

Submission
No 266

**INQUIRY INTO IMPLEMENTATION OF THE NATIONAL
DISABILITY INSURANCE SCHEME AND THE PROVISION
OF DISABILITY SERVICES IN NEW SOUTH WALES**

Name: Name suppressed
Date Received: 9 August 2018

Partially
Confidential

This is one of the nightmares of every parent of a child with a disability.

Our son is 34 years old and has an intellectual disability.

He is trying to live alone in the community, however he requires lots of support to enable him to try to live alone.

One night he was at the hospital alone. When he was leaving he reportedly met a lady who was crying and needed a lift home. She was physically as well as intellectually disabled and he offered her the opportunity to share a taxi with him. She agreed. Reportedly when the taxi dropped her off at her unit she and our son agreed that he could stay for a while at her unit. Over the next few weeks the two appeared to become special friends. Our son kept insisting that because the lady was physically disabled that there were lots of cleaning jobs which he could do to help the lady at her unit while he was visiting her.

Then one day a few weeks later we received a call from the Police saying that the lady had laid charges against our son claiming sexual assault. We received a copy of the Affidavit signed by the lady. It mentioned that she had had 67 other police events. When we enquired about this we were told that this Affidavit regarding our son had to be treated as a completely separate event to the other 67 events. Our son was asked to come to the Police Station to give his side of the situation. He was allowed to have one person with him at the police Station during this interview. As his mother, I was to be the person who would be with him. At the last minute, an Advocate from Action for People with Disability, attended the Police Station with our son. Upon arriving at the Police Station the Constable read our son his Rights and then told him the location of the toilets at the Police Station. She also told our son that at the end of the interview he would be allowed to go home. She asked our son to sign that he had been read his Rights and that he understood his rights. He was ready and willing to sign however the Advocate asked our son to firstly tell her what he understood about the Constable's words. Our son said he did not understand anything except where the toilet was located and that he would be able to go home later. The Constable prompted our son to sign. The Advocate said "no, he cannot sign anything that he does not understand". The interview with Police continued.

A few days later the lady who accused our son rang me (his mother) and left a message on my phone that she did not want to proceed with the charges and that she just wanted to be friends with our son. Even though we took that message to Police so that they could hear the message it did not change the situation because our son still had to appear in court to face the original charge.

In the meantime our other son hired a Barrister (a Barrister who had experience with people with special needs) for his brother. The lady who made the charges did not appear in court on that day. This situation was extremely stressful for the whole family but we will forever be indebted to the Advocate and grateful for her experience in not letting our son sign something he did not understand.

People with Disability need good Advocates. To enable Advocacy Organisations to provide full and proper support to People with Disability, Advocacy Organisations must be totally independent of the NDIS.