS in 2016 through to 2020 by participating in the State and Federal elections?

While there is accountability for mainstream citizens and there are consequence for them for not voting after being automatically registered including being fined, there is no comparable accountable government process in relation to people living with disability. This is a discrimination of service that is being exploited, at the expense of the rights, of people with disability.

Refer to the attachments, and to the Recommendations for further evidence of our government departments and the National Disability Insurance Agency's awareness of this abuse.

Section 3

RECOMMENDATION: (1) VEC - Disability workshops should continue and be provided and disseminated through Advocacy groups, Day Programs and coordinated and presented at Municipal Councils.

It is important that the VEC works broadly with all Service Providers and interfaces with Municipal Councils, where education sessions should also be available to parents who have dependents (*dependent - for the purpose of this submission is a person with disability who is*

the child of their parent, 18 year of age or older), especially those who are not in receipt of funding.

I also received feed back from workshops, where parents telephoned me with concerns around their dependent voting. It was apparent to me that the work of the VEC needs to extend to the broader community.

I was initially surprised that some parents didn't want their dependent to vote. I remember the two dependents, in the examples, and, in my opinion as a qualified Disability Support Officer, both were of decision-making ability. The fellow who became very excited even knew the names of some of the politicians.

Two further examples were:

- A mother told me. "My son was extremely excited about voting when he got home. It will take us at least two days to de-escalate him. We have told him he is not voting and he doesn't have to. We weren't aware that he was having a presentation about voting. It is too difficult and he gets too excited and he will ask me who do I vote for?"
- A widower and war veteran aged in his 80's, told me. "My daughter is in her 50's and she has never voted before. I don't think she needs to start now; and it's a big effort to go through. Will she get fined if she doesn't vote, or is it ok?"

There were six common reasons for parents not to have their dependent vote. It is important to note, neither of these parents believed that their dependent was incapable of, decision-making ability. In both examples I asked if they had supports.

- (i) My dependent would vote the same as me.
- (ii) It is too difficult.
- (iii) It is too much to put my dependent through.
- (iv) It won't make any difference.
- (v) My dependent won't get fined.
- (vi) We do not have supports

RECOMMENDATION: (2) Additional VEC Education programs should be further developed in partnership at the VEC with Carers Victoria and Communication Rights Australia and other Government Departments (As a suggestion the Education Department).

While working on the "Voting is for Everyone 2014", project it occurred to me that approximately 93% of Victorians with disability do not live in supported accommodation, but at home with their parents or guardian.

*(Refer to **Section 2** and statistics and the number of people living with disability in Victoria.)*

I began to extend contacts and initiated processes to strengthen accountability and voting for people with disability in two foundational areas, which the Victorian Electoral Commission acknowledged but ignored. I was asked me to cease communications with, Carers Victoria.

I also ceased work on aided communication through Communication Rights Australia.
(Refer to correspondence attached Communication Rights Australia.)

I developed relations with Carers Victoria. I was told that they were re-evaluating their education program. I mentioned this to [REDACTED] "Terrific it is the perfect time." I engaged with Carers Victoria and made a time to meet with their Education Development person, at the VEC. [REDACTED] [REDACTED] told me to cancel the meeting and communications with Carers Victoria. I informed her of the possibilities and the importance of the timing, however I was chastised and asked to do as I was told. I sent a final email and cancelled the meeting. This was unsatisfactory, undermined my role at the VEC and caused me great personal distress. *I do not have reference for Carers Victoria. I communicated with their education development officer and sent an outline of areas to be developed to Carers Victoria, from the VEC.*

Government Departments need to amend their strategies well before the next election to ensure that people living in DAS are supported to vote and that accountably is implemented.

The VEC needs to develop broader community based programs in conjunction with suitable community based organization, capable of supporting educational rollouts to the broader disability sector. (I would suggest Carers Victoria and or AMIDA and Communication Rights Australia.)

RECOMMENDATION: (3) A VEC Education program should be developed to parallel the 'Passport to Democracy' program but tailored to Victorian Special and Specialist Schools.

I spoke with a teacher from a Melbourne Specialist school who implemented the VEC's Passport to Democracy program with senior students who live with severe disability. They travelled and voted at an Early Voting Center. I was told how much they enjoyed the experience of voting. However; the teacher told me, the other teachers involved felt guilty and wondered whether they did the right thing, knowing that these students mightn't ever be given the same level of support, to vote again.

It is service discrimination that the "Passport to Democracy" program was not developed to meet the needs of teachers and students who attend Victorian Special and Specialist schools.

A provision of support to vote should be included in the development of (ISP's) and NDIS funded plans for individuals who have disability and are eligible to vote. For individuals already in receipt of an ISP or NDIS funded plans their funding will need to be reviewed. Assessment of support provision should be made available via a suitable organization, for example, Communication Rights Australia. This may be incorporated in the Special and Specialist schools under the Education Department, or in conjunction with the development of a 'Passport to Democracy' program.

(Refer to correspondence attached Communication Rights Australia, and To chair@ndis.)

(Refer to AMIDA Submission)

Because people with disability often are in special school and day centers they miss out on the training and information about voting that other young people receive as they approach 18. Services are reluctant to train and support people in day services and residential services so these citizens are often not being registered or encouraged to vote. A concerted effort to reach out to citizens with disability should include training and information on voting and support available to demystify this process and move it out of the "too hard" basket.

RECOMMENDATION (4) The development of automatic enrolment and/or registration (Smart Roll) for Victorians who are in receipt of (a) National Disability Insurance Scheme (NDIS) funding, (b) an Individualized Support Plan (ISP) State funded by the DHHS and recorded on the Disability Services Register, (c) Disability Accommodation Services (DAS) in DHHS and Community Service Organizations (CSO's) and (d) those who are engaged via workshops and the specialized 'Passport to Democracy' program.

(Refer to Recommendation 7)

The meeting with Alexandra Gunning Director of Engagement at Barwon for the NDIS in February 2014 VALID, "HAVE A SAY Conference".

*(Refer to **Section 2, Section 5** – Smart Role Service discrimination, and correspondence attached to NDSA Chair)*

RECOMMENDATIONS: (5) The full time appointment of a VEC Officer employed to maintain the Smart Role database and the 4 main areas of automatic enrolment – (as specified in Recommendation (4)

While there is accountability for mainstream citizens and consequence for not voting (being automatically registered and being fined for not voting), there is discrimination in this process relative to people living with disability. This accountability cannot reasonably be enforced unless the person with disability is resourced with funded support, specifically to support them in the electoral process.

I wish to bring to the attention of the Parliamentary Electoral Matters Committee that the National Disability Insurance Scheme and its recipients who are, eligible to vote and in receipt of services/support/funding to comply with electoral legislation, should be contacted by the Australian Electoral Commission and advised of their lawful obligation to enroll and vote in the 2016 Federal Elections. This was brought to the attention of the Victorian Electoral Commission but they ignored it despite my repeated attempts and advice that by omission they are abusing individuals and their human rights and their political rights.

(Refer to Recommendation 7)

The meeting with Alexandra Gunning Director of Engagement at Barwon for the NDIS in February 2014 VALID, "HAVE A SAY Conference".

(Refer to AMIDA Submission)

We urge you to make "inclusion of people with a disability, particularly those residing in government funded and regulated group homes and residential services or attending day services" part of the investigation you are conducting into the Victorian 2014 State election.

RECOMMENDATION: (6) The VEC must be educated to the role and accountability of disability service providers and the VEC's duty to ensure whole of Government legislative compliance in alliance with disability reform provisions.

*(Refer to **Section 2**, Recommendation 7 and correspondence attached)*

RECOMMENDATION: (7) The VEC must ensure delivery of supporting information and citizen enrolment as an essential part of their mandate; other Government Departments and Councils must also be required to co-operate and support the VEC in this regard and must co-operate in the provision of information needed by the VEC for this purpose.

I encountered difficulties whenever I tried to secure information from Councils, government departments and organizations. Initially I was told that this is an issue of privacy. However under the Privacy legislation this information is not being disseminated or used in any personal context other than accountability to the legal requirement to be enrolled and vote. Privacy was not an issue and should not represent a barrier for accountability to the rights of citizens. It was pointed out to me that DHS who have a contact list of CRUs owns the list and therefore it is their right to refuse to provide it. It was the same basic situation when I tried to procure the Municipal Council listings to communicate and organize education sessions directly. As mentioned in **Section 5** the VEC needs to ensure that registration of individuals via a Smart Roll is used and hence individuals are not discriminated against in terms of automatic registration and or notification.

If we wish to have an inclusive society government departments, Councils and private service providers need to be open and transparent to the Smart Role process.

I met with Noble Tabe in 2010 at a Client Focus meeting in the capacity as a Disability Support Officer, compliant and legally bound by the Human Rights Charter 2007 and my "**Duty of Care**" to the clients to ensure their human rights are being met; I asked about voting for the clients in DAS, I was told, "we must not be seen, to be, leading them Matthew". Noble Tabe was the person we met with in 2014 who refused to provide the list of CRU contacts required for the "Voting is for Everyone" – project. The meeting was arranged after I wrote the letter for the Commissioner requesting the required information from DHS, via Gill Callister.

I also spoke with Kate Jenkins the Commissioner of the Victorian Equal Opportunity and Human Rights Commission (VEO&HRC). The VEO&HRC were the third partner to the "Voting is

for Everyone” project. I asked Kate, “how can I get the list?” Kate replied, “but you work for the VEC?” The VEO&HRC could not help, it is essential that the VEO&HRC is strengthened and better resourced.

In February 2014 I attended the VALID Festival in Geelong and spoke with Alexandra Gunning Director of Engagement Barwon for the NDIS. I spoke to her regarding registering people on the electoral roll, who have disability who qualify to receive services under the NDIS. Hence all people with disability in receipt of services under the National Disability Insurance Scheme will be on the electoral roll. Peoples’ voting eligibility is another issue and I sent an email to the Chair of the National Disability Insurance Agency extending to this concern, also. This should have been registered in the VEC, Communications and Education and Research Branch (CERB) fortnightly meeting in mid February 2014 and also recorded in the minutes for the first Committee Disability Meeting held at the VEC. At both meetings this was identified as foundational in terms of ensuring people with disabilities are not only supported to vote but are registered nationally. I believe the VEC also has a responsibility nationally, to citizens and candidates and to the Australian Electoral Commission to ensure the electoral roll is maintained and inclusive. This initiative was not followed up, I believed that the initiative would be actioned later in the year; it was not. Please see below the email I sent in July to the NDIA Chair, a personal contact sent from the VEC. I received no reply.

(Refer to correspondence attached, the letter To chair@ndis.)

(Refer to AMIDA Submission)

If the Victorian Electoral Commission, DHHS and its funded services are not found to be successful in including people with a disability living in group homes in the voting process then this needs to be established as a goal and remedial action recommended.

RECOMMENDATION: (8) All the above processes should be subject to independent accountability and audit – so that Parliament is assured that all those willing and able to vote have been offered the support they need to do so.

I was appalled at the lack of compliance by the Department of Human Services when engaging with the Victorian Electoral Commission. I was equally appalled that the Victorian Electoral Commission did not use powers under the Electoral Act 2002 to obtain the information. The Department of Human Services must be held accountable for failing to support people to participate in the 2014 State election and failing to allow questions to be formulated by the VEC for the evaluation survey.

In DHS at house meetings there was no agenda or accountability from management to go through the kit provided by the Victorian Electoral Commission on how to support the residents through a variety of processes to help them participate in the electoral process.

In the survey that was suggested a questionnaire was provided but again the Department of Human Services refused to accept certain questions. An example of one of the questions was -

how many people living in the CRU are registered with unsound mind? It was important to ask this question and other questions to look at the realistic barriers that prevent people from voting who live with disability in supported accommodation. It is also essential that people with disability are supported to enroll or assessed/registered as not being eligible; otherwise they are being discriminated against and they are being abused in regard to their human rights, their civic obligation.

Every resident in Disability Accommodation Services has had a communication assessment. It is essential that as a disability service provider the Department of Human Services and Community Service Organizations support people with disability to participate in every day life, including voting and exercising their equality via this process. It is essential that residents are supported in disability accommodation services and are able, to the best of their ability, to exercise their civic obligation in helping to elect government.

It is now 30 years since the de-institutionalization of people with disability. With the rollout of the National Disability Insurance Scheme next July there will be \$20 billion spent nationally each year. We must recognize and support this minority and their human rights.

*Refer to **Section 2 and Section 4 and Section 5** and attached documents:*

Electoral plan to break voting barriers.pdf,

I WOULD LIKE TO VOTE.MOV – A video testimony from a resident living in DAS who didn't vote; but wants too.

Inquiry into the 2014 Vic state election AMIDA's submission.pdf

Kit cover letter to DHS CSO VEOHRC partnership

Section 4

Recommendations for the review of VEC – [REDACTED]

[REDACTED] Culturally integral community interface via supportive and aware management.

My experience in 2014 while working in the capacity as the Disability Engagement Officer for the Victorian Electoral Commission was dreadful. There was much discontent [REDACTED] [REDACTED] which stemmed from the inadequate understanding of community engagement, legislative requirements and their relation to the VEC's mandate. The lack of responsibility was profound. The accountability to the citizen and awareness of mutual responsibility of other government departments was simply not there!

[REDACTED] and myself, employed to deliver and develop mechanisms to further ensure that every eligible Victorian citizen participates in the Victorian State election. The evidence of this is most strongly reflected in the frequency of turn over of the educators employed to work with the Indigenous community.

When requesting to undertake the voting project in DAS, [REDACTED] I was told, we opted for a normalization process where organizations managed it. I responded by saying if it was a normalization process then everyone should have enrolled and voted.

[REDACTED] An example of this was the wording of the poster/planner I designed and the same wording under in the Commissioner's letter (see attached). This poster/planner and letter was distributed as part of a kit to all Disability Accommodation Services (DAS) and Community Service Organization (CSO) CRU's throughout Victoria approximately 5,500 people.

The wording stated, "Talk with residents about who wants to vote....." my point was that it is not who wants to vote but who can vote. I was also asked to outline how staff should determine which clients are capable of voting. [REDACTED]

[REDACTED] and I felt unqualified in a legal capacity to write such a statement. I asked for support from another employee who was very familiar with electoral legislation and process. After discussion I asked him, could you please email me what he just said? He replied no I'm not a lawyer. The statement used was inoffensive however it was difficult for me to write after the manager told me, "if they just look, they are not our target group". My son is severely disabled and communicates by looking, I told her. This is not a suitable way of defining a target group and a non-verbal person with quadriplegia, if assisted, would confirm this.

The VEC needs to amend its strategies and educate its managers well before the next election to ensure that people living with disability are accountable and fully supported to participate in the democratic process. Most fundamentally the VEC needs to establish a "Smart Role" database (with automatic enrolment) and employ a full time disability engagement officer to develop community education.

I spoke with the VEC Commissioner, Warwick Gately frequently and informed him directly regarding the VEC's position, its responsibility and the other issues including the NDIS relevance to the Victorian Disability sector, Villamanta's intervention representing residents of DAS and the Liberal Governments Bill denying people living in DAS the right to complain through VCAT. I further stated that if he cannot secure accountability for people living in DAS he is by default sacrificing the VEC's impartiality.

I was told that the failure of my project was not something I would be held accountable for. I was asked why do you think the results are so poor? I replied, because the Department of Human Services (DHS) is not accountable to the process. Also the VEC did not insist on getting the list of houses where people with disability are being supported, so that the implementation of the project was not made accountable. Hence there is no registration process that can support comprehensive enrolment for people with disability.

Eventually resulting in my contract being paid out, I contacted the newly appointed Labor Disability Minister, Martin Foley, whose portfolios include the role of Minister for Equality and asked for the list of CRU contacts. My email was sent to my branch manager and I agreed to conform to my contract being paid out. I take full responsibility for going above and outside the VEC. However, I am not the person accountable for the failure of the VEC's project and ensuring people in DAS vote.

Refer to all Recommendations including (8) All the above processes should be subject to accountability and audit – so that parliament is informed regarding dis-enfranchisement of individuals. This will help underpin our democratic process and the rights of all people living with disability.

Section 5

Necessary implementations, legal consequence and systemic abuse – The failure of Government Departments to comply with “Whole of Government legislation”.

If the Victorian Electoral Commission does not discharge its responsibilities to all citizens entitled to vote, then another agenda is taking precedence. Government must be vicariously accountable to Whole of Government Legislation and its' implementation to the grass roots. Otherwise, the result is abuse and failure of the VEC mandate (to ensure all eligible Victorians participate in the Victorian electoral process). The VEC was advised that government and government funded service provision is required to lawfully support the rights of individuals in their care and must be accountable in their Duty of Care. The VEC by failing to resist the refusal of the Department of Human Services to provide the necessary information to allow disabled people to be enrolled has sacrificed its impartiality at the expense of its citizens and their rights.

The VEC denied people living in DAS their voice in the election and failed to ensure co-operation of other government agencies such as DAS, hence, openly discriminated and abused thousands of Victorian/Australian Citizens.

This is also service discrimination. The VEC's failed to implement the “Smart Role” with Disability Services, the NDIA and DHS and has been negligent by not implementing processes to secure statistics as to the electoral participation, of people with disability, in the electoral and democratic process. The failure to develop the Smart Role has discriminated against people with disability. It has severely impacted on their participation in the electoral process and their opportunity to exercise their human and civic rights and their equality.

The Department of Human Services should have provided co-operation and the required information. The letter drafted by Matthew Potocnik and sent by the Commissioner Warwick Gately and was not given due consideration. The electoral kit was not practically implemented

as it had been designed. There was no accountability through DHS management or House Supervisors, to the grass roots, and no agendas were set in more than 900 houses across Victoria where residents were supposed to be engaged and informed of their rights and obligation as citizens. Furthermore the DHS refused to provide vital information to secure accountability and refused to have some questions surveyed; questions designed to profile the number of eligible citizens and identify barriers to help ensure their rights. This Project was also designed to profile the VEC future perspectives and the barriers in supporting people living with disability, in supported care.

(Refer to Section2)

(Refer to AMIDA Submission)

If the Victorian Electoral Commission, DHHS and its funded services are not found to be successful in including people with a disability living in group homes in the voting process then this needs to be established as a goal and remedial action recommended.

(Refer to VO to investigate disability abuse)

*'We also need to examine the effectiveness of those charged with oversight of the system – and to highlight areas where there may be no oversight at all. **It is particularly important as Victoria begins to roll out the National Disability Insurance Scheme that we have robust reporting and escalation processes in place, and that any gaps in oversight have been identified and addressed.** 'Looking to the future, the aging population and anticipated higher rates of disability may well mean an increase in the provision of these services. We all have a vested interest in ensuring that the human rights of people with disabilities are rigorously defended," Ms Glass said".*



