

Submitted by Matthew Potocnik

Before I begin I think it's necessary for me to introduce myself and qualify this Parliamentary Committee and this Inquiry.

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 working in Disability Accommodation Services and last year I worked as the Disability Educator for the Victorian Electoral Commission. I am a key stakeholder in the 2006 Disability Act. I am the father of a severely intellectually and physically disabled boy who is 13 years old. I have witnessed staff client, physical, abuse; witnessed my son's abuse in emergency respite and counseled many families and individuals who have been subject to abuse. I do know what needs to change in our system and I do know how to change it.

In 2008 I put a submission into the inquiry regarding disability and supported care. The shadow minister on the Committee Mary Wooldridge later became Minister for disability.

Recommendations were made by the Committee to include medically trained staff in direct care. After our experience with our son staying in Yooralla respite we only use Very Special Kids, because their staff are trained nurses.

Few recommendations were implemented and despite my submission focusing on the appalling incident reporting process used as the standard for disability Accommodation services nothing was done.

I talked about the poor culture and about managements disregard for professionals working in direct care and their refusal to engage with them in order to improve services.

Most importantly, I was surprised at the audacity of the Committee and Department of Human Services in refusing to acknowledge consumer and community expectations and the fact that it is no longer acceptable behaviour for the Department of Human Services to dictate what it believes should be implemented.

Importantly recognise community demand for improved and accountable services in this Inquiry - no longer a closed shop and I am not leaving my son at the gate - WE expect quality.

As a professional working and living in the sector I expect be able to provide constructive input to help reform the disability sector – I expect to be, further, engaged by CEO's and invite them to request advise if required.

In my 2008 Parliamentary Submission; I even went as far to imply that if my son suffered abuse through any process in accommodation services and the issue wasn't reported it is

unconscionable.

I put in recommendations regarding an appropriate incident report system, with a colleague; while working at the Department of human services in disability accommodation services.

Our recommendations were not taken up and as I predicted my son was abused via neglect and was left in a state of constant seizure for weeks while in the care with Yooralla.

I'm pleased, however, I did -

I managed to get numbers on incident reports, at Yooralla, to create dual accountability from direct care to management and visa versa. The VEO&HRC supported my efforts and via Lynne Coulson Barr, my contacts including Elizabeth McGarry, Kathryn Lamb and Sanji Roy it was recognized and implemented.

DHS and various governments and their Ministers have ignored the issue of numbering incidents for more that a decade. I wonder; what has this cost?

**I wish to recommend that the Victorian Human Rights Charter be strengthened and five components resourced so that the Victorian Equal Opportunity and Human Rights Commission (VEO&HRC) can better deliver education, research and be given the power to audit organisations and powers to take disputes and complaints to VCAT. The VEO&HRC should also maintain a Systemic Register, publically available; to help identify barriers faced by people with disability this will measure quality and policy and legislative development and its impact.*

It is important to acknowledge that my understanding and drive to implement a new incident recording process came about after I witnessed staff client abuse where a client was thrown to the ground by his throat and while being held down, at blank range, had his face spat on by the carer. **

The investigation was done internally and I was not privileged or asked to attend to give my account of the incident. This is where we need to strengthened powers under the Human Rights Charter. After witnessing the abuse I left Disability Accommodation Services for roughly a year. **

I recommend that incident recording processes are all numbered from the point and place of the incident and that this number is the receipt that holds direct care and management mutually accountable. The incident reporting process should also return to the three different categories that were previously used.

I recommend that there is clear conduit to any member of management (with some restrictions) including the secretary Pradeep; extended to any staff member who has recommendations to help improve services and accountability and cultural development.

Too often committees and organisations cherry pick issues and look at issues in isolation. There needs to be a closer connection between the family or people using services and the department or organisation that are providing them.

I recommend that - It is essential that people be given the recourse to management not just to resolve disputes but also to implement better practice. Services must have a consumer conduit for engagement for service input and development.

I recommend that - an internal advocacy component is set up for residents in disability accommodation services run and conducted by an independent organisation that works in advocacy. This would be ideal for staff and residents; although not in the same forum.

I recommend that - parents groups for families who have a family member using disability services and or disability accommodation services.

I recommend. I would like to see the Department of human services and other disability organisations and service providers recognise and provide avenue for staff to contribution. Staff who are key stakeholders in the 2006 Disability Act should be recognized and a group established to help lead quality and practice. I would appreciate being part of a parent group at the Department of human services as an employee and as a parent.

**Negative systemic practice is strong in the Department of human services and it's by nurturing and supporting key stakeholders in the act and the human rights Charter we maintain client focus and build an ethical and moral service provision.

I recommend - There needs to be consequence for management and dismissal – where legislation of (whole of government policy and legislation) is not delivered and or re-interpreted to accommodate staff or management objectives.

I was privileged to this example. It was approaching Christmas and staff at the house meeting asked if they could have their Christmas meal paid for, when they take the residents out for lunch on Christmas day. (Issue 1) The Domain manager who attended the meeting said, yes; that fits under the 2006 Disability Act. – the user pays.

The house Supervisor requested the funds on behalf of the residents from State Trustees. (Issue2) A request of \$180.00 per resident with no mention of the breakdown was requested. The cost per meal was \$120.00 per person but because two staff were eating an extra \$60.00 per resident was requested. (Issue3) It is important to acknowledge that requests from State Trustees allow an extra amount of \$50.00 to be accessed with any identification - not \$60.00. However all Supervisors are aware that requesting money above the extra \$50.00 must be

identified. (Issue 4 - An incident report not written) This money was not identified and constitutes financial abuse.

When reported to [REDACTED] the Deputy Director – he spoke with the Domain Manager. DHS paid for the staff to have Christmas dinner. I ASK YOU WAS THIS ISSUE SOLVED?

Management in this case, [REDACTED], should stop dealing with issues, as you would – spot fires and have the knowledge to identify this issue as systemic. Instead he solved this issue via mitigation and (Issue 5) covered up the financial abuse and the misrepresentation of policy use (and all other issues except for the systemic based cultural - real issue) by spending DHS money and paying for staff lunches. He did not write an incident report.

These issues are systemic to the cultural base and need to be identified as such and APPROPRIATE MEASURES IMPLEMENTED. The fact that staff asking about having their Christmas dinner paid for should not have been allowed to unfold, where symbiotic issues all systemic (five if you include the fact, this was a cover up of abuse) are seen but not dealt with; is absurd and extremely detrimental to service provision, but fundamentally abuse the resident in care.

**I should include representation of myself in this issue because I continue to be bullied and persecuted by my direct managers and given no support from upper management. I believe I am seen as a liability – have not been able to cope recently and feel that my environment is unsafe.

I bring to your attention, that the above example clearly indicates a necessity for the Victorian Human Rights Charter to be strengthened and the VEO&HRC to be resourced adequately to facilitate the five areas I have recommended*.

**It is unconscionable that as a DHS employee, a parent of a child with disability and a key stakeholder of the act - that there is no provision for me to meet with the secretary of the Department of human services - this is unacceptable and must be amended. It is also unacceptable that recommendations can be put forward by the VEO&HRC and not accepted - I contributed to the Desperate Measures publication and its 28 recommendations, the community expects more - ignored again!

In 2014 the previous secretary was found in breach of duty of care by the courts. The then minister Mary Wooldridge, gave her support to the secretary Gill Callister and her position was maintained until the new government arrived. If the secretary is found guilty of breaching her duty of care dismissal should be immediate and the appropriate sentence given – Being allowed to continue to hold this position – is a disgrace and shows an acceptance of accommodating abuse within service provision.

I expect this committee to understand fully the expectations of the community in providing a safe and accountable service for people with disability while respecting those who live it.

The biggest level of systemic abuse I was privileged to be brought to my attention when I started at the Victorian Electoral Commission in 2014 as their education and disability engagement officer.

In 2010 at a client focus meeting attended by [REDACTED] I asked the question how are we supporting the residents to vote in this year's election? I was told, "we can't be seen to be leading them, Matthew".

Again I wish to clarify for the committee that I'm a key stakeholder in the act, I have a child with disability and I am a disability professional - I believe I am sufficiently qualified to demand that The Department of human services or as it is now known, the Department of Health and Human Services is accountable in supporting every resident in Victoria under their funding to participate in the Federal election next year and as such the Electoral Commission should have these residents identified to vote unless they are deemed to be not eligible; it is up to the DHHS to follow up on the eligibility of the residents they support. Otherwise, by the very nature of this closed culture of Supported Accommodation Services this systemic abuse continues to the detriment of every individual (approximately 5,500) against the whole of government legislation and its laws.*

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 its special powers under the essential services act to request 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 formulated by the VEC for the evaluation survey.

It is important to acknowledge that management is not above the law. [REDACTED] refused to provide a list of contacts for Community Residential Units (CRU) which would have ensured accountability around the effectiveness of the project I designed. This involved a kit being sent out to 5,500 people living with disability across Victoria.

There was no accountability in the CRUs either. At house meetings there was no agenda 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 and the 2006 Disability Act. 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 Organisations support people with disability to participate in every day life, including voting and exercising their equality via this process. It is essential that residents supported in disability accommodation services are able to, to the best of their ability exercise their civic obligation in helping to elect government.

Again I would like to qualify the committee and remind everyone that 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 recognise and support this minority and their human rights.

Understand also significant events that have unfolded in supported accommodation recently. Prior to the election the Department of human services under the Liberal government requested hefty rate rises for people living in supported accommodation. Villa Manta legal services collected 6,500 signatures supporting action to have this issue heard at VCAT.

The Liberal government put forward a Bill stating that no resident of disability accommodation services can make a complaint to VCAT. Understand that any resident who is on restrictive intervention has the right to appeal via VCAT, what would have happened to their rights if the Bill had been passed.

I don't believe that Victorian Electoral Commission or the Department of human services supported people living in disability accommodation services in their right to vote.

The importance and dynamics of the political climate in the Disability Sector was grossly overlooked by Department of Human Services and the Victorian Electoral Commission.

Villa Manta won the right to have the rate issue/dispute heard at VCAT and the Department of human services dropped the rate increase.

Residents who were aware of the governments' actions, I believe, would not have voted Liberal. The Victorian Electoral Commission sacrificed it's impartiality when it refused to ensure the rights of Victorian citizens living in supported accommodation to vote in the 2014 State election. By the same token the department of human services abused individuals and their rights, who live in supported accommodation. *

Recommendation - As a fellow Victorian and Australian Citizen who believes in our democratic rights; I expect the Victorian and Australian Electoral Commissions to use the Essential Services

Act and its' powers to notify each, eligible, resident in Disability Accommodation Service that they are lawfully obligated to enroll and vote in Australian Elections.

Recommendation - I wish to bring to the attention of the Parliamentary Committee that the National Disability Insurance Scheme and its' recipients who are, eligible 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. *

When my son was staying in respite I was appalled in seeing a child self stimulating; banging their head against the couch. The response from staff was, she does that all the time.

A child in seizure with his head dropping and hitting the tray; when I brought this to staff attention the supervisor said, I we don't see those seizures. I am an experienced and qualified disability support officer and I was appalled because that child was in seizure, badly.

*It is my recommendation that children in respite be assessed especially those who are relinquished and that the Victorian Equal Opportunity and Human Rights Commission be given resources to ensure safe management of children and their rights, including their rights to play.