

**Qld**

Rex & Gloria Warren  
Qld

Productivity Commission  
26<sup>th</sup> December 2003

Dear Ms. Rance,

Whilst we know the Commission has completed taking submissions and is preparing for public hearings, a matter has only just recently come to light we believe the Commission should include. It involves official discrimination in Queensland against children with intellectual disabilities.

With respect, we now make a written submission and request the Productivity Commission to include it.

We have a 13 year-old son named Alexander with autism & Tourette's syndrome. Alex has challenging behaviour at the extreme level and is regarded as near the top of the list of difficulty in the state. He is a very big strong boy at 175cm tall and weighing 108kg, and is the biggest and strongest family member at just 13 years of age on the 17/1/04.

As medication options do not control aggression and violent behaviour he requires out of home accommodation and specialist support care services where staff change shift on a regular basis in order to cope with him. Until recently, the Endeavour Foundation provided this service funded by the Qld Department of Families. Professional experts from the department of Families designed the support services and we (parents) retained custody, as our ongoing support is needed to ensure the support structure can survive his most difficult periods. Alex comes home for short stays on a regular basis.

In November, the Qld department of Families advised us and 17 other families they would no longer fund disability support services for children in out of home accommodation unless we relinquished custody of our children to the department. We understand this to be a knee-jerk reaction to the serious problem sexual abuse of children in the department's care and designed to limit litigation liability following \$10 million in claims from victims of sexual abuse in foster care.

**The Qld department of Families has in effect made funding for disability support services conditional to state custody.**

We understand this is not lawful under federal disability legislation and believe the state has no legal right to impose this condition.

Local DOF area management has been asked to “unofficially” insist we relinquish custody of Alex to the department or take him home to live with us. DOF staff has been careful to say, “funding for Alex has not been withdrawn” but have made it very clear it is conditional to disability support funding being continued. The department of Families now claims it won’t fund disability cases “because there are no child protection issues” involved without custody. In most disability cases there never were. But the department cannot now claim ignorance when it provided share care funding over the past two years.

There seems to be no other purpose in the demand for custody other than to allow the department to use the provisions of the Child Protection Act to censor information about the welfare of these children. Funding shortages are not the problem. A case of preventing political embarrassment if further cases of child abuse become public knowledge. What is best for the child, such as therapy and intervention in a suitable environment to enable their limited lives to improve in adult life has not been taken into consideration.

**We will not hand over custody of our son to the Qld department of Families, firstly because we know child abuse in the department’s care still exists. Secondly, because Alexander has already been subjected to physical abuse in the department’s care when we were not close by to monitor how he was treated. Thirdly, because the department has already reneged on past agreements to provide essential therapy.**

We are now told the only support services available for Alexander if we retain custody is through Disability Services Queensland. However, DSQ will not fund out of home support services.

- (1) Policy directives for the department of Families will not allow funding for out of home care without custody.
- (2) Policy directives for Disability Services Qld mean they can only provide funding for children living in the family home.

**These policy directives many children fall through the disabilities safety net because they do not meet the essential medical needs of the child. These policies discriminate against children with high needs of support, and something must be done to stop it.**

We provide a letter from Alexander’s doctor, one of Queensland’s leading specialists in autism. We provide a photo of Alex showing some of the injuries he received when the Qld department of Families placed him in care in another city without parental protection. We provide another photo of Alex showing the difference when he returned to Gladstone and care provided by the Endeavour Foundation, which for him must continue.

Warm Regards,

Rex Warren