



**SUPPLEMENTARY SUBMISSION TO THE FAMILY & COMMUNITY DEVELOPMENT
COMMITTEE DISABILITY ABUSE INQUIRY**

ACCESS AND OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD

1. This supplementary submission is provided further to previously made submissions.
2. It requests the Committee to provide the writers, as members of the public, with the same opportunity as that given to entities and individuals who are funded through the public purse to present in person to the Committee as part of Stage 1 of the Committee's Inquiry.

Reasons why the Submission Writers should be heard

3. Stage 1 of the Inquiry is stated as considering "The strengths and weaknesses of Victoria's regulation of the disability service system with a view to informing Victoria's position on appropriate quality and safeguards for the National Disability Insurance Scheme." (NDIS)
4. Having attended all three sessions of the Committee's public hearings, the writers noted that, despite the requirement to focus on the above, little attention was given by the Committee to challenging the presenters on what might present as "weaknesses of Victoria's regulation of the disability service system".
5. Further, the writers also noted that only cursory attention was given to pursuing the matter of the individual presenter's view as to how the NDIS safeguards might best be provided.
6. Given points 3 and 4 above, the writers can only assume that those invited to present in person to the Committee had either made detailed comment in their written submissions of each of the matters, as in the strengths and weaknesses of the current system and how the NDIS might operate. Or, alternatively, the submissions as made by those individuals provided little by way of comment on these two matters.
7. Either way, the significant point to note is that all parties who did present in person at the three public presentations represented entities funded through the public purse.
8. Given the above, the writers therefore contend that if the Committee is to ensure a balanced view in relation to the two important matters of their inquiry, ie the strengths and weakness of Victoria's regulation of the disability service system, then it is reasonable to suggest that views should be sought from non-publicly funded individuals or entities.
9. Further to this, it is also critical to note that those from whom the Committee has so far heard essentially constitute key elements of the regulatory framework.
10. Therefore, in order for the Committee to be able to form a balanced view as to the strengths and weaknesses, the writers contend that it is essential that the Committee should also hear from those who experience the regulatory framework as end users.
11. In their original principal submission, the writers detailed their experience and involvement in the disability sector, noting that this has involved working directly with families and seeking to address matters, of a regulatory and process nature, with the Public Advocate, the Disability Services Commissioner, Community Visitors, the Ombudsman and the former

Department of Human Services (now subsumed into the Department of Health and Human Services). The writers submit they are very well placed to provide the Committee with another view to those who have already presented.

12. Indeed, as the Committee will be aware, in their principal submission the writers allocated considerable space to commenting on the strengths and weaknesses of Victoria's regulation of the disability system (pages 24 – 28 and Attachments J.1 to J.4 inclusive).
13. Further, also in their principal submission, they provided detailed commentary in relation to how protective measures may operate as a transition to the NDIS (pages 32-36 and Attachment J.5)
14. While it may well be argued by the Committee that the writers have already provided detailed comment from which they can clearly understand the writers' position on each of the two matters, the writers challenge any such view from two perspectives.
15. The first perspective is that of equal opportunity. This considers that those who were invited to present did make detailed written submissions and their submissions also addressed the matters in question. As such, given the public nature of presentations made to the Committee, the writers argue that not to be given the opportunity to present in Stage 1 and as relating to the two issues to be addressed by the Committee in this stage in effect constitutes a failure by the Committee to in effect provide equal opportunity to the writers as members of the public.
16. The second matter for consideration, and again emphasising that the writers have attended all three public hearing sessions, is that particular information presented by some of the presenters, who represent key elements of the regulatory framework, can be considered to be questionable.
17. Further, that other information provided by some of the presenters lacked specificity and in essence therefore failing to inform the Committee, particularly in relation to the weaknesses of Victoria's current regulatory framework, and in particular how it operates, as opposed to how the legislation demands that it operates.
18. As a summary statement, the writers contend in the strongest voice possible that the rhetoric surrounding Victoria's safeguarding system tends to represent a positive view, and highlights what is promoted by many as a strong system.
19. The reality that Victoria's system is not as strong as the rhetoric would have us believe is clearly evidenced in the establishment of this Inquiry in the first instance, the Ombudsman's investigation into abuse, neglect and violence, and the Senate inquiry into disability abuse.
20. The significance of the above is then directly related to the views being expressed in relation to future arrangements for the NDIS in terms of a safeguarding framework. In relation to this matter, many of those who have presented in person to the Committee have argued in some form the retention of functions undertaken by them as part of Victoria's system.
21. The writers submit to the Committee that simply because an individual or entity has a particular title, there is danger in perceiving that individual or entity as necessarily being totally objective when it comes to matters associated with their work or to necessarily have a mortgage on how the current system is operating and how the NDIS may operate in the future.

Concluding Comment

22. Therefore, the writers conclude by urging the Committee to provide the opportunity for members of the public, including the writers themselves and those families who have sought to be heard in person, to present in this first stage of the Committee's work.

23. The writers reject any suggestion that the potential to be heard in person should be held over until the Committee's second stage activities, particularly noting that the Committee is to provide an interim report to the Parliament on the matters designated for consideration in Stage 1.

Max Jackson
Partner
JacksonRyan Partners

Margaret Ryan
Partner
JacksonRyan Partners

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