

**DIVERSION AND THREAT IN DISABILITY POWER PLAY BY  
THE DEPARTMENT OF HUMAN SERVICES**

“Casting blame on families is a despicable tactic used by the Department of Human Services to divert attention from primary issues” said Max Jackson, one of the authors of the case study *Power Play - Diversion and Control in Disability Services*. “This case study demonstrates how allegations of staff stress and the power of occupational health and safety legislation were used by Victoria’s Department of Human Services to attack and cast blame on the family of a woman with an intellectual disability and divert from the duty of care issues raised by the family.”  
[Case Study Link](#)

The family sought to support their daughter/sister, whose home is a staffed by departmental employees, by raising issues of care with the department and expressing concern about the failure of staff to meet their duty of care obligations. The client’s medical history supported the family’s concerns that staff were not diligent in their observation of changes occurring in the client’s health status and that staff were failing to be proactive in giving attention to such matters. “However”, said Max, “management denied the client and her family any right to have the matters investigated and to be informed of any management actions to address their concerns.” “In other words, what ought to have been a fair and reasonable expectation by the family was denied.”

“Further, said Mr Jackson, “the study highlights the failure of the department and the Disability Services Commissioner to fully support a person with a disability to have her rights protected. If ever an individual case shone the light of despair on an absence of justice, it is this case. The case reflects a power play with a set of actions and inactions designed to avoid, manipulate and redirect fault, where those responsible for the welfare, care and protection of a person with a disability refused to acknowledge and accept responsibility.

The study details actions which government must take to correct the systemic flaws that, unless fixed, will see similar cases to this one continue to arise. This case highlights how the department in effect bullied the client’s family with their repeated attempts to divert attention from the family’s complaints. “

“The protection of the powerful cannot be allowed to continue,” stated Max. “Families must have the support of what is now a long overdue, dedicated funded state wide family advocacy body to ensure they are supported when raising

individual care and systemic issues. Such a body would also ensure that the power brokers are held to account in terms of meeting their duty of care and legislative obligations.”

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**LISA Comment:** The case study highlights traditional public service, captive market, defences better than the green zone in Baghdad. The public service has little reason for customers or customer service - the hospital ran fine until the patients moved in – Yes Minister!

Successive state government ministers and the whole range of independent statutory bodies, Ombudsman, OPA, ODSC, HSC, etc, traditionally defend the Department of Human of Human Services against consumer, media and public scrutiny – the department is considered to know best.

Anyone questioning the department’s actions must not only have a case which is beyond reasonable doubt, but good enough to stand-up in the Supreme Court.

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**NOTE:** We are always interested in feedback and information; general, specific, good or bad. If you wish anonymously: Our mail address is, 73 Nepean Street, Watsonia, 3087.