

**INQUIRY INTO FOUNDATIONAL AND DISABILITY
SUPPORTS AVAILABLE FOR CHILDREN AND YOUNG
PEOPLE IN NEW SOUTH WALES**

Name: Dr James Justice Bond

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Submission to Inquiry into Foundational and Disability Supports Available for Children and Young People in New South Wales

Dr James Justice Bond PhD

LinkedIn: <https://au.linkedin.com/in/dr-james-justice-bond-phd-77b65333>

(a) the role of such services and supports on a child's overall development, health and wellbeing

I'd like to represent people with dyslexia and other disabilities. We need services, technology, and support to assist people to buy technology to be able to learn how to read. This all began with the Hon Douglas Moppett back in 1995. This is when the lobbying started in NSW Parliament about dyslexia. He was in the National Party and was based in Coonamble. I am making contact with the new Federal NDIS Minister currently to discuss this issue.

(b) the types of services and supports available and measures to improve effectiveness, availability and access of such services and supports in metropolitan, regional, rural and remote New South Wales, including medical, community-nursing, allied health services, NDIS services and other service delivery models

This is a serious problem we have federally and in the state. Dyslexia is not recognised as a disability under the NDIS. Therefore services and access to funding for diagnosis are denied to access technology and other types of services that people with dyslexia and ADHD require. ADHD is not recognised as a disability under the NDIS Act either. So if you have a child with dyslexia and you're unable to afford the technology, you contact the NDIS, and they say dyslexia is not recognised as a disability and so we can't provide the technology you need.

Under the *Disability Discrimination Act 1992* of Australia, dyslexia is recognised as a disability. Under the *Anti-Discrimination Act 1997* of New South Wales, dyslexia is also recognised as a disability. So you have the state Act and the federal Act, but you don't have the NDIS Act actually listing dyslexia as a disability. So NSW and other states are breaking the laws of the federal Act and state. If this continues, you will start having people making claims to the Anti-Discrimination Board against the state and federal governments. This has raised concerns. We need to get the NDIS Act changed so dyslexia and ADHD is a recognised disability.

I had the same issue many years ago with the NSW Education Department. We got a bill up and running, the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. It went through the House in December 2008. This Act ensured that people get assistance for disabilities such as dyslexia.

If you go straight to the second reading speech, it brings everything together: <http://bulletin/prod/parlment/hanstrans.nsf/V3ByKey/LC20081203>

My PhD also points to the problem in NSW for people with disabilities, not only in the education system: [Microsoft Word - 2021 11 12 Thesis James Bond .docx](#)

I'm also trying to get a bill up about people gaining access to their local MPs, with the Shadow Minister for Disability and Ben Franklin.

If a person with disability is unable to make their submission on various occasions, you are told to put it in writing, but then you go away and you're unable to do it. Dealing with MPs, we like to keep it confidential. That's the issue – people with disabilities making applications to MPs on issues they may have. You need to either employ an additional person in an electoral office or add a designated person in Parliament House to dictate. That way no discrimination will take place.

This issue was around when John Fahey was the Premier. I had representations by my local member who said it's in their policy and they don't deny access. But it's happened to me and other people I know many times, on both sides of the fence, they've refused to deal with this issue. I've been dealing with Parliament for 35, 40 years now and I've been a member of a lot of committees, commissions, including the Disability Royal Commission we've just had. Part of my evidence to the Disability Royal Commission was confidential – they cleared the room to take my evidence – you're able to look it up.

It comes back to having access to our MPs. People are supposed to have access through the government departments, and I haven't had a problem since we amended the *Disability Discrimination Act* in NSW. I worked with Chris Puplick then, he was the President of the Anti-Discrimination Board, and Jeff Shaw the Attorney General at the time, and we sorted it out. I watched a complaint against the Anti-Discrimination Board from the Human Rights Commission. They asked me to come in and we worked on a particular bill that got passed and resolved this issue.

This is a long-time issue that's been going on, representations to MPs is very important. I've raised this with the Shadow Minister for the Central Coast, Adam Crouch, and also the Minister for Central Coast, David Harris. They both agreed this needs to be changed. This comes back to funding in New South Wales. They could add an extra electoral office to deal with this. There is 1 in 10 people with dyslexia alone, let alone the other disabilities that may refrain a person from doing it in writing, like other conditions or being from a non-English-speaking background. This is what I want to explain to the committee.

Going back to the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008, the Honourable Rev Dr Gordon Moyes AC spoke about this issue quite prominently: [Legislative Council Hansard - 03 December 2008](#)

This bill started with Fred Nile, unfortunately he wanted to shelve the bill after a while, the coalition then took carriage, then Dr Gordon Moyes, and at the end Fred Nile came back and wanted to introduce it. There was a problem between Gordon Moyes and Fred Nile. Gordon Moyes continued with the bill and made sure it was amended. We brought it into effect so it covers everyone with disabilities, not just dyslexia. So if kids can't keep up in school, you're entitled to disability funding to gain additional access. People try to make applications to MPs and other departments, and sometimes it can be very difficult.

It all comes back to the NDIS not recognising a disability that's already been recognised by two overriding Acts in NSW and the federal government. I raised this issue before – with John Ajaka, who was the Minister at the time when the NDIS started – this was raised, they were working on it, but then they dropped the ball, so this is the time to change it, I believe.

All recognised disabilities under the *Anti-Discrimination Act* should be included under the NDIS, that's the bottom line. They're all being discriminated against, these people in our

society. You can also look up my previous submissions to inquiries under my name for more information.

(c) the role of diagnostic services, existing gaps and barriers, and measures to improve effectiveness, availability and access of such services

(d) gaps and barriers to accessing early childhood intervention and their impact on a child's overall development, health and wellbeing, as well as on their family or carers and other government services and systems

We have a problem with psychologists, they are unable to access funding to identify people's disabilities to make recommendations and assist people with dyslexia unless their parents come in and pay \$2,000 or \$3,000 for a diagnosis, as the NDIS won't pay. It's a hereditary gene, for the majority of people with dyslexia their parents also have dyslexia. So the majority of parents are faced with a disadvantage and usually unemployed without initiative or know-how to gain access. They approach and apply, get told no we can't do it, they're embarrassed about their own disabilities. That's the problem in New South Wales. Our young children, because it's not recognised, it all comes back to people being diagnosed with their local psychologist. It's a Catch-22. 80% of the prison population are dyslexic or illiterate. One of the reasons is that they're unable to gain access to what they need. It comes back to funding for psychologists; the NDIS should be able to pay for a diagnosis to get that person on the right track to get that assistance.

(e) opportunities to increase engagement across sectors and improved collaboration across both government and non-government services, including Aboriginal Community Controlled Organisations, early learning services, educational settings and health services

It comes back to the availability of technology and assistance in the education system and the NDIS in general. If it was fixed up in the NDIS, we wouldn't have a problem with being able to gain services. People would be able to read, and they would be acknowledged, hopefully wouldn't have this problem as an adult and they could go into the workforce. I use technology that reads everything to me, I put it on a tape or dictate it. I don't have the full funding to be able to do this, everything is expensive, so we're denied access in general because the NDIS doesn't recognise the disability. One thing comes up after another.

(f) other government or best practice child development and early childhood intervention service models and programs operating outside of New South Wales

It comes back to early diagnosis, to the fundamentals of diagnosis, and that should be done at the age of 4 to 5 years of age, which is when they're able to diagnose. It could be picked up by preschool teachers, they could refer the child to a psychologist who can diagnose it properly. It comes back to funding from the NDIS for recognised disabilities.

I spoke to someone who was the Deputy Director-General in the federal Education Department, he took this technology on and took it to the Northern Territory. I don't know if they're still using it. Because they were Aboriginal people, they could gain the funding to

implement the technology, but if you're in the mainstream it doesn't seem to happen. Once again, it's availability of funding to have the diagnosis done and this goes right through your whole life. This has happened in other states, they've recognised dyslexia as a disability in other states and they have taken the technology on. My argument is a person could get through university because they have the access at a university level, but they couldn't get through education in high school. It was a stumbling block once again, and that goes back to preschool.

Even though legislation does not explain everything correctly, by our law, it's the intent of the reading when the bill goes through that becomes law.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.13 a.m.], in reply: I thank all the members who participated in this debate: the Leader of The Nationals, who responded on behalf of the Opposition, and the members representing the electorates of Wyong, Davidson, Dubbo, Wakehurst and Cronulla. The Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 is an important piece of legislation. In order to provide a little background, I commence by paying tribute to James Justice Bond, who is present in the gallery and whom I have known for probably close to 20 years. He has been campaigning to achieve this outcome for a long time. I assure members that Mr Bond was most persistent about the dyslexia issue during the seven years that I was shadow Minister for Education and Training and the almost seven years that I was Minister. I have never known an individual committed to a particular cause devote so much time and energy over a prolonged period to pursuing that endeavour. This legislation in many ways mirrors the specific concerns of Jim Bond because, for the first time in our Legislature, we now have a specific definition of dyslexia. Of course, defining dyslexia as a disability enables it to qualify for various funding that was denied in the past. New section 20 (4) of the bill states: For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning. That outlines an important step in processing our recognition of educational needs in this State. In many ways the bill is probably a major breakthrough—for this State, for Australia, or indeed for the rest of the world. I believe young people in New South Wales who suffer dyslexia owe Jim Bond a tremendous debt, but so too do others elsewhere because this hallmark bill may act as a model for other legislation. Jim Bond has not had an easy battle in getting this legislation introduced. Indeed, the dyslexia battle is not easy for the young people he particularly represents. Over the years James has taken on a number of education Ministers of all political persuasions—myself included. I have spent many hours with him at meetings in company with departmental officers. Indeed, my ministerial staff at the time negotiated and dealt with him in respect of the various issues he raised. He has taken on departments such as the New South Wales Department of Ageing, Disability and Home Care, the New South Wales Disability Council and Australian Protective Services, and he has had rulings in his favour from the Anti-Discrimination Board. This indicates that he has not been backward in coming forward. Indeed, he has been forthright in pursuing this particular cause. It is fair and appropriate to acknowledge that in the past the Department of Education and Training did not recognise dyslexia as a disability and therefore did not provide the appropriate support. With this legislation we now have a specific definition that will enable this disability to fall within the ambit of support, funding and resources in the community—which is great. I acknowledge Reverend the Hon. Fred Nile in the other place, who has championed Mr Bond's cause. He has done a wonderful job supporting the bill, as has Reverend the Hon. Dr Gordon Moyes and Government, Opposition and Greens members in the other place. The bill clearly enjoys all-round support. A number of specific programs were referred to in the debate on this bill. I thank in particular the member for Wyong himself a distinguished educator and former school principal. He knows very well the range of existing programs that help children with disabilities in our schools, particularly our primary schools. He made specific mention of the Reading Recovery Program—as did, in somewhat derogatory terms, the member for Wakehurst. The Reading Recovery Program was very much an initiative of the Carr Government. I happen to know the program very well because it was a program that I introduced. It had not existed in this State before. The program was initiated by Marie Clay, of New Zealand. When Labor came to government in 1995 there was not a statewide Reading Recovery Program in place. I undertook two years of investigation around the world to find out what specific programs were available to teach children who were having difficulties with literacy skills. After a comprehensive and exhaustive analysis of a number of different programs, we took a punt on introducing the Reading Recovery Program. I say we took a punt because it was in the face of a great deal of controversy and much opposition. At the time academics from all over the world were condemning me and the Government because they felt their own pet program was better than the one that we were going to introduce. I brought Marie Clay out from New Zealand so that I could have a long discussion with her, and have her illustrate and demonstrate precisely how the program worked. We had a close look at the extensive program that existed in New Zealand at that time. Having introduced

the program, we followed it up with a funding allocation of \$800 million. It was an expensive program, but it had proven benefits—so much so that literacy rates in our high schools are comparable to the best in the world. They are comparable to those of Finland, whose national day we honour today. Finland has the best literacy rates in the world. The Reading Recovery Program has been a great success, but it is only one of many programs. The member for Wyong raised an issue concerning resources available under programs for children with disabilities, acknowledging the fact that until this bill is passed by the House dyslexia will not be recognised as a disability. Dyslexia has been outside the scope of the various programs now in place. Again it was the Carr Government—also during my term as Minister—that introduced into our schools the concept of making the money follow the child with a disability. That had not been done before. Under that concept, funds that are available to help children with disabilities are allocated after the needs of children with disabilities have been assessed at each individual school. The resources are sent to follow the children with those particular needs and help them overcome specific issues. That meant the allocation of teachers aides and special support personnel for the schools, and that led to a major program of deinstitutionalising children with specific disabilities and putting them into mainstream schooling—a major initiative. Again it was controversial at the time, because many people had academic opinions and ideas as to why certain things should or should not be done. But it was a much-needed program, and it was a great move forward, as history has shown. Again I point out that children with dyslexia did not have the benefit of that program because their disability was not defined. It is now to be defined under this legislation, thanks to the hard work of Jim Bond and thanks to the support of all members of this Parliament—Government, Coalition, Independent 188 and the minority parties. There are times when, as a member of Parliament and a member of the Government, one feels uplifted by something that one knows will make a big difference for a wide range of people, particularly people who are very much in need of governmental support, community support and special program support. This is one of those occasions. Therefore, I highlight again the significance of this issue and of this legislation, and mention the wide range of programs that have been introduced over the years, particularly in recent years, not only to identify children with special needs but also to allocate the resources to help those children. The member for Davidson and the member for Cronulla mentioned the 80 special teachers that the Government has announced. I understand that at the Education estimates committee hearing the Director General of Education and Training, Mr Coutts-Trotter, gave an undertaking that those teachers will be put in place by 14 December this year, and that they will be ready to go out and provide their services by term one next year. The member for Davidson specifically asked me to give a response on that undertaking. As I have been at the table since the member made his request, I cannot at this stage give him a definitive reply, saying that I have checked it out as of today and can confirm the undertaking. I can only advise the member that I undertake to pursue the matter further. The undertaking has been given by the director general in a public forum, and I think the Minister has reinforced it. Therefore I can only assume that that will be the case. It is another matter in which the Government takes great pride—after all, we allocated the 80 special teachers to benefit specific schools, and the schools and the students in need of those special teachers will benefit. There is much to commend and support, and a number of people are to be congratulated. I finish, as I started, by congratulating Jim Bond. I thank Reverend the Hon. Fred Nile and Reverend the Hon. Dr Gordon Moyes for their championing of this particular legislation. I thank all members—Government, Coalition, Independent and those representing minority parties—for the support they have given to what I believe is groundbreaking legislation that recognises, in a very specific way, yet another disability and that enables the allocation of funds to address those disabilities. The thousands of children who suffer from dyslexia will benefit as a result. Question—That this bill be now agreed to in principle—put and resolved in the affirmative. Motion agreed to. Bill agreed to in principle.

The rest of the speech can be found on starting at 179 of my thesis. That's the bottom line, if we're breaking our laws in Australia, we could look at millions of dollars if people start litigation. Let's get that money spent in the right content and resolve this issue in the first place.

In the last submission I made to another inquiry, I mentioned Edmund Barton, our first Prime Minister of Australia, who said that it is the duty of the State to educate, and the right of the people to demand education.

(g) workforce issues in the child development and early childhood intervention sectors, including workforce demand and the availability, quality and capacity of existing workers, and

A lot of people are walking out of school unable to read and write because they're denied access to funding to use technology to assist them to get to the workplace. That's why they

end up in jail or homeless. It's a Catch-22, we're running around circles, this is what life does. We implemented reading technology in the NSW State Library and the NSW Parliament Library. They have the Kurzweil 3000 which scans a document and reads it back aloud. Supposedly, our MPs and their advisers are educated by the Anti-Discrimination Board highlighting dyslexia. Years ago they did this, that was under the agreement between myself, the Anti-Discrimination Board and NSW Parliament. I'd be interested to see if that still goes on or not, if it's still implemented. They're dealing with people with these disabilities, that's another problem. The whole system is set up for people who can read or write, if you're unable to do that you won't get anywhere useful.

(h) measures to implement recommendations of the NDIS Review Final Report and the Disability Royal Commission Final Report in relation to foundational supports

Recommendations about dyslexia and other disabilities were made by at the federal level, you can go into those and see, we should be able to policy transfer those straight into New South Wales. We should include the recommendations by the federal review. A lot of work went into that – the Shadow Minister for Education, he was one of the Commissioners, I met with him years and years ago. He made a lot of good recommendations about this, he was working on the issue of dyslexia and learning disabilities when he was the Shadow Minister. There are a lot of good recommendations in there.

We've already been through the process federally, why don't we just policy transfer it, all the work has been done. It's no different between any other part of Australia except the Northern Territory where it's remote.

(i) any other related matter.

I've been doing this for over 40 years, there have been so many inquiries with the federal government on the same issue, not particularly the NDIS but educational support for people with disabilities. I was a member of the federal Dyslexia Working Party, that made several recommendations to then Assistant Minister Bill Shorten, and we can use these recommendations to assist. We seem to be going around in circles. It's not getting implemented. Usually there is denial of the issues in our education system because they don't want to deal with this, unless it's been happening.

We need good teachers, and availability of technology. I think it was Newcastle University that put it in their curriculum to start teaching about special needs, why are we still going through all these committees? We just seem to be going around in circles, it's time to stop and actually implement the care that we need in our society. It costs \$120,000 a year to keep a person locked up in mainstream prison. That's another issue; if we deal with this correctly, we could save a great deal of money in the long run, in our prison population.

I lobbied John Hatzistergos when he was the Attorney General about these issues. What came out when I started to educate judges and magistrates about dyslexia, is that people are verbalised when they do the paperwork and they're giving evidence. That was the issue back in those days. And then we had the Royal Commission into the NSW Police Force.

We need to have action, we've had the federal Royal Commission, do the policy transfer over, that's how Acts are changed in New South Wales, we transfer the federal Act to New South

Wales, that's what we need to do. There is a five-year gap usually from federal to state government, only if people challenge. I don't know why they haven't done the policy transfer. The federal *Disability Discrimination Act 1992* was a policy transfer from the US virtually. We massaged it a bit but not much. I was lobbying the Michael Tate, Minister for Justice, and Michael Lavarch, Attorney General, in 1988. This has been going on for me since 1988. Before the new Parliament was opened. I started off with Bob Hawke and his Minister for Education. We need to do something about this.

I lobbied Bill Shorten, he implemented in July virtually a new inquiry over this issue, implementation of the NDIS for people with disabilities and learning difficulties, also brain injuries. I've applied for the NDIS Evidence Advisory Committee, but once again, it seems like all my applications are ignored. It seems like persons with disability who apply in the dyslexia space are ignored. Hopefully I'll be working federally with this problem.

It's time to effectively deal with these issues and instead of having another inquiry. We're procrastinating as a first world society. We have the money, we have the funding, we just need to take the words of Edmund Barton about access to education. It's a fundamental step of Australia for people to gain education, his words are fantastic. My uncle George Brain was in the lower house of New South Wales, he was the first MP to implement state libraries here in Australia. A lot of people have done a lot of good work on the way. We need to fix the NDIS – policy transfer the recommendations that the federal group has made and put it in our state Parliament. We can still have everything else, but that's the basic fundamental work being done. Good to have the Royal Commission here too, other issues may come out in New South Wales that haven't come up federally. If they want to keep the process going on then fine. Have your inquiries, have everything else, but do it quick and implement recommendations.

Senator Faulkner speech:

Tonight I would like to congratulate Mr Jim Bond, a resident of Killarney Vale, New South Wales, on his recent completion of a Master of Politics and Public Policy at Macquarie University. Jim's recent post-graduate academic success follows on from his graduation with a Bachelor of Arts, majoring in political science and history, also from Macquarie University just last year. Mr Deputy President, I am sure you would agree that these achievements are certainly praiseworthy in themselves, but Jim's achievements are quite extraordinary as he suffers from severe dyslexia. Simply put, it is a first. I think he deserves our acknowledgement and congratulations.

The definition of dyslexia employed by the Australian Dyslexia Working Party—which is consistent with the definitions published by the British Dyslexia Association, the International Dyslexia Association, the National Institute of Child Health and Human Development, the International Reading Association and the Rose report on dyslexia—is this:

Dyslexia is a language-based learning disability of neurological origin. It primarily affects the skills involved in accurate and fluent word reading and spelling. It is frequently associated with difficulties in phonological processing. It occurs across the range of intellectual abilities with no distinct cut-off points. It is viewed as a lifelong disability that often does not respond as expected to best-practice evidence-based classroom methods for teaching reading.

It is important to understand that dyslexia does not affect general intelligence. In fact, studies have shown that many people with dyslexia have average or above average levels of intelligence. Unfortunately, due to low levels of community awareness, children with dyslexia are often simply regarded as slow learners or confused with having other disorders, such as ADHD.

Dyslexia has touched the lives of many. Winston Churchill, Muhammad Ali and Richard Branson are just some examples of the very prominent who have battled dyslexia. Churchill said of dyslexia, 'I was, on the whole, considerably discouraged by my school days. It was not pleasant to feel oneself so completely outclassed and left behind at the beginning of the race.'

Jim Bond tells me that up to 16 per cent of Australians experience varying degrees of dyslexia. For most sufferers, dyslexia has serious social, economic and personal consequences. People with poor literacy skills are more at risk of social exclusion, homelessness, depression and lower levels of health, education and employment prospects. Jim was first identified as having dyslexia at an early age. He said, 'When I was seven years old, Professor Delbridge from Macquarie University's Department of Linguistics first recognised that I had dyslexia. From that point on, my dream was to do a degree here at the university.'

Many people are aware of Jim Bond's important work in dyslexia advocacy. He has been a passionate and committed activist for people with dyslexia for over 25 years. He has fought hard for the widespread introduction of text to speech software and technology in primary and secondary schools, libraries and universities. He has contributed to important public policy initiatives that have transformed the lives of so many people suffering from dyslexia. Jim Bond is not one to shy away from challenging the establishment. He has contributed to changes to the employment practices of the New South Wales, Victorian and federal governments. He has fought hard for the inclusion of dyslexia as a disability in the Anti-Discrimination Act and the Human Rights Act. He has pushed for the recognition of dyslexia in the Education Act and for funding for teacher training programs.

To its credit, Macquarie University's Accessibility Services Unit has provided Jim Bond with the facilities he needs to achieve substantial success at university. Macquarie University provided Jim with a computer and WYNN software, which reads textbooks, course materials and web pages to him. The university also provided him with a PEARL camera, which takes photos of pages and reads them back to him in seconds. Using these assistive technologies has helped Jim not only pass subjects but achieve great marks. He finished his undergraduate degree with nine distinctions and three high distinctions and his postgraduate degree with a distinction average.

On the day of Jim Bond's graduation last year, Macquarie University's Deputy Vice-Chancellor, Ms Deidre Anderson, said:

Jim really epitomises the commitment and resilience of many people who have challenges whilst pursuing education. It's been evident in the support offered to Jim that the university's support services can really make a difference in the lives of people, and the university is incredibly proud of Jim, as are his family and friends. We look forward to seeing his ongoing work in the broader community.

Jim's achievements and activism shine a light on dyslexia in Australia and pave the way for and encourage more Australians who suffer from dyslexia to achieve success in university and tertiary education. Jim has set his sights on the ambitious goal of finishing a PhD further down the track, with a view to apparently some day entering politics. At this stage I have not discouraged him from that course of action. I certainly do wish him well and congratulate him on his academic success. I am sure it is a view that would be shared by all senators in the chamber. I congratulate him also on his very strong and committed advocacy on behalf of all Australians suffering from dyslexia.

A bill going through parliament would resolve the politics out of it – then MPs would have to act under law and not party policy. That's how they get away with it now. I've taken four MPs to the Anti-Discrimination Board over this issue, it's still going on. It comes back to every individual office and their policies, make it a law so there's no argument and they know their community rights and their own rights as to what they have to do. Abide by the law, that's all I am asking for. It protects the public and it protects the MPs too. It's a win-win situation at the end of the day, so everyone knows the law and their requirements. Reasonable adjustments, that's all we're asking for.

I've contacted the President's office and also the Shadow Minister, she's putting it forward, once it's up and running, then I will go lobby the member for Gosford. They didn't want to deal with this when I approached them before. I'm in the Gosford electorate, I live on the Central Coast. I have lobbied the member for Gosford before, but have been unsuccessful on disability issues.

I would like to give evidence to the committee.