



---

## **TRANSCRIPT OF PROCEEDINGS**

---

**THE HON RONALD SACKVILLE AO QC, Chair**  
**DR RHONDA GALBALLY AC, Commissioner**  
**THE HON ROSLYN ATKINSON AO, Commissioner**  
**MS A.J. MASON OAM, Commissioner**

**THE ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND  
EXPLOITATION OF PEOPLE WITH DISABILITY**

**TOWNSVILLE**

**10.30 AM, MONDAY, 4 NOVEMBER 2019**

**DAY 1**

**DR K. MELLIFONT QC appears as Senior Counsel Assisting with MR A. FRASER**  
**MS K. McMILLAN QC appears with MS P. CLOHESSY for the State of Queensland**

COMMISSIONER SACKVILLE: This is an extremely important and significant day. It is the beginning of the first substantive hearing of this Royal Commission. I want, on behalf of the members of the Commission, to welcome everybody here, and those who are following these proceedings elsewhere, and particularly, of course,  
5 people from the disability community. We are very grateful for your interest in the Commission and the contributions you have made, and will make, to the work of the Commission. This is what is essential to our succeeding in performing the functions with which we have been entrusted.

10 My name is Ronald Sackville. I am the Chair of the Royal Commission. With me today is Commissioner Roslyn Atkinson, on my immediate left, Commissioner Atkinson AO; Commissioner Rhonda Galbally, two to my left, AC, and Commissioner Andrea Mason, OAM, immediately to my right. I shall ask Commissioner Mason to perform the acknowledgement of country.

15 COMMISSIONER MASON: We acknowledge the traditional owners on whose country this hearing is taking place. The Bindal and Wulgurukaba people of the Townsville region. We pay our respect to their elders past and present, and their next generation of young leaders. We thank them for allowing us to meet on their country  
20 today for this important gathering. We would also extend this acknowledgement and respect to any Aboriginal and Torres Strait Islander people in the room and online joining us today. Thank you.

25 COMMISSIONER SACKVILLE: We will now take appearances.

DR MELLIFONT: Good morning. May it please, my name is Mellifont, initials K. A. I appear together with my learned friend Mr Fraser, initials A. B. We are Counsel Assisting the Commission and we are assisted by the Office of Solicitor Assisting.

30 COMMISSIONER SACKVILLE: Thank you, Dr Mellifont. Yes are there other appearances to announce.

35 MS KA McMILLAN QC: Yes.

COMMISSIONER SACKVILLE: Are you comfortable standing, or do you - - -

40 MS McMILLAN: I'm fine, thank you. My name is McMillan, initials K.A., Queen's Counsel. With Ms Clohessy instructed by Crown Law for the State of Queensland.

COMMISSIONER SACKVILLE: Thank you very much, Ms McMillan. I should indicate that the State of Queensland has been given leave to appear today.

45 MS McMILLAN: Yes, thank you.

COMMISSIONER SACKVILLE: Thank you. Yes. Is there any other appearance? No? Thank you very much. Can I just mention, so that everybody is aware, we have started today at 10.30. Ordinarily we will start at 10. We will certainly take at least one break during the morning, usually if we start at 10 at about 11.30 but we may  
5 take other breaks depending upon how things are proceeding. Similarly, in the afternoon we will ordinarily commence at 2.15, go through till 4.15 and there will be a break in the afternoon, at least one break.

10 Before inviting Dr Mellifont, who, as you have heard is Senior Counsel Assisting the Royal Commission to make the opening remarks for this hearing I would like to make some observations myself. As has been pointed out on many occasions, the Terms of Reference for this Royal Commission are extremely broad. Among other topics the Commission is required to expose and examine violence against and abuse, neglect and exploitation of people with disability in all its settings and contexts.  
15 Importantly, the Royal Commission is also required to inquire into what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

20 This hearing is principally concerned with issues relating to the education of children with disability, with a particular emphasis on the experience in Queensland. We have selected education for the first – as the first topic for a hearing because of its obvious importance for the life experiences of children and adults with disability. And Dr Mellifont will say more about that in her opening.

25 Education, however, is only one of the many areas that will be the subject of the Royal Commission’s inquiries. Without attempting to be exhaustive, there will be hearings on accommodation and independent living, the responses of the health system to people with disability, the interactions between people with intellectual  
30 disability and the criminal justice system, including prisons, assisted decision-making, the accessibility of buildings, infrastructure and transport, discrimination in employment, the barriers to a more inclusive society and the effectiveness of regulatory and reporting regimes. It is not a small task. We are acutely aware of the dangers of inquiring into particular areas without considering the overall picture. For  
35 example, students with disability who experience violence or abuse at educational institutions, or are denied the opportunity to realise their full academic or vocational potential, may be profoundly disadvantaged later in life.

40 We’re also conscious of the need to take into account the multiple and cumulative forms of disadvantage that often affect groups of people with disability. This is, perhaps, most obvious in the case of First Nations People with disability, particularly those in remote communities, an issue that has already been explored in workshops conducted by Commissioner Mason. But it’s also true of other people with disability  
45 such as members of culturally and linguistically diverse groups.

We will be holding hearings not only this year, of course, but in 2020 addressing abuse, violence and neglect experienced by First Nations People with disability.

5 These hearings, some of which will be in remote locations, will address issues specific to the education of First Nations students with disability. And, indeed, two Commissioners will be visiting Palm Island immediately after this hearing to hold discussions with the local community and the Commission is also developing strategies to address issues specific to CLD students with disability.

10 Some of the public hearings will concentrate on case studies illustrating particular forms of violence, abuse, exploitation and neglect of people with disability. This is, of course, a very important aspect of the Commission's work, not least because it will help shape the understanding by the wider Australian community of the discrimination, disrespect and exclusion experienced by so many people with disability.

15 This aspect of the Commission's work requires people with disability, their families, their advocates to engage with the Commission and tell their stories. The task of funding and establishing services to ensure people receive the counselling and legal support to which they are entitled has been the responsibility of agencies outside the control of the Commission. It has taken more time than we had hoped but these services are now in place and the relevant agencies are working very hard to deal with the pent-up demand.

25 Unfortunately, there are one or two commentators whose contributions often appear calculated to discourage people from telling their stories to the Commission and also to increase the levels of anxiety. This is a matter for those commentators to reflect upon bearing in mind the vulnerability of many people with disability. We are confident, however, that as the work of the Commission progresses very large numbers of people within the disability community will take advantage of what has rightly been described as a once in a lifetime opportunity.

30 A second and equally important aspect of the Commission's work is to assess and critically evaluate practices and policies of government, public agencies, and private service providers insofar as they have an impact on people with disability. This is part of the process for identifying the changes that need to be made to bring about a more inclusive society.

35 At the opening hearing in Brisbane on the 16<sup>th</sup> of September 2019 we remarked on the extraordinary number of inquiries that have been held relating to the disadvantages experienced by people with disability. The multitude of inquiries and reports has identified a range of issues and problems requiring attention. It will be much harder to formulate solutions that will actually bring about fundamental changes in policies, practices and social attitudes. But that is our job and that is the job we are determined to do.

45 In performing this job we intend not only to expose abuse and poor policies and practices, but to highlight innovative programs that yield good outcomes. The selection of Queensland for the first substantive hearing on education does not imply that it has a poor record in Australia in implementing a policy of inclusive education.

On the contrary, one part of the inquiry will be whether the Queensland Department of Education's Inclusive Education Policy provides worthwhile guidance for other Australian education systems.

5 The selection of education as the theme of this hearing provides an opportunity to consider the significance for our inquiry of the United Nations Convention on the Rights of Persons with Disabilities, the UN Convention. The Terms of Reference, our Terms of Reference, recognise that Australia has international obligations to take appropriate legislative, administrative and other measures to promote the human  
10 rights of people with disability, including the right to be protected from all forms of violence, exploitation and abuse.

The United Nations Convention has a lot to say about education. Article 24 recognises the right of people with disabilities to education without discrimination  
15 and on the basis of equal opportunity. Australia is a party to the convention, is required to ensure an inclusive education system at all levels. This is directed to the full development of human potential and sense of dignity and self-worth and enabling people with disability to participate effectively in a free society. It's important to remember that an international convention, even if ratified by Australia,  
20 does not automatically become part of Australian law. That only happens when a Parliament enacts legislation giving effect to the rights recognised by the convention establishing procedures and establishing procedures by which those rights can be enforced.

25 Despite Australia having ratified the convention, no Australian jurisdiction, Commonwealth, State or Territory, has passed legislation expressly recognising a right to inclusive education for students with disabilities. This is an issue the Royal Commission will need to address. Article 24 imposes certain duties on Australia as a State party that are to be implemented in domestic law immediately. These include  
30 ensuring legal protection against discrimination in education, and providing reasonable accommodation for students with disability.

However, the right to inclusive education recognised by Article 24 is generally recognised as an economic, social and cultural right rather than a civil right. The  
35 significance of this is that Australia, like other signatories to the convention, is not required to implement the right to inclusive education immediately, rather, its obligation under international law is to take measures to the maximum extent of its available resources with a view to achieving progressively within a reasonably short timeframe the full realisation of the right to inclusive education.

40 The reason for referring to these matters is that the policy issues confronting us are not necessarily straightforward or uncontroversial. If they were, presumably the problems would have been addressed already and there would be no need for a Royal Commission. The evidence at this hearing, for example, is likely to indicate that  
45 there are different views as to whether there is any role at all for special schools in the public education system. We will have to address those issues.

A final point: this is not – this is only the first hearing on issues relating to education. As the Commission has repeatedly stated there will be other hearings on this topic. This hearing will not prevent anyone who wishes to make submissions or to share their experiences from doing so, and doing so with appropriate support.

5 There will be other opportunities at public hearings to present case studies and consider policy issues relating to inclusive education. Nothing will be ruled out. No one will be prejudiced by the holding of this hearing.

10 We have recently published an issues paper about education which is available on the Commission’s website. The issues paper has been adapted from one prepared for a recent education workshop attended by inclusive education advocates and academic experts. It is not definitive, but intended to give guidance to people wishing to make submissions or provide information. We encourage people, we encourage everybody to take up the invitation to engage with the Commission and we hope the pleadings  
15 in these four days will help elucidate the issues we need to address and in respect of which submissions and personal stories can be told so we are better able to achieve our objectives. Dr Mellifont.

20 DR MELLIFONT: May I start by picking up some of the points the Chair just made. This is the first public hearing in respect of education and learning. I cannot emphasise enough that this is just the beginning. The Royal Commission is acutely aware that the issues concerning the topic of education and learning are vast, that significant time, effort and resources are required in order to do the topic justice.

25 So for anyone who is concerned that they have not had the opportunity to provide information to the Commission in respect of this very important subject, may we allay these fears immediately. This is not the last time that the issue of education and learning will be the subject of public hearing. This is not the last time that issues affecting North Queensland – or Queensland, for that matter, will be explored. This  
30 is just the start.

May I echo the Chair’s sentiments and emphasise that the Commission wants to receive information from members of the public and we encourage you to provide information to the Commission if you want your voice to be heard. There are  
35 various ways in which you can provide information to the Commission. And giving evidence by way of a public hearing, such as this, is not the only way in which the Commission receives information for its consideration.

40 At the end of these opening remarks I will set out some of the methods of information provision and contact details, as well as the supports that are available for those that choose to engage with the Commission. One of those supports is the provision of legal advice. Commissioners, in the course of our work, we have received queries from people wishing to provide information to the Commission, but asking why they would want or need legal advice. Their question has been “have I  
45 done something wrong?” And the answer to that question is: absolutely not. Making legal advice available is not intended in any sense to be a signal to anybody coming to the Commission that they have done anything wrong, or that they need legal

advice in respect of that. The provision of legal advice is to give people ability if they wish to chat about their intended engagement with the Commission with a lawyer.

5 One means of supporting witnesses at this Commission to be comfortable is by allowing them to give evidence under a pseudonym, to protect their identity and the identity of their children. In this regard, I note that the Chair has issued a non-publication order which expressly prohibits the publication of any information which would tend to identify current or former students of the education system in  
10 Queensland. This, of course, covers information regarding the identity of the parents of such children, including photographs or videos, because information identifying the parents indirectly identifies the children or the child.

15 The prohibition against publication is not just directed to conventional media. It is to all. And it prevents publication on the web, on Facebook, on social media. May I emphasise again that the purpose of these non-publication orders is to help and to protect witnesses who have had the courage to come and share their experiences with us. Consequences for publication in defiance of the non-publication order are, of course, serious.

20 May I also note the next public hearing of the Commission will be conducted in Melbourne from the 2<sup>nd</sup> until the 6<sup>th</sup> of December, led by Ms Kate Eastman of Senior Counsel, together with Mr Malcolm Harding, who we warmly congratulate as his recent appointment to Senior Counsel. And the topic there to be examined is group  
25 homes in Victoria. In the first half of 2020, as the Chair has noted, the Commission will conduct hearings in various places across Australia, continuing the public hearing work on the topics of education and learning, and accommodation, that is living and home, and starting public hearings on health and justice.

30 Shortly, my learned friend Mr Fraser will outline the evidence which you will hear this week in the course of these four days of public hearing. But for now, may I note in brief terms that part of this week will be used to shine a light on the very real and pervasive issues that students with disabilities and their parents and carers can face in the education system. We have received information and submissions from across  
35 Australia already in respect of this topic. And for that we are grateful. Those submissions and information start to paint the very real and stark picture that in many places persons with disabilities are not receiving equity in their education. They are not being treated as people with the rights to an equitable education.

40 May I share some of those stories with you now. First tells us – and this is a direct quote from the submitter’s own words:

45 *Finally, after five years of stress, frustration, and both of us developing anxiety disorders now requiring medication and treatment, we agreed reluctantly to remove her from school and home school her. I had to give up my own business which was rewarding both professionally and financially. This has placed even greater strain on our family in so many ways. Our child is now*

*going to private school part-time, and she is psychiatrically unfit to attend full-time due to severe and ongoing anxiety, where we pay exorbitant fees and have to fund the education system ourselves. This further increases our stress.*

5 From another, these are the words:

*We need to stop trying to make our children normal and acknowledge what is normal for them. We are lucky our brains are flexible, theirs are not. What is weird is we have the flexible brain but we refuse to change our thinking so I'm not sure who has the problem here.*

From another person:

*There is not enough education or awareness out in the community. It feels like we are hopeless and people don't understand the life we live.*

From another:

*Many people thought I was a bit slow, so I became the target of discrimination. My parents had poor English skills and limited knowledge of Australian culture. These deficiencies were a significant disadvantage to my upbringing and education. I was often told by people at my school that I was stupid and would be on the dole for the rest of my life. I was often called derogatory insults. Some teachers would hear it and see what was going on and ignored it.*

25 One of the stories relayed in a submission from CYDA, that is Children and Young People with Disability Australia, demonstrates the complexity of the challenges faced where structural barriers are compounded by a lack of understanding. The names in this story I'm about to read have, of course, been changed.

30 Charlotte is a 10-year-old student with Asperger's syndrome who recently withdrew from a private school after bullying became so severe that she stopped attending. Her parents felt they had no choice but to remove her after incidents that included her being pushed off a pier and hiding in a garbage bin to escape taunting. Charlotte has been subject to multiple instances of bullying and violence. On one occasion she was admitted to hospital suffering severe anxiety and stress after a teacher confronted her with a false accusation that she had stolen another child's property. The resulting anxiety was crippling, even affecting her walking and speech. The hospital wrote to the school but with no response. In a separate incident, she was taken to the hospital after being hit across the head and suffering injuries including black eyes. Her mother could not identify any remedial action that had been taken by the school in that respect.

45 An individual education plan was in place to support Charlotte and it was inadequate, only implemented for one school term, and showed a lack of understanding of her behaviours and communication style. All of this exacerbated her anxiety. The negative experiences at public and private institutions have taken a toll on



Charlotte's family. Charlotte's mother is worried she will lose her job and Charlotte attends school only three to four days a week at best. Advocating for her child's safety has been exhausting. Charlotte's mother has said, "We've had such a horrible journey. It's almost like because Charlotte's different, she's viewed as less." May I  
5 take a moment to thank the contributors of those stories to the Commission, and these stories have come from across Australia.

10 COMMISSIONER SACKVILLE: Dr Mellifont, can I just clarify, those stories are all with the consent of the people who are involved?

DR MELLIFONT: Yes, thank you. Quite so. Why look at education first? It's not a matter of happenstance that education and learning has been selected as the first topic for hearing in public hearings. Education is a key enabler of other rights including those related to work, housing, political participation and access to justice.  
15 Education sets the scene. As Rosemary Kayess, a member of the United Nations Committee on the Rights of Persons with Disabilities and senior research fellow, and Jennifer Green senior lecturer school of management and director postgraduate community and not for profit management program, note in their 2016 piece entitled Today's Lesson is on Diversity:

20 *As a cornerstone of social inclusion it plays an important role in social development and interaction as well as often being the avenue for lifelong friendships and support networks.*

25 The Commission, of course, adopts what should be self-evident, which is that all children have the right to an education. This is a time critical right. We as a society have a relatively small window of opportunity to get this right, and research analysed by the Commission thus far, and information being received by those who work within the system, tend to the conclusion that we, as a society, can get education  
30 right. Ms Mary Sayers, CEO of CYDA, was recently quoted in a media article as stating:

35 *If we don't get it right in education, we can't get it right everywhere else. So this is really important and historic that the Royal Commission is starting with education.*

As Catalina Devandas Aguilar, United Nations special rapporteur on the Rights of Persons with Disabilities stated:

40 *Childhood is a decisive stage of life. It is a stage of exploration, play, learning and identity construction, among many other things. Too many times, however, reality restricts the right to a full and happy childhood.*

45 The Commission recognises the pervasive and significant effect that adverse education experiences can have on a person's life journey, particularly so a person with a disability. Getting education right is the starting point for the prevention of

violence, abuse, neglect and exploitation, and for – and it is the starting point for creating an inclusive society.

5 In the course of this hearing we will hear from Professor Suzanne Carrington, who will explain and demystify the concept of inclusive education and speak to the benefits that inclusive education can offer not just for students with disabilities and their parents and carers but also to the general student cohort, teachers, principals and education workers alike.

10 So what does the research tell us? Review of reputable academic works tells us that we know that education is a setting where people with disability and their families often experience violence, abuse and neglect. This may contribute to poorer academic outcomes and social and emotional development for people with disability, as well as a start to life marred by trauma. Many barriers remain entrenched in  
15 education practice, and very often in education law and policy. Barriers are often multifaceted and overwhelmingly the result of societal attitudes. They are also often structural and systemic, including inadequate legal and policy frameworks, the provision of adjustments and supports, insufficient funding, flaws in data collection, and a lack of accountability and transparency.

20 Cultural barriers to inclusion and development arise early in life for people with disability, particularly in school. There is a false idea that by infantilising people with disability and not teaching life skills they are being kept safe. Students with disability are devalued and their potential to flourish is not acknowledged or  
25 nurtured. We have received information concerning the lack of understanding and negative perceptions of some school staff, principals, students and parents, and how they have significantly impacted the ability of students with disability to participate and thrive. One parent reported that other kids get special awards just for speaking to her child with a disability. That obviously reflects a paternalistic and passive view  
30 of people with disability, as objects who must be protected rather than as active holders of rights, rather than as human beings who like every other human being on this planet can do some things well and others not so well.

35 What we know from the data is that over the past decade there has been an increase in the proportion of students with disabilities attending schools. Among students with disability in Australia, 14 per cent attend a special school. The number of students with disability attending a special school has increased by 35 per cent between 2003 and 2015, incentivised by resourcing arrangements where children with disability who attend special schools attract a higher funding loading.

40 Mainstream settings are not free from segregation for students with disability. Of those students with disability who attend mainstream schools, approximately 19 per cent attend special classes within those schools. We know, from the important work of Professor Linda Graham that despite the lack of consistent data students with  
45 disabilities experience much higher levels of suspension and expulsion than their peers without disability. We have received submissions where students with disability have been consistently denied the reasonable adjustments and support they

need to learn alongside peers. This lack of support and understanding has led to deteriorating behaviour and ultimately to incidents where they have been suspended, expelled and/or shifted along to another school.

- 5 Can I again say at this point these are submissions from across Australia. These are not intended to be regarded as Queensland specific commentary. These are submissions from across Australia. This topic of suspensions and exclusion like, for example, the topic of the use of restricted practices, is a very important topic, worthy and in need of detailed consideration by the Commission, and work which the  
10 Commission will be undertaking in the future.

A survey from CYDA published recently in its annual survey is consistent with the observation made by Professor Graham. The individual stories referred to in  
15 CYDA's survey bring some of these statistics to life. For example, one parent's child was suspended six times in six months for behaviour issues, and redirection issues. The parent said "they push and push until he's completely overwhelmed and then they wonder why he won't comply. Then they suspend. Once for three days. He was six years old".

- 20 Even for those who are present in the mainstream classroom, the survey indicates that in some educational facilities, students with disability are routinely being denied opportunities to fully participate in the curriculum and school life, with almost half of the students being excluded from participation in camps, sports, excursions, events and school activities. Another parent reported that the principal at times forgot to  
25 include support unit kids in activities, or they are always separated from the mainstream kids by default.

Research also indicates that people with disability continue to be subject to violence, abuse and neglect in the education setting. The Senate Community Affairs  
30 References Committee, Parliament of Australia, entitled "Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability and culturally and linguistically diverse people with disability" – that's the title of the report – 2015 –  
35 that report states and demonstrates that there is an increased risk of violence, abuse and neglect for children and young people with disability in school and transportation to and from school.

It observed that people with disability are most likely to be abused in segregated  
40 service environments, many of which are to be found in education institutions. Further, individual examples articulated in the CYDA survey included a child bullied so bad that it led to self-harm and depression, where a school PE teacher ridiculed a child for not wanting to participate in sensory overloaded PE classes and music, and a child pushed downstairs, called names and threatened with rape.

- 45 We know from Australian Bureau of Statistics survey of Disability, Ageing and Carers 2018 that while education outcomes for people with disability have improved,

with higher rates of year 12 completion, attainment of bachelor degree or above, and advanced diploma and diploma education outcomes for people with disability are still low compared to people without disability. We also know that educational attainment is one of the greatest predictors of employment and income, and that  
5 people with disability are under-represented in formal education matriculation.

So only 33 per cent of people aged 20 and over, people with a disability, have completed year 12 compared to 62 per cent. Sixteen per cent of people with a disability have a bachelor degree or higher compared to 31 per cent of people  
10 without a disability. In our submissions and through our consultation so far, we have heard that some parents advocate tirelessly for their children to receive an equitable education. This consumed time, energy, and that's physical, emotional and psychological in resources. Sometimes for the situation for the child becomes so dire that the parents decide to change schools or home school their children, which in turn  
15 often adds a new layer of financial stress to their concerns. And in some cases, parents have developed anxiety disorders themselves as a result.

The decision to remove from mainstream school is agonising. It often comes down to safety. While parents acknowledge the benefits of attending a mainstream school  
20 they remove their children to ensure they are safe, they are listened to, and they are free from bullying. Children and families from low socioeconomic backgrounds can be at a greater disadvantage. They face additional challenges when advocating for their children as they may not necessarily have the financial resources to continuously resolve the significant barriers they face in educating their child.  
25

In some cases, home schooling or paying private school fees is simply not an option. Research information received so far in respect of the perspectives of educators are teachers is that some do not – are not or do not feel supported to teach diverse  
30 learners. We've had reports from teachers feeling overwhelmed trying to teach some students with disability when they've not been given skills, training or resources they need, and we have had reports from students with disability and their parents of a lack of understanding, specialist training and assistance and no empathy from school staff, education departments, and that the relationship between the schools and their families can often be adversarial.  
35

The Commission recognises and will be exploring intersectionality across a variety of issues. For example, the additional considerations to be taken into account where finding solutions where disability is combined with low socioeconomic  
40 circumstances is a matter the Commission will visit. The Commission will also explore an understanding of disability in the LGBTQI+ community. And an understanding of disability in our First Nations Peoples communities. As the Chair has indicated, Commissioners Mason and Atkinson are travelling to Palm Island this Friday to commence the very important task of community consultation with our First Nations People. In the first half of 2020, some of the public hearings will focus  
45 on the issues faced by First Nations People with a disability.

Research and information thus far has indicated that segregation from the mainstream classroom has a compounding effect on First Nations students with disability as it is often the case that special schools, units and classrooms lack the cultural education and connection to community that may be provided in the mainstream environment. As Scott Avery notes in his publication Culture is Inclusion, schools often take a compartmentalised approach where programs for Aboriginal and Torres Strait Islander children are run independently of programs for other children with disability. Our information and research thus far has also indicated that First Nations and culturally and linguistically diverse parents and families may already be experiencing racial discrimination in trying to engage with a school when seeking support for a child with a disability.

The Chair has, of course, outlined the right to education for people with disability and that it is well recognised under international human rights law. Article 24 articulates the right to education for people with disability. These, Article 24 and the international rights, are not aspirational. The Commission is committed to ensuring the right to inclusive education and the right to dignity and recognition of the right to an equitable education of all children, of all students. The Commission's Terms of Reference require the Commission to look at what governments, institutions and the community should do to prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts. And to look at what governments, institutions and the community should do to achieve best practice, to encourage reporting of and investigations of and responses to such conduct, including addressing failures in and impediments to reporting, investigation and response. And very importantly, what should be done to promote a more inclusive society that supports the independence of people with disability and their right – their right – to live free from violence, abuse, neglect and exploitation.

As I said before and as the Chair said before, this hearing is just the start. In addition to starting to shine a light on issues experienced by students with disability and their parents or carers, this hearing will also look at inclusiveness in education as it relates to students with disability, and the implementation of existing policies and procedures relating to inclusive education of students with disability. And we are starting with a focus on the Queensland Government education system.

This Commission is committed to putting people with a disability at the centre of all it does, including children. This week we will be privileged to hear from two parents who speak about their experience in seeking to achieve equitable education for their children. This Commission absolutely recognises the importance of students being able to speak for themselves and for the Royal Commission to give the opportunity for their voices to be heard, truly heard. We are hopeful that in the future we will have the privilege of hearing from such students who are willing to share their story with us in such a public forum.

My learned friend Mr Fraser will now provide an outline of the evidence to be heard this week.

COMMISSIONER SACKVILLE: Thank you, Dr Mellifont. Mr Fraser.

5

MR FRASER: At the conclusion of these opening remarks, the first witness this Commission will hear from is a mother of a child with disability who's presently engaged in the state education system in Queensland. We will hear from another parent tomorrow who will speak of her experiences both as a parent of children with disability and the education system in Queensland, and as a person who has herself worked within that system. These parents will inform the Commission about the experiences that their children and they themselves as parents have had in navigating that system. Evidence of this type is of invaluable importance for the work that lies ahead.

15

The first of these witnesses will give her evidence under a pseudonym as AAA. She and her daughter are local to this part of Queensland. Her daughter, in addition to being an energetic and social 13-year-old girl attending high school, has a diagnosis of Down syndrome, some intellectual impairment and problems with her vision. Her education journey began in a special education development unit at a young age. She subsequently attended school by a combination of prep and at times at that unit before moving to grade 1 and onwards, from which time her experience was one of exclusion. She was not valued as an authentic learner and was separated from her peers in many instances. Reasonable adjustments were not available to her. After her mother's attempts to engage with the principal did not assist she made the decision to move to another primary school where, after a period of adjustment her school life began to improve. Her new school saw her as an individual capable of learning. She had access to proper curriculum where she was expected to and did participate with her peers. She was active in the school's programs. She is now in high school, a school which sees her as an authentic learner and has high expectations of her.

20

25

30

This parent and her daughter have been engaged with three different schools in the state education system and their experiences have vastly differed from school to school. She will speak of her firsthand experience of the importance of school leadership to ensure children with disability receive the same education opportunities as children without disability.

35

This afternoon we will hear from representatives from two community organisations by way of a panel session. The first being Dr Lisa Bridle, a senior consultant with the Community Resource Unit, or CRU. CRU is a community organisation that focuses on building the advocacy capability of families. It has a 30-year history of working with families with disability and has been working specifically in the education space for the past seven years. Dr Bridle's role includes the development of strategies and programs which promote and sustain leadership towards positive change in the lives of people with disability.

40

45

The panel session will also include Mrs Deborah Wilson, who is the Chief Executive Officer of Independent Advocacy North Queensland, IANQ. IANQ is a central advocacy and legal service for people with disability in North Queensland and has operated since 1987. It provides both individual and systemic advocacy to assist people with a disability. Mrs Wilson is also the Secretary of IANQ's Management Committee and the Deputy Chair of the Disability Advocacy Network of Australia. As I have mentioned, these witnesses will give their evidence in a panel and the Commission will seek information from them as to the issues which have been brought to them by people seeking their assistance.

Questioning of the panel will elicit an understanding of the recurrent themes brought to these organisations with respect to issues or barriers faced by students with disability, faced by parents trying to advocate for their children with disability, and barriers faced because of school educator attitude, culture or training and knowledge.

On Tuesday morning the Commission will hear from the parent that I referred to earlier. This parent will also give evidence under a pseudonym, known as AAC. She is a mother of five children that face a range of challenges. Four of her children have autism. Her youngest also has attention deficit hyperactivity disorder. Her children range in age from 15 to 28. As can be imagined, the challenges faced by each child are different. In addition to her role as a parent she is an experienced teacher in the area of special education, having worked in the Queensland public education system for more than a decade. As a parent of children with disability and an experienced teacher, this witness is well placed to inform the Commission about the difficulties that such children face in the education system. She will speak about the experiences of her children at two different independent schools in this region. This includes difficulties in getting teaching staff to make adjustments to meet her children's needs and the importance of teacher engagement. She will also speak of her own observations as a teacher in the state system, working with students with a disability.

The Commission will then hear evidence from Mr Kevin Bates, the president of the Queensland Teachers' Union, a position he has held since 2012. The QTU is a professional body which represents more than 47,000 teachers and school leaders in primary, secondary and special schools and TAFE institutes in Queensland. Mr Bates will give evidence as to QTU's position on the inclusion of students with disability in mainstream schools and on the commissioning and de-commissioning of special education units and special schools. As a representative voice for its members, QTU's position on special education and other substantive matters is determined by the democratic decision of its elected representatives.

Mr Bates will give evidence in respect to the following. QTU's position on behalf of the Queensland Department of Education's Inclusive Education Policy and the conditions upon which the support for that inclusion is predicated. In particular, he will explain QTU's position not to support school-based decisions to move to a total inclusion model unless there has been adequate consultation with staff, there is support from staff and full delivery of all resources required to support all students.

And from QTU's perspective, the issues that arise with the implementation of Education Queensland's policies and procedures on inclusive education, including funding models and the resourcing of schools required to attain inclusion of the nature described in the policy.

5

On Tuesday afternoon the Commission will hear evidence from two academic experts by way of a panel session, being Professor Suzanne Carrington and Dr Glenys Mann. Professor Suzanne Carrington, of Queensland University of Technology, will introduce the concepts of inclusive education and the consideration relevant to its effective realisation, including examining the importance of principal and teacher attitudes. Dr Glenys Mann is at present a lecturer at the Queensland University of Technology. As a parent of a child with a disability, Dr Mann has a particular interest in the issues that parents of students with disabilities are confronted with in relation to the schooling of their children and the factors that influence and inform their decision-making.

10  
15

In 2016 she submitted her thesis entitled An Exploration of Parental Decisions to Transfer Children from Regular to Special Schools. Dr Mann notes in her thesis that the good school life that inclusive education promises has remained elusive to many students, particularly those with intellectual disability. Traditional practices such as segregation continue to exist including by the continued provision of separate special schools. Given that one explanation for the continued existence of those schools is to afford a choice of schooling to parents of students with disabilities, Dr Mann's research considers the range of factors that influence the decision-making process, in which a parent engages to make that choice, including the desire for the personal growth of their child and enjoyment of school, down to more fundamental factors such as physical access and the meeting of basic needs.

20  
25

In instances where a decision has been made by a parent of a child with disability to enrol in a special school, Dr Mann's research has considered the factors that have informed that decision, including the lived experience at school, including of children and/or their parents being made to feel unwanted, and the use of suspensions; barriers to education such as lower expectations and an exclusionary culture; and the importance of attitude of teachers and principals and the importance of the parent/teacher relationship.

30  
35

On Wednesday, the Commission will hear from six Department of Education employees. This will be done by two sets of panel evidence. The first panel will be from three heads of inclusive services. The first panel you will hear from is constituted by Ms Catherine Morris, Head of Special Education Services at Bowen State High School. Next member of the panel is Ms Jewelann Kauppila, Head of Department, Inclusive Practices at Ingham State High School. And, finally, Ms Loren Swancutt, currently acting in a secondment as Regional Head of Special Education Services (Inclusion), her substantive position being Head of Inclusive Schooling at Thuringowa State High School.

40  
45



In the second panel this Commission will hear from Ms Judith Fenoglio, principal of Ingham State High School, Ms Pamela Prichard, principal of Bowen State High School, and Mr Grant Dale, principal of Thuringowa State High School. At these two panel sessions the Commission will hear firsthand evidence in respect of these three schools, the efforts which have occurred in respect of the implementation of the Queensland Government's inclusive policy, what is working, and what additional needs these educators perceive are required in respect of inclusive education.

On Thursday, this Commission will hear from the assistant Director-General of inclusion and disability in the Department of Education, Ms Deborah Dunstone, about the implementation of Queensland's Inclusive Education Policy. Ms Dunstone will speak about the processes undertaken in the Queensland state system to identify students with disability by way of the annual collection of information pursuant to the Nationally Consistent Collection of Data on school students with disability. She will speak about the resources and supports that are made available for students with disability and the current role of special schools and special education programs in Queensland.

Ms Dunstone will tell the Commission about the results of the independent review into the education of students with disability in Queensland State Schools which was completed by Deloitte Access Economics culminating in the publication of a report in February 2017. That report made 17 recommendations to improve inclusion and productive educational experience for students with disability. Ms Dunstone will speak about the commitment made by the Queensland Government to implement all 17 of the Deloitte report's recommendations and the progress being made to do so, including by the renewed Inclusive Education Policy which commenced in May 2018.

Dr Mellifont will now provide some final comments.

DR MELLIFONT: We have the good fortune of being joined this Thursday by Ms Kate Eastman of Senior Counsel, so Counsel Assisting the inquiry. At the risk of it appearing that I might be exhibiting some home-State own bias, may I thank the Queensland Department of Education's cooperation with the Commission and to note the reason for commencing with Queensland Education, as the Chair as noted, is due to the steps taken towards inclusion. Now, I don't think anybody is claiming the system is perfect, but the research gathered so far indicates that the inclusive policy is starting to gain traction within several schools.

In that respect, we conferred last week with the witnesses who will be giving their evidence on Wednesday, including Ms Morris, who is the head of special education services at Bowen, and she told us of a recent visit by external teachers to their school to see what Bowen was doing by way of inclusive education. One of these visiting teachers asked one of the students, a student without a disability, what it was like to be in a class with – let's call him John – a student with an obvious disability. The student did not understand the question. He couldn't understand why he would be asked what it was like to be in a class with John because John, like him, was just

another student. Another student there to learn, another student there to play, and another student there to grow. That's progress.

5 The Commission is acutely aware of the incident which occurred at Heatley last week, involving an 11-year-old inflicting knife wounds on a teacher. The Commission's thoughts are with that young student, the teacher and the school community. However, this incident will not be the subject of any examination in these public hearings. It will be highly inappropriate to engage in any discussion of any sort in respect of that incident, given a number of factors, not least of which is  
10 the ongoing police investigation.

These public hearings will be live web streamed on the Commission website. That's [www.disability.royalcommission.gov.au/pages/default.aspx](http://www.disability.royalcommission.gov.au/pages/default.aspx).

15 It is the intention of the Commission to approach its task in a thorough fashion with intellectual rigour. That means it will be necessary for different sides of the debate on contentious issues to be heard. This for some may be very confronting. For some, hearing arguments contrary to your own opinion may be very stressful. For some, it may even be a trigger for trauma. The Commission understands that some  
20 of the topics that will be discussed, some of the evidence that will be received, will be upsetting, and we encourage those who are watching, whether here in person or on the web stream, if you think you might find some of the content challenging, please have support around you.

25 As I touched on earlier, the Royal Commission is aware of the right of all children and young persons to be heard. We acknowledge that children and young persons have the right to express their views and have them taken seriously. The absence of any children and young persons giving direct evidence this week should not be taken in any way as a sign that the Royal Commission does not wish to hear from children,  
30 or their voices will not be heard. We welcome those people to engage with us.

We also understand it can be a big ask for a child or a young person to participate in the Commission public hearing and speak about their experiences. And in this public hearing, it's our hope that the voices of the children and young people will be heard  
35 through their parents, teachers, and advocacy and community groups.

I said that at the beginning I would speak about supports. The Royal Commission has an internal counselling and support services team who are made up of social workers and counsellors who are able to provide counselling and support to people  
40 engaging with the Commission at face-to-face community forums, public hearings, private sessions as well as over the phone. Four of our counsellors are present at today's hearing, including an indigenous male social worker. In addition, the Australian Government, through the Department of Social Services, has funded Blue Knot Foundation to establish a specialist counselling support and referral service for  
45 people with disability, their families and carers, and anyone affected by the Commission.

The Blue Knot Royal Commission hot line number is 1800 421 468 – I will repeat that – 1800 421 468 – and is available from 9am till 6pm Eastern Standard Time, Monday to Friday, and 9am to 5pm Eastern Standard Time on the weekend and public holidays. Blue Knot provides professional short-term professional

5 counselling and support, a gateway to front line counselling services, advocacy and legal support services, information and referrals about other useful services and psycho-education. They have extensive, nation-wide referral networks to support those who require longer term, face to face or case management support.

10 A range of legal and advocacy services have been funded by the Australian Government and are being administered through Department of Social Services and the Attorney-General's Department. These include additional funding to organisations currently funded under the National Disability Advocacy Program for individual advocacy. The Commission has been advised of 50 of the NDAP funded

15 organisations will receive top-up funding. Advocates from the National Disability Advocacy Program are able to help protect an individual's rights, to say what they want to say, to help provide advice and support.

Further, the Australian Government through the Attorney-General's Department has

20 funded a Legal Financial Assistance Scheme to assist individuals and entities with meeting the costs of legal representation, and disbursements associated with formal engagement with the Commission. The Attorney-General's Department has also funded National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services to deliver free legal advisory services for people engaging with the

25 Commission.

Further information about all of these support services and links can be found on the Commission website or by contacting the information line. The information line number for the Commission is 1800 517 199. That's 1800 517 199. May I finish

30 with these comments, which have as their trigger an observation made by Dr Bridle. The devaluation of some within our society of people with disability can lead them to ask the intolerable and ignorant question of why does a proper education for a person with a disability even matter? This Commission hopes to bring about a transformational change within Australia to render that kind of thinking a thing of the

35 past.

May I now move to the formality of tender.

40 COMMISSIONER SACKVILLE: Well, Dr Mellifont, we may take the opportunity - - -

DR MELLIFONT: Thank you.

45 COMMISSIONER SACKVILLE: - - - for a short break. Ms McMillan, you are hiding behind a computer screen there but - - -

MS McMILLAN: Yes.

COMMISSIONER SACKVILLE: - - - I think I can see you. Do you want the opportunity to say anything by way of opening?

MS McMILLAN: No. Not at this stage, thank you.

5

COMMISSIONER SACKVILLE: Thank you very much. All right. Well, we will take a break of about quarter of an hour, and we shall resume with what Dr Mellifont has foreshadowed, the exciting business of tendering documents.

10 DR MELLIFONT: Thank you.

**ADJOURNED**

**[11.36 am]**

15

**RESUMED**

**[11.58 am]**

20 COMMISSIONER SACKVILLE: Ms Mellifont, I think I should formally make the direction not to publish to which you referred. So pursuant to section 6D subsection (3) of the Royal Commissions Act 1902, I the Honourable Ronald Sackville, Chair, established under Letters Patent dated 4 April 2019 and amended on 13 September 2019 to inquire into and report on violence, abuse, neglect and exploitation with disability, direct until further direction the unredacted statement of the witness about  
25 to give evidence, dated 1 November 2019, is not to be published except to (1) the Royal Commission, its staff, counsel and solicitors assisting including contracted service providers for the purposes of exercising their functions and duties; (2)  
30 counsel and legal representatives for the State of Queensland; (3) in-house lawyers at the Department of Education who are instructing counsel, and legal representatives for the State of Queensland; (4) no more than five officers employed by the Queensland Department of Education and the office of Assistant Director-General, Disability and Inclusion, whose names have been provided in writing to the Office of the Solicitor Assisting the Royal Commission before the unredacted statement is provided to them. Those are the orders that have been made and they are on the  
35 record.

DR MELLIFONT: Thank you, Chair.

COMMISSIONER SACKVILLE: Thank you.

40

DR MELLIFONT: Might I also apologise to some within the room for the tapping on the microphone which can be extremely loud and upsetting to some people. We will do our very best to avoid making contact with the microphone because it does have a very strong sensory effect. So may I express my apologies. Also, I will slow  
45 down a little so that we can ensure that the interpretation and the reporting, the transcript, captures everything.

COMMISSIONER SACKVILLE: Can I give a little bit of forensic advice based on experience. Everybody is perfectly welcome to follow the real-time transcript which is being produced with astonishing skill. But my experience is that if you read the transcript, it does tend to distract you and detract from listening to the person speaking. It's entirely a matter for you but sometimes you might find it better not to actually read the real time transcript and if you can hear, listen to what is going on. But that's just a personal preference based on long experience of being distracted – I'm an expert at being distracted. Yes, Dr Mellifont.

DR MELLIFONT: Thank you. May I then move to the formal tender of Tender Bundle Part A. Indexes have been provided and I simply need to read into the record that I tender Part A of the Tender Bundle which contains exhibits 1 through 14. Now, some of the material which has been tendered in that bundle will need to be the subject of close examination for redaction of private material. So in those circumstances, I seek an order that until further order the contents of the tender bundle not be published.

COMMISSIONER SACKVILLE: Yes. Well, I will make that order in the terms that have just been expressed by Dr Mellifont. As far as the tender is concerned, you are referring in hardcopy form, in any event, to one of the two volumes that has been handed up to each of the Commissioners.

DR MELLIFONT: That is so, thank you.

COMMISSIONER SACKVILLE: And we have, of course, a digital or electronic version of that document.

DR MELLIFONT: Thank you.

COMMISSIONER SACKVILLE: Thank you.

DR MELLIFONT: May I also inform the Chair and Commissioners that Ms McMillan QC for the State of Queensland will be providing an opening a little later during the week. I call, therefore, our first witness, who will be giving evidence under the pseudonym AAA. And I ask that she come to the witness box, please. For the record - - -

COMMISSIONER SACKVILLE: I think it's been explained to you that you may take an oath or affirmation as you wish. Please, whichever you wish. Thank you very much.

**<AAA, SWORN**

**[12.03 pm]**

45

**<EXAMINATION-IN-CHIEF BY DR MELLIFONT**

COMMISSIONER SACKVILLE: Thank you very much. Please sit down.  
Dr Mellifont will ask you some questions. Thank you.

5 DR MELLIFONT: For the record, this is tab 89 in the bundle. Good morning.  
Thank you for coming today?---Thank you.

Do you live here in a suburb in Townsville?---I do.

10 Do you have a daughter aged 13?---I do.

And does she have Down syndrome?---She does.

15 Can you tell me about her, please?---[REDACTED] is a very happy and energetic  
13-year-old. She is very interested in anything related to Disney, her favourite movie  
at the moment is Maleficent Mistress of Evil. She is extremely independent. She is  
very fond of her pets. She has a cat, a dog, six chickens and a fish. She has a great  
need to be social and with other people, and I see her one day doing something like  
being a theatre attendant or a party organiser.

20 And is hospitality her thing – that is, in respect of wanting to know who guests are  
and making sure that they're looked after?---Yes, very much so. So she likes to  
prepare food, serve food, make sure everyone's comfortable, and has everything that  
they need. So, yes, hospitality is definitely her strength.

25 Now, her diagnosed label is Down syndrome. So she – does she have some  
intellectual impairment?---Yes, [REDACTED] has an intellectual impairment but she  
is also a great learner. When she picks something up she's usually right from then on  
she's right to go. She has some aspects of autism spectrum disorder and low muscle  
tone.

30 Okay. How's her vision?---Her vision is extremely poor. [REDACTED] has no  
depth perception. She has what's called biocular vision. She requires glasses just to  
focus.

35 So she can't see out of her left eye?---When she was born she couldn't see out of her  
left eye. She patched her right eye to then enable the optic nerve to connect with the  
left eye. It's quite common in babies. But what that left her with was biocular vision  
rather than binocular vision, which is what most people have, so she can't judge  
depth and at the rate at which things are travelling towards her.

40 Okay. So without her glasses she's virtually blind and can't focus?---Absolutely.

45 Okay. She doesn't have any peripheral vision?---No, she's very much tunnel vision.  
She can't see things coming from the side of her. Because she focuses so intensely,  
she doesn't have that movement in her head because she's very much focused on  
what's either in front of her or below her.

Okay. So her glasses are very important to help her get around safely?---Absolutely.

15 Okay. Now, can your daughter do a lot of things that many kids of her age can't do?---Yes. So she's really capable. She – she can cook half a dozen meals from a recipe, so not just pull something out of the freezer and put it in the oven, but cook meals from scratch. She cooks for her family every Wednesday night. She can do – do her own – a load of washing and hang it out, organise, you know, putting washing in the laundry basket, which a lot of kids don't do, but she's quite capable around the house and very – very independent.

10 Thank you. I slipped by using the child's name. May I – no, my fault. May I remind everybody of the non-publication order with respect to that, and that the identity of the child should not be released.

15 COMMISSIONER SACKVILLE: Including you.

DR MELLIFONT: Including me. Yes, that's what I mean. All right.

20 So can you tell me about your daughter's early school years, please?---[REDACTED] started under a program called the Special Education Development Unit which is now called the Early Childhood Development Program. She was only seven or eight months old at the time. She – the program was designed to engage parents with children with issues on how they can play and just be – treat their children as they would any other child and engage with their child in – in a normal setting. It was a very supportive environment. Parents were supported to – by the other parents in the room. The teachers that ran the program were extremely skilled, and our – our children were given opportunities like a regular play group setting but accommodated their – their disabilities in that.

25 30 Is that a program you would like to see continue?---Absolutely. This program allows kids who have a delayed development or delayed learning to get the skills to go to school in time with the rest of their peers.

35 Okay. Can you tell me about your daughter's prep year, that is at his first primary school?---So my daughter's transition to primary school was assisted by the staff at the Special Education Unit. They supported the teacher at the school in helping them understand [REDACTED]'s challenges, learning needs, learning style, etcetera. We did do what's called a dual enrolment back then, so three days at the primary school and then two days at the Early Childhood Development Program. This really set  
40 [REDACTED] up for success and it gave, I believe, me, the teacher, and [REDACTED] a sense of confidence that she belonged there.

45 Okay. So you regarded her teacher there as an amazingly experienced teacher with a great teacher's aide?---She was a quality teacher. She was – she was experienced, she was – she had a very quiet manner about her. The teacher aide was amazingly accommodating of [REDACTED]'s needs, made sure that she had everything that

she needed throughout the day. The teacher didn't see any barriers to [REDACTED] being in the classroom.

5 Okay. And the teacher aide was able to assist your daughter with toilet training, manage that?---Manage her personal care, perhaps opening a container, or, you know, accessing resources in the classroom.

10 Okay. You describe prep as being not so much about curriculum but getting kids ready for school, and it being a good experience for your daughter?---Absolutely. Just gaining those skills to participate in a group, turn taking, sitting down doing set work, the social skills required in the playground, the routine around eating, toileting, all those sort of things that you need, those skills to just engage in school.

15 Okay. Can you tell me about grade 1, please?---Grade 1 was a challenging year, and although the teacher and her classroom was quite good, this is when the teachers from the Special Education Unit would take [REDACTED] out of the classroom for chunks of the day. I'm assuming with other kids with disabilities, I'm not sure. But she only ever did things like colouring in. She was just given stuff to occupy her and she wasn't given access to the curriculum, she didn't – she wasn't seen as an authentic learner. She was just being babysat outside the classroom.

25 When you say she was taken outside the classroom, is that, to your understanding, to a special education unit or somewhere else, or you don't know?---Yes, like a special classroom assigned to the special ed teacher, yes.

Okay. So you speak about her not having been taught any of the curriculum. So did she produce any work?---No. Colouring in was it. And it wasn't even content or curriculum related. So it was just random colouring in.

30 Okay. Did she need additional resources?---Because of [REDACTED]'s low muscle tone and fine motor skills, I guess, the pens and pencils – the organisation of her resources had to be enabling her rather than providing another barrier. So these would cost, you know, instead of two or \$3 for a packet of pencils I would pay up to \$15 for triangular pencils that had grips on them. She had slope boards, she had all her books were colour coded so that would help her identify her own book work. Scissors, anywhere, \$15, \$20 for a pair of scissors because – just so she could participate in those activities in the classroom.

40 Okay. And things like special rulers as well?---Yes, rulers with a grip on the top so she could hold it.

And who was it who recommended the use of these items for your daughter?---Our occupational – or her occupational therapist.

45 And who did you perceive had the onus – sorry, I will rephrase that. Who had to provide those?---I had to provide them because the school didn't.



Okay.

COMMISSIONER SACKVILLE: Can I say, if you need a break at any time, will you please let us know?---Yes, thanks.

5

Thank you.

DR MELLIFONT: Something else you needed to buy was different exercise books suitable for her level of learning?---So in year one, or year two when you go buy books it will have year one English book and it's a grid or certain line spacing. I would have to adjust that to what [REDACTED]'s ability – writing ability was. So just a different – a different type of book.

10

Okay. So these are all things you needed to fund out of your own expenses?---Absolutely.

15

Okay. Just to orient you I'm going to take you to around paragraph 20. Okay. Let me know when you're there. So let me just ask you about that. Did you regard things to do with [REDACTED]'s education as being hard work?---Every day was difficult. I just don't remember getting through a week where I wasn't asked to provide a resource or fix a problem at the school. Just getting permission forms to go to swimming lessons, which were funded by the government, or the swimming carnival. We just seemed to always be left off – or [REDACTED] – my daughter is left off the distribution list of anything that was extracurricular at the school.

20

25

Does that mean you weren't getting permission schools at the same time as the general student cohort?---No, I used – I would find out what was going on at the school through other parents just waiting at pick up, and so on, and I'd actually text them after hours and ask them about different activities because otherwise we would miss out.

30

Okay. And if you found out late and you put in a permission form perhaps later than others, who would happen?---I was always told it was never in time, but I – as soon as the forms were available, I would fill them in and either drop them off that day or the very next morning. I would deliver them to the office myself.

35

And did that mean that your daughter was or was not able to participate in things like swimming lessons or the carnival?---I convinced them to allow her to participate. [REDACTED] is an excellent swimmer. She is not in any way a risk at swimming. She can swim 18 laps of a 50-metre pool. And she could do that, probably not 18 at that point, but probably at least half a dozen lengths of a 50-metre pool at that age.

40

Okay. Were there occasions where she missed out on going to lessons or carnivals, or is it a matter of you needing to advocate until it was accepted?---It was always hard – hard work to get her to be included in what was taken for granted by other students. So it was me – me insisting, and making sure she got there when they – when she needed to be there.

45

Okay. Can you tell the Commission about a dance performance that your daughter's class did in front of the whole school in grade one?---Yes. Unfortunately, we can't show it because there's other kids in the – in the video, but clearly [REDACTED]'s cohort is in one group on the video, and then she's separated on the right-hand side of the group, very close to her teacher. She was doing the same performance at the same standard as all of the other children, but she wasn't allowed to stand as part of the group. And I watched that and it just breaks my heart because she was – if – I can't think of a reason why she shouldn't have been in the group because she was doing everything – she – and it's a beautiful video. It's just a shame that there's probably 10 feet between her cohort and her.

And for you, in your words that shows the stereotyping of Down syndrome, low expectation and limits?---Yes. The – the assumption that she wouldn't be able to do it, you know, that – that low expectation of her ability, that her – and her right to be part of the group.

Can I confirm to the Commissioners that we have, of course, received and viewed that video. It's not appropriate for public display because it does depict other students.

COMMISSIONER SACKVILLE: Thank you.

DR MELLIFONT: But it shows exactly what this witness has said. Excuse me for one moment. Now, were there upstairs and downstairs classrooms in that school?---So the old Queensland schools here have a – yes, like a high-set and a low set – a high-set framework where the classrooms never used to be downstairs, they just all used to be upstairs. But in year 1 and year 2 there were classrooms available with other year 1, year 2 kids in it downstairs which would have removed a huge barrier for [REDACTED], which was the stairs. So she had to hang on to the rail with one hand and then someone had to support her on the right side to navigate down the stairs and up the stairs. And if you can imagine with a classroom of kids running – you know, trying to get out to the playground or getting back into class it was quite stressful for her.

Yes. So the additional challenges - - -?---Oh, yes.

- - - included her vision?---Yes.

Lack of sense of depth with her vision?---Yes, that's right.

Low muscle tone?---Yes, that's right.

And the hustle and bustle that schools are?---That's right.

All right. Can you tell me about grade 2, please?---It was very apparent early on that the teacher my daughter had for year 2 wasn't a great match. I offered the teacher a binder of resources that I had built over years for my daughter, which had also

teaching resources in it. It had, you know, information about [REDACTED] her needs and so on. She just pushed it back to me and said, “I will do my own research, thanks”, and didn’t want to know anything about her or the resources that I had offered her.

5

So at that stage, can I just ask you this: when that happened, what was your sense of empowerment or otherwise? How did you feel?---I just felt sick in the stomach because this person did not – just didn’t seem to engage either with me as a parent or want to know anything about her individual students that may help her be a more effective teacher.

10

Okay. Now, in – so your daughter attended year two at her first primary school for three weeks; is that correct?---She was enrolled there for three weeks, yes.

15

But only was at school for five days?---Five of those three weeks.

Okay. So feel free to expand if you wish or would you like me to help you through this part?---No, you’re right. I’ll just hang on.

20

COMMISSIONER SACKVILLE: Take your time?---It became really apparent that the teacher was treating my daughter very differently to the other children in the classroom. She was yelling and screaming at her. She was – every time [REDACTED] stood up which she needed to, to pull out the drawer where all her material was stored, the teacher would scream at her, and I witnessed that, as did other parents who reported that back to me. The other children had resources on their desk but [REDACTED] wasn’t allowed to have her resources on the desk. She was given her iPad to keep her busy during the day. There was an imaginary line at the back of the classroom that the kids weren’t meant to cross. It did equate to about a quarter of the classroom. And when my daughter – I was in the room at the time, when my daughter crossed over the line, she just stood up at the front of the classroom and just screamed at her, and basically threatened her, “If you don’t get out” – I don’t know what the consequence was at the time, but there was no explanation why she was in the wrong place, why it was the wrong place. It was just one big room. There was no line, as such. The – [REDACTED] had, based on the recommendation of the OT, a bunch of resources that would help her cope with her sensory needs throughout the day. These were packed away by the teacher and [REDACTED] wasn’t given access to them at all. And instead she was offered like a bath mat at the front of the classroom underneath the whiteboard for her to sit when she needed time out. She was also offered underneath her desk as well, which is –

25

30

35

40

DR MELLIFONT: Which is a problem, isn’t it? Upsetting?---This was in three days. So she also lost [REDACTED] on a couple of occasions, and no one knew where she was, no one had reported her missing. I actually went to pick her up early for something and I said, “where’s [REDACTED]?” She did not have a clue where she was. She was found by her – one of her old teacher aides, sitting in the – in the covered play area on her own, eating her lunch.

45

Okay. If it's all right with you I might come back and summarise some of these points – and let me know if this is an accurate summary. During the first week of school in 2013 there are some times you were there in the classroom when the teacher was delivering lessons but your daughter was not included in the lessons.  
5 She was given her iPad to occupy her and was ignored; is that correct?---Correct.

Your daughter could not use regular pens and had to use triangular pencils because her things were different to those used by other students, she was made to keep them hidden under her desk. That's correct?---That's correct.  
10

When your daughter would stand up to get something the teacher would yell at her to sit down rather than ask her what she was trying to do; is that correct?---That's correct.

15 Did you see her do that with your own eyes?---The screaming at her when she stood up, yes.

Yes?---Yes.

20 And did other parents report the same - - -?---Yes.

- - - thing to you?---Yes.

And this having occurred to your daughter at school, did your daughter then start screaming the word “sit” at home?---Her behaviour went down – really downhill in those few – especially in the first two weeks. She was screaming, slamming doors, she was in her room yelling “sit”, she was hurting the dog, she was hurting me, she was hysterical. She lost continence during the night during that phase. She just was totally out of character.  
25

30 Okay. You've touched on this, but the teacher created an imaginary line in the classroom between where the students were allowed and not allowed, which took up about a quarter of the classroom but your daughter did not know she could not cross it?---No.

35 And when she did, inevitably, to walk across, the response of the teacher was to scream and yell at her to get out?---Correct.

40 Now, your daughter has a sensory processing disorder which means she needs to have access to some distractions and have some downtime?---Yes.

Is that right?---That's correct.

45 So when she's getting overwhelmed by – I did it again – too much sensory input, she needs some time out?---Yes.

Downtime?---Yes.

Okay. So did you, in consequence – this is in early 2013 – meet with the school and agree that your daughter would have access to activities such as blocks, play doughs, puzzles and sensory equipment?---I did. Yes.

5 And did you provide that equipment?---I did.

And is that the equipment that your daughter was not able to have ready access to but rather the teacher kept the equipment packed away in a cupboard in the corner of the room?---That's correct.

10

And you have spoken about instead she being placed on a bath mat. Okay. Now, on occasion did you see the teacher move [REDACTED] about in any particular fashion?---I witnessed her dragging [REDACTED] down the stairs without her glasses on at a pace that [REDACTED] couldn't maintain. Because of her low muscle tone and delayed development, her walking at that point was probably not fully mature, and the idea of doing that without her glasses was just terrifying.

15

Okay. Was your daughter allowed to sit with the other kids at lunchtime?---She was given a special place. There was a sign with the letter L on it which was the first letter of her name, stuck up on a pillar about six feet above where she was expected to sit. And my first interpretation of that was what is L for in the school community, and putting a sign up so high she would not have been able to see it anyway because of the way her vision is, and the fact that she would have to – her neck's quite short, so she would have to look up and to check that's the spot. And then not be able to sit where she wants to sit or with her friends at lunchtime was awful.

20

25

So your concern was, in addition to the segregation occurring, also that this placement of this letter which children might connect L for loser, as children do - - -?---Yes.

30

- - - would have a stigmatising effect?---I just didn't – I didn't think it was necessary, and I didn't think they actually thought that through or – there's a hundred other things they could have done, but yes.

35

Okay. These incidents, were they isolated?---No, they're the ones I wrote down and the ones I can remember. There were lots of little things. I sort of, at that, was becoming quite exhausted so I had to pick my battles, and try and focus on the things that really needed to be eliminated, as a work in progress, so to speak.

40

To work out what was within your capacity to challenge as a parent?---Yes.

Is that right?---From the outside you can't – it's – it's crazy to think that you can control inside what goes on inside a school. So all I could really do was identify issues and work with the school to try and resolve them.

45

Okay. You've spoken about the impacts of – on your daughter of these events at school. So at school did you observe anything in respect of your daughter and how

she felt about her current teacher?---She was petrified of her because of the yelling and the screaming. We're not yellors and screamers in our house. She used to run out of the classroom and go and hide behind the long flowing skirts of her year one teacher because that's where she felt safe. The teacher was a good teacher, you  
5 know, she did her very best. And it was obvious that she was petrified of this – of the year two teacher, but felt safe with her year one teacher.

Okay. Did you raise the incidents with the principal?---Almost every day, whether it was by email, phone conversations, organising meetings with the teacher. I've got a  
10 folder this thick of the – the attempts I made to try and work through the issues.

And what was the response that you would ordinarily get?---The principal blamed me and that I had a – a problem or a relationship issue with the teacher, which wasn't the case. I was offering support, understanding, whatever it was going to take to  
15 ensure [REDACTED] was safe at school, but it was rejected that, you know, that it was my fault and I was the one to blame for [REDACTED] issues in the classroom.

Okay. Just to assist you in your orientation, about paragraph 30 for you. Did you then decide to change schools?---Yes. After two weeks it became really obvious that  
20 my daughter was petrified and didn't want to go to school. I couldn't get her out of the house even if I wanted to anyway. We spent the next week in recovery mode, trying to get her to the point where she wasn't screaming and bawling her eyes out for most of the day and working out what our options were. And that's when we decided that I had to – we had to move schools because I was getting – I wasn't  
25 getting any – anything that was saying it was worth the heartache to stay.

Okay. And you moved school, yes?---And the school – yes.

Sorry?---We just moved across the other side of – so one school this side, another  
30 school this side, and it was a totally different experience. The leadership in the school was supported, they were experienced, they were welcoming.

What - - -?---One of the - - -

35 I'm sorry?---No, you're right.

I cut you off?---I was just going to say one of the teachers said to me early in her enrolment there was that, you know, we want your experience, as in your family experience, at this school to be the same as everyone else's. So because I turned up  
40 with all my resources, and all my props and everything from the old school and they just said, "No, it's just about education here."

And so was your perception, having heard that, that that teacher didn't think that your experience at the school needed to be any different just because your daughter  
45 had additional needs?---That's right.

5 Okay. So overall, what would you say about that school's leadership?---Because of the difference in the schools, they still operate under the same legislation, the same policies, the same budget constraints and so on, which leaves me with the leadership in the school and the heads of department, everyone is supported in that school. You can see it's a community culture. They don't – they don't look at the child as a problem. They look at how they can adjust or modify what's required for that child to engage in education.

10 So did you feel that if the teachers had a problem, that they would be supported by the school to come up with a solution?---Absolutely. There was a very clear sort of mentoring program within the school where teachers could seek advice from those who had a – maybe a bit more training or a bit more expertise.

15 In your view, was the head of special education very good working tirelessly to make sure that the teachers had the resources to support the children?---Absolutely.

20 Okay?---Teachers weren't left as islands, they were part of a cohort that worked really closely together, not just the special ed teachers, the whole grade cohort was work, work together so that all the teachers had each other's back and were a team.

25 Okay. Now, when she first started at the second primary school, this school you speak about, was the school able to identify that she had some anxiety?---They picked up on it straight away. She had severe anxiety for about 12 months after our previous school's experience. She had no confidence. She was always, you know, sort of looking at people as sort of almost anticipating yelling and screaming, or trying to read people. It was – yes, about 12 months it took her to recover from that.

Okay. But she did recover?---She did.

30 Okay?---And she's confident and she gets up to mischief and – yes.

35 You speak about that when she mucked up in class for the first time it was a yes moment for you. What do you mean by that?---I guess she was just behaving like regular kids. Her anxiety had not – you know, she was – she was just frozen all the time after that experience, and she – she would – she wouldn't take any risks, she would just sort of, you know, like a timid rabbit. So when she did muck up and she got in trouble, I went "yes", she's just being normal.

40 Which is not the normal reaction of parents, but this for you - - -?---For me - - -  
- - - was a sign - - -?---Yes, absolutely.

45 - - - that she finally had the confidence just to do something a bit mischievous?---Yes.

Okay. Now, at that school did you regard her being seen as an individual who was capable of learning?---[REDACTED] for the first time had access to proper

curriculum. She got homework, she had sight words, all the typical early childhood, early years primary school stuff. She got permission forms for everything. She participated in everything. It was a very normal experience.

5 Okay. So for you that was a sign that the teachers recognise that all children have a fundamental need to learn?---Absolutely. The school's quite diverse. So [REDACTED] wasn't special at that school. She wasn't different. She was just one of the, you know, four or 500 kids at the school.

10 And was she able to participate in everything the school had going?---In year four, [REDACTED] was offered a place in the Duke of Edinburgh Deadly Dukes Program, which I was ecstatic because what that meant was they saw her as an equal, they didn't see her disability as a barrier, which she had the same goals in the program as the other kids. Hers were modified so they were within her reach. There  
15 were three goals. The two I can remember was acquiring a new skill which we facilitated that through circus classes, and the second one was volunteering. She had to do 15 hours, I think it was, over a period which we chose to do the breakfast club at school which filled – identified [REDACTED]'s love of doing hospitality. She would prepare breakfast for her peers who didn't have food at home, and she would  
20 serve them food, milk, clean up, and so on, before school.

Okay. So did you need to help her with that?---I needed to support her, but, you know, the – by the time – the second, third time that we did it, she was fine. She just – just needed a bit of prompting and support - - -

25 Okay?--- - - - and that's it.

So your description – tell me if you feel it's accurate – is helped her as much as she needed but she really took charge?---Absolutely.

30 Okay. How was grade 4?---Grade 4 wasn't the best year for – for my daughter at this new school. The teacher was an experienced teacher. She was – there was no – there was no – she wasn't as exceptional as the other teachers, I guess. So she did what she had to do. She – there was – there were no issues around inclusion or  
35 access. She just wasn't as good a teacher. She had a bad year, as in – I wouldn't – bad year's probably harsh, but she had a year that wasn't as good as the other years but I figure, you know, every kid has a bad year at school, has a teacher that maybe isn't, you know, 100 per cent enthusiastic. That was probably the main issue – was enthusiasm. So – yeah.

40 All right. So generally, you described – the thing you found great about the school it was set and forget. What's that mean?---That meant that I could drop my daughter at school at half past eight, 20 to nine, know that I had nothing to worry about until I picked her up at 3 o'clock in the afternoon. I never got phone calls. Only she was  
45 sick or something like that. She had – you know, she had access to a safe drop-off area, pick-up area, and that I had a relationship with the school that if they did have a



problem, that we could work it out. And it was just a really normal experience, and I was quite happy until the sit back as a typical parent until the end of year 6.

5 Okay. At this school were you asked to provide all the additional resources as you were required to do at the prior school?---Some, yes. Some, no. As far as basic exercise books and all that sort of stuff, no, they – they provided all that – all the textbooks and curriculum material were all done by the school. Probably the one thing I did keep providing, because they are expensive, is scissors, schools only have a particular amount of money, but everything else they accommodated her.

10 Okay. Can we talk now about your daughter’s transition to high school, and your process of choosing a high school for her, please?---I guess I looked at going to high school as if without the view through [REDACTED]’s Down syndrome, so I initially opted for a private girls school. But it quickly became apparent that her inclusion there would only be physical inclusion, and that she would have to spend most of her day in a separate classroom with another child with a disability, that she wouldn’t be in with her peers. And [REDACTED] loves to sing and she loves music but every program in the school was by audition only. So it was competitive. It wasn’t based on just participating or enjoying singing or music. It was next level. And so I didn’t see any opportunities where she could do any extracurricular activities without competing. Got a sick feeling in the stomach and withdrew our enrolment which had been accepted, and decided to go to our local high school.

25 And what’s your view as to the representativeness of the local high school you decided to go to?---So the school represents the community where [REDACTED] lives. It’s very, very diverse. Every – every demographic that you can think of goes to that school. It’s – again, she’s not special. She’s got access to extracurricular activities, and – yes.

30 Okay. So how were the first six months of high school for your daughter?---They were rough. [REDACTED]’s main issue with high school has been transitions. Of course, with timetables, kids are transitioning every 40, 50 minutes, and so that was a real learning curve for her. It got to a point where things weren’t going well. She wasn’t happy, I wasn’t happy, the staff were not happy. So we – I called a meeting to try and work out what I could do and what we needed to do to get [REDACTED] engaged in the classroom because she wasn’t even getting to the classroom. I turned up at the meeting with a behavioural specialist and [REDACTED]’s NDIS coordinator to walk into a room where there were eight teachers sitting at the table with [REDACTED]’s picture in the middle of the table all wanting to know about her, what her strengths were, what her interests were, and it was just a meeting about getting to know both sides of, you know, the school side, the parent side, and – and my daughter.

45 All right. So you speak about walking into the meeting with eight teachers. Is that a good thing or a bad thing?---It – sorry, I didn’t - - -

Was it a good thing or a bad thing?---Oh, it was a great thing, because everyone was on the same sheet of music. Anyone who had even a small involvement in my daughter's school day was at that meeting. So everyone got the same information at the same time and I guess they could see that I was committed to her going to the school, I'm on board, so it was a building of trust, I guess, as well.

5

Okay. And did you come out of the meeting with the sense that the participants wanted to know about [REDACTED] and how she works?---Absolutely. Absolutely.

10

Now, did, in your view, that school see your daughter as an authentic learner?---Her – her curriculum was very – they took a lot of effort to work out where [REDACTED] was at, as far as primary school, and then what her goals were in her curriculum for that year. She was always given work that was appropriate. It wasn't dumbed down. It was just modified and differentiated to her learning style. She has improved – she has gone I think at least a year to two years ahead in her level of work since she has been at that school.

15

Okay?---She's, you know, doing really well.

20

All right. And so for you, that school took for the time to take a proper profile of your daughter's education needs?---Yes. So her learning – so her learning styles, what – what motivates her to learn, and just looking at the curriculum and differentiating it to her – her learning style and her needs.

25

And - - -

COMMISSIONER SACKVILLE: Dr Mellifont – I'm sorry, how long do you think you will be because I don't want you to go on too long without a break.

30

DR MELLIFONT: I think we will be about 10 minutes or so, perhaps 15.

COMMISSIONER SACKVILLE: Are you good?---No, I'm good.

All right. Thank you. Go ahead.

35

DR MELLIFONT: So has the school shared with you their sense of vision for your daughter when she finishes school?---They've expressed that my daughter's capable of getting a regular job, which is perfect because my vision for [REDACTED] is to get a job that pays real wages and have an ordinary life, an ordinary opportunity at getting a job and living in her community.

40

And the school's vision in that respect, that they do see her getting a regular job when she finishes school is something that's very important to you?---Absolutely, because without an education, everyone knows it's very difficult to get a job without some level of education. The ability to get paid a real wage is really important. And

45

having – having that confidence that she can learn will also give her the confidence that she can then work in the community.

So in your view, school's not a babysitting gig?---No.

5

It's a place where each individual should be able to learn?---Yes.

And reach their potential?---Yes. Reach their full potential.

10 All right. Does that school have school camps?---It does. And we've had two amazingly successful school camps. The head of special ed and I sat down and we nussed out any issues around the first camp, any concerns anyone had, and some modifications were made. She had access to every activity on the camp. And she participated in every activity and won just about all the awards, but – but the following year there was a different teacher who wasn't quite as experienced – or  
15 didn't – didn't know my daughter as well. And he was – you could see he was really hesitant and he was really nervous, but the head of special ed and myself sort of went, “No, no, it will be right. We will look at all the different avenues and we will set up everything for success.” And we did. And the smile on his face when he got  
20 back from camp, he was ecstatic. He said she has had the best time and it was so good to have her on the camp.

So for you, the ability to participate on the same basis as everyone else reflects real access and real participation as opposed to token inclusion?---Exact – yes, exactly.

25 So just doing what – having the opportunity to do what all the other students are doing, whether it's curriculum or extracurricular activities with positive negotiation. It's all possible.

30 So for you and your vision is for your daughter that one day she will have stable housing that's not in a group home, that she will have access to transport, some money to do the things she likes and a job that is meaningful and friends and people around her that aren't paid there to be there, you don't want disability to be a limiting factor for her?---I want the only limits to be on her life the same as everyone else.

35 And how do you see the role of education and schooling as playing a role in that?---Education's the start. If we don't include kids in the education system, how can we include them in the community, in the workplace. Kids need to be with their – their peers who are then going to be, you know, their workmates or their university colleagues or TAFE colleagues or apprenticeship colleagues. It's really important  
40 that my daughter's known in her community and sits alongside her peers in her community.

So for you what makes a good educational experience for a student with a disability? And to orient you, paragraph 52?---Fifty?

45

Fifty-two?---Sorry. Leadership is – leadership in schools, the appropriate adjustments, and seeing people with a disability as authentic learners.

Okay. So in your journey you've learned that providing a good education to students with disability is also about doing ordinary stuff, about providing a safe environment for all students regardless of whether or not they have a disability, things like providing a safe drop-off point and pick-up point mean that all students can be safe, and that students with disability don't need to be separated from their peers?---No, they don't. And it's just – it's good teaching, ordinary teaching done well.

Okay. So your experience in the second primary school and in the high school was one of provision of ordinary everyday quality education for all kids. Is that correct?---Absolutely.

Is it your hope that this Commission makes people realise that people with disabilities have the same rights as those without disabilities for education?---I'm just referring to my phone because I've written that down.

Please do so. Please do so?---Students with disabilities have the right to an education in their community, not somewhere else but where they live. On the same basis as their peers with access to the curriculum and appropriate adjustments. They need to be seen as authentic learners.

What else do you hope that this Commission accomplishes?---I would like to see the Commission address the exploitation of people with disabilities, whether it's from government agencies like the NDIA, service providers, or family and friends.

Thank you. That's the evidence of this witness. Thank you for your time.

COMMISSIONER SACKVILLE: Thank you very much - - -?---Thank you.

- - - for coming. We know how difficult it is to give evidence. We appreciate very much - - -?---Thank you.

- - - your courage and your willingness to come and help us, and I hope that you will remember this as the first witness of this Royal Commission?---And thank you for the opportunity.

**<THE WITNESS WITHDREW** **[12.53 pm]**

DR MELLIFONT: Thank you.

COMMISSIONER SACKVILLE: Thank you.

MS McMILLAN: I should say I have no cross-examination for this witness.

COMMISSIONER SACKVILLE: You are - - -

MS McMILLAN: I'm not.

COMMISSIONER SACKVILLE: - - - not. Thank you very much. Good. Thank you.

5

DR MELLIFONT: Might we adjourn, please, till 2.30 when we will recommence with the panel, Dr Bridle and Mrs Wilson.

10 COMMISSIONER SACKVILLE: Just to explain a panel is when witnesses give evidence together.

DR MELLIFONT: Yes.

15 COMMISSIONER SACKVILLE: In commercial litigation it is, for very obscure reasons, known as the "hot tub" but we will refer to it as a panel. We will resume at - - -

DR MELLIFONT: 2.30, please.

20 COMMISSIONER SACKVILLE: We will resume at 2.30.

**ADJOURNED** **[12.54 pm]**

25

**RESUMED** **[2.30 pm]**

30 COMMISSIONER SACKVILLE: Yes, Dr Mellifont.

DR MELLIFONT: Good afternoon. May I start by clarifying an aspect of the non-publication order. And I repeat this morning that your Chair has issued a non-publication order which expressly prohibits the publication of any information which would tend to identify the current or former students of the education system in Queensland. And as I indicated this morning, that this, of course, covers information regarding the parents of such disability including photographs or video because that information will indirectly identify the children. That does not prevent the evidence given from being published, provided it is done in a way which does not directly or indirectly identify the student or the parent. We welcome to our panel this afternoon Dr Lisa Bridle, and Mrs Deborah Wilson, and ask that the oaths be administered.

35

40

COMMISSIONER SACKVILLE: Yes, thank you. I think it has been explained to you you may take the oath or affirmation as you wish. Thank you.

45

**<DEBORAH PEARL WILSON, SWORN** **[2.32 pm]**

COMMISSIONER SACKVILLE: Thank you very much. Please sit down.

<LISA LOUISE BRIDLE, SWORN

[2.32 pm]

5

COMMISSIONER SACKVILLE: Thank you very much. Before we start, I would like to thank you, on behalf of the Commission, on the work that has gone into your submission. Thank you very much.

10

DR MELLIFONT: Can I also thank Mrs Wilson, who is suffering with a significant chest infection this afternoon. We are going to do the evidence in a way that will involve her speaking as little as possible in those circumstances.

15 COMMISSIONER SACKVILLE: Thank you. And if you need to have a break, just let us know.

MRS WILSON: Thank you.

20 DR MELLIFONT: Right. Is your name Deborah Wilson?

MRS WILSON: Yes.

25 DR MELLIFONT: Okay. Are you the Chief Executive Officer of Independent Advocacy in the Tropics?

MRS WILSON: Yes.

30 DR MELLIFONT: Have you held that role from September 2015 to the present time?

MRS WILSON: That's right.

35 DR MELLIFONT: Prior to that, did your work experience include the following: working in Brisbane and event services in Townsville?

MRS WILSON: Yes.

40 DR MELLIFONT: Regional Development Australia Townsville and North-West Queensland Incorporated?

MRS WILSON: Yes.

45 DR MELLIFONT: And Mental Illness Fellowship North Queensland Incorporated?

MRS WILSON: Yes, amongst other things.

DR MELLIFONT: And in 2013 you were a finalist in AIM Queensland's Management Excellence awards for the Townsville region?

MRS WILSON: Yes, I was.

5

DR MELLIFONT: Are you the Deputy Chair of the Disability Advocacy Network of Australia?

MRS WILSON: Yes, I am.

10

DR MELLIFONT: And the secondary – as well as your role of CEO – as CEO in Independent Advocacy in the Tropics?

MRS WILSON: Yes.

15

DR MELLIFONT: You hold memberships in the Australian Institute of Company Directors and Institute of Managers and Leaders?

MRS WILSON: Yes, I do.

20

DR MELLIFONT: You come to this Commission as a person who has, through their work and through their life experience with family members with significant disabilities, able to speak about recurrent themes in respect of people with disability, their parents and carers and the education system?

25

MRS WILSON: Yes, I am.

DR MELLIFONT: That is both state, that is private and public sector?

MRS WILSON: Yes.

30

DR MELLIFONT: So when you give evidence this afternoon, you are speaking about examples that may have come from either?

MRS WILSON: That's right.

35

DR MELLIFONT: Dr Bridle, is your name Dr Lisa Bridle?

DR BRIDLE: It is.

40

DR MELLIFONT: Okay. And you're a resident of Brisbane?

DR BRIDLE: Yes.

DR MELLIFONT: And, Mrs Wilson, you're a resident of the Townsville area?

45

MRS WILSON: That's right.

DR MELLIFONT: Can I just ask you is that microphone picking up? There is static down here.

COMMISSIONER SACKVILLE: As far as we're concerned I think it's fine.

5

DR MELLIFONT: All right.

COMMISSIONER SACKVILLE: Thank you.

10 DR MELLIFONT: Thank you. Dr Bridle, do you hold a Doctor of Philosophy awarded in 2004 through the University of Queensland School of Social Work and Applied Human Sciences?

DR BRIDLE: I do.

15

DR MELLIFONT: And were you awarded the Dean's Commendation for Outstanding Research in respect of that doctorate?

DR BRIDLE: Yes.

20

DR MELLIFONT: Do you also hold a Bachelor of Social Work with First Class Honours from the University of Queensland?

DR BRIDLE: I do.

25

DR MELLIFONT: Is your current role Senior Consultant of the Community Resource Unit?

DR BRIDLE: I – that's right.

30

DR MELLIFONT: And have you held that role since July 2010?

DR BRIDLE: Yes.

35 DR MELLIFONT: Does your prior work experience include the following: 2006 to 2010, Clinical Coordinator and Lecturer, Queensland Centre for Intellectual and Developmental Disability?

DR BRIDLE: Yes.

40

DR MELLIFONT: 2004 to 2006, Bioethics Systems Advocate, Queensland Advocacy Incorporated?

DR BRIDLE: Yes.

45

DR MELLIFONT: Consultant of the Community Resource Unit in 2003 to 2004?



DR BRIDLE: Yes.

DR MELLIFONT: And you've previously worked as a social worker and domestic violence worker and community development worker?

5

DR BRIDLE: I did.

DR MELLIFONT: Yes. You've also been a counsellor?

10 DR BRIDLE: Yes.

DR MELLIFONT: And you've lectured and tutored at various universities including UQ, Griffith, Charles Sturt, and QUT?

15 DR BRIDLE: That's right.

DR MELLIFONT: And your voluntary work has included President, Queensland Parents for People with Disability 2009 to 2011, and a membership for a much longer period of time?

20

DR BRIDLE: That's right.

DR MELLIFONT: And that membership is a consequence, in part, of your son born in 1995 who has Down syndrome?

25

DR BRIDLE: That's right.

DR MELLIFONT: Have you been a committee member of the Australian Catholic Disability Council from 2007 to '11?

30

DR BRIDLE: Yes.

DR MELLIFONT: Voluntary work with Down syndrome Association of Queensland?

35

DR BRIDLE: Yes.

DR MELLIFONT: And a community member of Queensland Advocacy Incorporated?

40

DR BRIDLE: Yes.

DR MELLIFONT: Okay. Thank you both for your time this afternoon. Mrs Wilson, can you tell us what your organisation does, please?

45

MRS WILSON: Independent Advocacy in the Tropics Incorporated advocates for people with a disability, any type of disability, from any age. So start of life to end of life. And for a significant area of North Queensland.

5 DR MELLIFONT: Okay. And Dr Bridle, your organisation, please, in particular your role?

DR BRIDLE: So CRU has been around for 30 years and we work for positive change in the lives of people with disability, particularly trying to resource people with disabilities, families, workers, to pursue more inclusive lives for people with disability. So up until June this year my – my job was primarily leadership development for families, and since June I've had a role as the – really, leading the Families for Inclusive Education Project which has been funded by the Department of Education. Really to resource families to be more effective advocates for their sons and daughters with disability.

DR MELLIFONT: Okay. And in respect of your organisation, you hear from people with respect to private and public sector?

20 DR BRIDLE: That's right. So our – the work since June has been funded by the State Department of Education. But we also receive funding from the Department of Communities which enables us to field inquiries from people from public and – public, private and Catholic schools.

25 DR MELLIFONT: Okay. And so when you come to speak to the Commission today about recurrent themes, the sources of that information and knowledge come from all of those sources as well as your own - - -

DR BRIDLE: That's right.

30 DR MELLIFONT: - - - experience as a parent?

DR BRIDLE: Exactly.

35 DR MELLIFONT: Okay. So Dr Bridle, can I ask you, please, with respect to enrolment barriers, this is an area that you've identified as being a recurrent theme. Can you tell us what your experience indicates?

40 DR BRIDLE: So this is not, I guess, a new issue, and it has been in a – I guess identified over many studies over decades that there's a process of gate keeping that happens when students approach a local regular school, a lot of advice that the correct enrolment would be enrolment in a special school rather than at the local neighbourhood school. I guess the things that are said to families are either, "We don't cater for students with this level of disability. We won't have the resources. We can't ensure that your child will be safe if they enrol at this school. You will find that the resources are somewhere else." And I guess other times people – the parents

are offered something that is far less than would be available to other families, so they're told, "Yes, you can enrol, but perhaps you will only be able to attend the school the number of hours that a teacher aide can be allocated to that class," or that, you know, maybe the – even the physical modifications to the school will not be possible, that there won't be the resources for students to really attend and participate on the same basis as other students.

I do want to say that with the new Inclusive Education Policy which came in last year, families have been able, I think, more effectively to make a case for attending their local school but, of course, not every family is aware of that policy. And certainly families have still had to make that case to go back to the school armed with the policy rather than the first – yes, the first response from the school being automatically welcoming.

DR MELLIFONT: Okay. So in some circumstances, have you had instances of families being told that their child can only attend on a part-time basis, which might be as minimal as an hour a day, but this presented as a transition plan?

DR BRIDLE: So it's quite common, I think, for schools to propose, for students with significant disability, that the student just ease into the school year. And so I have known of families where the – you know, into term 3 perhaps they're only going for a couple of hours a day. And then the – it's up to the families, really, to argue for their student to attend more than that. And often families are reluctant to be seen as troublemakers, or too demanding. And so they find themselves there part-time for the whole year and then that process continues, you know, well into their education. So it's something that's carried over into subsequent years, something that – rather than something that just happens on entry to school.

COMMISSIONER SACKVILLE: Dr Bridle, can I just clarify something about timing? You're talking about enrolment barriers. Are you speaking about practices that are current or have occurred recently? What period of time are you talking about?

DR BRIDLE: Both. So I – I'd say, as I said, I think in Queensland there's now a policy that clearly states that you are entitled to go to your kind of local school. But I don't think all principals are necessarily – all school principals are necessarily, you know, complying – complying with that.

COMMISSIONER SACKVILLE: So some of the gatekeeping of which you speak is actually current practice - - -

DR BRIDLE: It is.

COMMISSIONER SACKVILLE: - - - in your observation?

DR BRIDLE: But I guess one of the – the point I would make is that I think that there has been – I think there has been a shift but sometimes then it's – it translates to

other practices which are far from fully inclusive, like the suggestion of part-time hours.

COMMISSIONER SACKVILLE: Thank you.

5

DR MELLIFONT: And for you, Dr Bridle, and Mrs Wilson, we will take your answers as relating to current and/or – and recent practice unless you state otherwise.

MRS WILSON: Okay.

10

DR MELLIFONT: Thank you.

DR BRIDLE: Can I - - -

15

DR MELLIFONT: Yes.

DR BRIDLE: Is it possible to add that I think the other – so there's the transition into school is a – is a difficult time, and then the transition into high school is another difficult time. So I think that's a time when, again, the expectation that students with disability should be educated separate from their non-disabled peers also becomes quite strong.

20

DR MELLIFONT: Okay. And the types of messaging you've relayed in your evidence earlier about families being told that another school would be a better placement, is that particularly highlighted at those junctures?

25

DR BRIDLE: Yes.

DR MELLIFONT: Okay. You have informed the Commission that messaging from families includes this statement from one family:

30

*I felt unwelcome and pushed to make another choice. I felt very disappointed. I truly felt he –*

35

that is their son –

*did not belong in a special school.*

Is that the type – is that a one-off message you receive or is this the sort of thing that happens from time to time?

40

DR BRIDLE: I can think of a family who I spoke to recently who was actually moving from Townsville to Brisbane, who approached their local school and was told because it was a – an enrolment halfway through the school year that there would be no resources available to support – to support that child. The parents took – had transferred for work and the father was unable to take up his work offer

45

because they didn't have a school placement for that child. They've ended up in a special school so that they could – both parents could work and pay their mortgage.

5 DR MELLIFONT: And that's recent?

DR BRIDLE: Mmm.

DR MELLIFONT: Yes?

10 DR BRIDLE: Yes.

DR MELLIFONT: Okay. Mrs Wilson, you've heard what Dr Bridle's observed in respect of enrolment barriers. Can you tell the Commission whether your experience is similar?  
15

MRS WILSON: Yes, it has been. Yes.

DR MELLIFONT: All right. Is there anything you wish to add at this point in respect of those enrolment barriers?  
20

MRS WILSON: No, nothing different to – to what Dr Bridle has already said. We – we see the same thing.

DR MELLIFONT: All right. Thank you. And that's recent and current?  
25

MRS WILSON: Recently, probably our case studies are from one to two years old.

DR MELLIFONT: Okay.

30 COMMISSIONER SACKVILLE: Have you observed any change since the inclusion policy came into force?

MRS WILSON: No. No.

35 DR BRIDLE: Could I say one more thing about that?

DR MELLIFONT: Certainly.

DR BRIDLE: One of the things that's interesting - - -  
40

COMMISSIONER SACKVILLE: Feel free at any time to add to what you're saying.

DR BRIDLE: Yes. So one of the things I have found is that – I can think of a family who entered prep last year who was initially told by the local school there wouldn't be the support available. She went back, made the argument, said, "Are you aware there's this" – you know, really shared why she wanted her son to be  
45

included, and he is having a wonderful experience. So when people are able to push past the barrier, they can have a very positive experience, but my concern would be that not every family can advocate for themselves and most people, in my experience, feel deeply reluctant to send their child to a place where they – they  
5 won't – don't feel their child will be welcomed.

MRS WILSON: And can I just say, as an advocacy organisation, we only see the worst cases. We don't see the good stories, the good outcomes. We only see the bad.  
10

DR MELLIFONT: Thank you. Dr Bridle, another recurrent theme you've identified is student devaluation leading to neglect. Can you tell the Commission about that, please?

15 DR BRIDLE: So I guess I can think of situations where there has just been an appalling lack of attention to the student's dignity and privacy. So I'm thinking of a child that was seated on a – a dog mat in the classroom, because – which was a way that if that child had a toileting accident it would not hurt the carpet but - - -

20 COMMISSIONER ATKINSON: Sorry, did you say - - -

DR BRIDLE: Sorry?

COMMISSIONER ATKINSON: Sorry. Did you say a dog mat?  
25

DR BRIDLE: Yes.

COMMISSIONER ATKINSON: Okay, thanks.

30 DR BRIDLE: So – and when the parent argued against that she was treated as if she was just off the wall. You know, kind of – you know, accused of being kind of neurotic, basically, for questioning that. There were issues, I guess, of students being kind of shamed and humiliated in front of the class, terrible breaches of student confidentiality. So, you know, people talking in front of other parents about the  
35 student's disability and support needs. Toileting accidents treated – you know, I guess highlighted in front of peers. People's personal – support-giver – care needs being discussed in very public ways. And we've already heard this morning about the impact of being left out of activities. So the – the testimony this morning was very much in line with, you know, things that are regularly reported to us, where kids  
40 aren't – are left off class lists. They're not going on excursions. They're not participating in assessment. They're left off the show and tell roster, all of those kind of small slights, in one sense, that end up being deeply devaluing.

45 DR MELLIFONT: You speak in your submission about one parent being told the child likely did not even know they had been hit by a teacher. Can you tell me about that?

DR BRIDLE: Okay. This was a situation where the student had been alone in a special education classroom at a lunchtime, even though the parent had specifically asked that the child not be segregated in lunch period. So it seemed to be a decision that was made because it was easier supervision for the staff. It was – the teacher  
5 admitted hitting the child, but when the parent approached the school leadership, one of the things, amongst many disturbing things that were said to her, was that he probably didn't even know that he had been hit.

DR MELLIFONT: Have you had reports from families about what happens when a  
10 child expresses reaction to exclusion?

DR BRIDLE: Sorry.

DR MELLIFONT: That's all right.  
15

DR BRIDLE: Can you repeat the question, sorry.

DR MELLIFONT: That's all right. To orient you, I'm at the bottom of page 2.  
20 Have you had families indicate to you what happens when a child expresses reaction within the school to having been excluded; what happens to the child?

DR BRIDLE: So I think that there's a cycle that happens where the child's support needs, their need to belong, is, you know, ignored. The child reacts and then they are punished. So they bear the brunt of their desperate attempts, I guess, to say, you  
25 know, "I belong."

DR MELLIFONT: Okay. I will come back to you, Dr Bridle, before we finish to see if there's anything additional you want to raise on this topic, but Mrs Wilson, you've heard what Dr Bridle said on this topic of student devaluation leading to neglect. What's your experience, consistent or otherwise of what - - -  
30

MRS WILSON: No different. We – we see all the time – because the child's disability is not taken into account, there – there is no inclusion. That does develop extra behavioural issues. These behavioural issues lead to suspension time and time  
35 and time again. There is always the excuse, you could say, that there is not enough resources, there is not enough funding. We also see a lot of reduction in school hours for the children to be attending. Most of it is usually in two-hour blocks a day. A lot of issues that we see on not being able to have OTs present in the school to – to give support, to give guidance and behavioural issue modifications. So, again, that  
40 leads to children playing up, children acting out, children being suspended. We had one when we were talking about resources for continence. The disability toilet could not be accessed because it was being used as a storeroom, until it was cleaned out, and the child could then use the facilities. So, yes, again, unfortunately I can't say that we've had anything different in our case studies going through.

45 DR MELLIFONT: Okay.

COMMISSIONER SACKVILLE: Dr Bridle, can I ask you - - -

DR BRIDLE: Yes.

5 COMMISSIONER SACKVILLE: You've referred to reports to your organisation of these matters. What form do these reports take? Do you – do you have some formal reporting process, or is this something that your members come and talk to you about? How does it come to your attention?

10 DR BRIDLE: So a number of things – yes. So we've always had the capacity for individual consultations with families, even prior to the Department of Education funding, so people will phone or email us. Some of the reports are reports that have been made in workshops that we've held, both prior and since our Department of  
15 Education funding, and we've also sponsored some leadership development activities. We brought together groups of families. So there has been focus groups, etcetera.

COMMISSIONER SACKVILLE: What is the funding for? What is that funding? What do you use it for?

20

DR BRIDLE: Our current – our current funding is to – came out of, really, a recommendation from the Deloitte review into education. And so it was sort of recognised that investment in parent advocacy, understanding of the new Inclusive Education Policy, etcetera, was important. So that's work that has been undertaken  
25 since June this year.

COMMISSIONER SACKVILLE: I see. Thank you.

DR MELLIFONT: Dr Bridle, before I move on to the next topic, was there  
30 anything in addition you wished to raise in respect of the issue of student devaluation leading to neglect?

DR BRIDLE: No. Really, I guess, that comment about will they even know – will the child even know that they're hit. That's a pretty shocking statement but we hear  
35 things, "They won't know they're excluded from a concert. They probably won't know." This is particularly students with intellectual disability. If they're really shunned by their peers, they probably don't know. They won't – they probably don't understand the insults that are made against them.

40 DR MELLIFONT: All right. I might – we might take an afternoon break, if that's convenient, for 15 minutes.

DR BRIDLE: I'm okay not to have a break.

45 DR MELLIFONT: Are you sure?



DR BRIDLE: Yes. Yes. I cry all the time. Sorry, I do – I just feel the – yes, but I’m fine. I’m actually fine.

5 COMMISSIONER SACKVILLE: Please do – please do let us know if you need a break.

DR BRIDLE: I do – I do cry when I hear about these things but I’m fine to continue.

10 DR MELLIFONT: We’re going to take a break at quarter past three anyway, so we might move on then to lack of adjustments. This is something that constitutes a high proportion of parent contact with CRU; is that correct?

15 DR BRIDLE: That’s right.

DR MELLIFONT: And the concerns with lack of adjustments range from classroom adjustments and access to the curriculum, to barriers to participation in other areas of school life; is that correct?

20 DR BRIDLE: That’s correct.

DR MELLIFONT: And do common presenting issues include a lack of access to communication or AAC – now, what’s AAC?

25 DR BRIDLE: Alternative augmented communication.

DR MELLIFONT: Which is?

30 DR BRIDLE: Things like – can be pod books, access to an iPad for communication, so voice-activated communication devices. Even choice boards are sometimes their – they’re resources that often families have made available to the school that are then put in that – the teacher’s drawer and not accessible to the student.

35 DR MELLIFONT: What’s a choice board?

DR BRIDLE: Something the student can say what they want to do next, indicate yes/no.

40 DR MELLIFONT: Okay. Do other common presenting issues include a lack of alternatives? For example, a student being unable to use a computer as an alternative to handwriting?

DR BRIDLE: Mmm.

45 DR MELLIFONT: Is that correct?

DR BRIDLE: Yes.

DR MELLIFONT: A lack of adjustment to assessments?

DR BRIDLE: Yes.

5 DR MELLIFONT: Failure to provide appropriate alternative materials?

DR BRIDLE: Yes. So I guess that – what we see a lot of times is very age inappropriate materials, so poor – you know, poor adjustments to the – so that students are not working on the same curriculum as the other students in their class.

10

DR MELLIFONT: And do common presenting issues also include students working in parallel, merely present in class, rather than being engaged in the curriculum, or their education being delivered by the teacher aide?

15 DR BRIDLE: I think and I – what I would say is this is an area where, again, we've heard this morning, it can be so hit and miss as to whether this happens. So there are some schools doing amazing work in, you know – you know, differentiation, you know, kind of planning for the whole class is really going very well, and then there are other schools in which the provision of the teacher aide is considered the adjustment.

20

DR MELLIFONT: Okay. And are you also receiving reports from parents that they are told there is no funding available to cover camps and excursions? So the families then become expected to keep their child at home or provide that support themselves or pay for a support person?

25

DR BRIDLE: That's right.

DR MELLIFONT: Okay. I will come back to you, Dr Bridle, on this topic, but Mrs Wilson, do you have any observations you wish to make with respect to lack of adjustments?

30

MRS WILSON: Yes, we do. Again, it is mirroring the same issue. We have parents who have offered to provide the school with their resources, like was heard this morning, offering to even pay for specialists from disability organisations to go into the school and teach the teachers about specific disabilities for their children, and those being rejected. Again, a number of staff meetings with a number of teachers where their expertise in their child's disability is just not taken into account. Their recommendations for inclusion is not taken into account. And, again, we must say, it is only the worse cases that we see.

35

40

DR MELLIFONT: Okay. Dr Bridle, before I move off lack of adjustments, do you wish to add anything?

45 DR BRIDLE: I just want to say – so one of the examples that comes to mind is where, again, the student is punished for poor adjustment. So a student who has ripped up the worksheets that they've been – been presented to them, year-in, year-

out actually, being stuck on the same maths sheets for several years, the student's clearly bored and, you know, kind of has ripped up those sheets and has been kind of given a – a suspension as a result of, you know, their disobedience.

5 COMMISSIONER SACKVILLE: From what you're saying, it sounds as though there are some significant variations in practice?

DR BRIDLE: Absolutely.

10 COMMISSIONER SACKVILLE: Between schools, presumably between areas. What do you think accounts for the variations in practices?

DR BRIDLE: I would agree with comments made this morning that school leadership makes a big difference. I think where school leaders have – I guess that  
15 thing of not just seeing teacher aide hours as the answer to inclusion of students with disability, but have seen resourcing of school teams to come together and have time for the in-service training, to build their knowledge and expertise, really where, yes, teachers have been given the time to plan, and I think where schools have been open to the resources from Queensland's established autism – the Autism Hub and  
20 Reading Centre, inclusion coach positions, a number of very helpful positions, actually, in the Department of Education, but not every school is as open to that external feedback and input.

DR MELLIFONT: Thank you. Dr Bridle, can you speak, please, about the impact  
25 of segregated models and practices.

COMMISSIONER ATKINSON: Before you do that can I just ask a question. You were saying – one of the things you said was the problem that the school saw just a provision of a teacher aide as sufficient. Why is that not sufficient? Can you just  
30 explain to us why that's not sufficient?

DR BRIDLE: Okay. So the people who you will hear from tomorrow who are academics will be really able to give you all the research evidence on that much more than I can, but I think there is a lot of evidence that over-use of an educational  
35 assistant is actually a disadvantage to the student, both educationally and also socially. So it's socially stigmatising and isolating for the student. It often means the student is being taught by someone who doesn't have the Bachelor degree in Education rather than – so, you know, the inclusive education requires the classroom teacher to be seen as the person responsible for the education of the student with a  
40 disability. But in my own experience with my son, it – there was a learned helplessness. My son learnt not to do anything until he was prompted by the teacher aide. It meant he was isolated from his peers quite often. And that person, even though they were lovely people, was not always as skilled as the teacher would be.

45 COMMISSIONER ATKINSON: Yes. I understand. Thank you.

DR MELLIFONT: Thank you. So Dr Bridle, can I take you, please, to the impact of segregated models and practices. And just to start with your observation that:

5 *In Queensland there have been deliberate and welcome efforts to establish more inclusive models in regular schools, including the transition of students with disability spending –*

sorry –

10 *from students with disability spending most of their day in special education units, to students being supported within the regular classroom.*

And, anecdotally, that appears to be more established in primary schools rather than in high schools.

15

DR BRIDLE: That's right.

DR MELLIFONT: That's the commencement of your observations?

20 DR BRIDLE: Yes.

DR MELLIFONT: What's happening despite that?

25 DR BRIDLE: So I guess what we see, and I think it's just a really hard, historical habit for people to break, is that grouping of students with disability together. So even when the unit has been kind of officially closed, the development of kind of programs which group students with disabilities to a very common place. So it's often kind of a – life skill programs that are offered instead of maths, or instead of languages other than English, or – and so – and I guess what one of the things I was  
30 – that parents complain about is that, really often, that happens by stealth. They've chosen to enrol their student in their regular school because they wanted them to be included in all of the classes alongside their peers, but then they find out that, in fact, their son or daughter is removed from the regular classroom in small groups with other students with disability. Again, without – the evidence is that that's not the  
35 most effective way for the student's educational needs to be met. But more than that, their families are considered ungrateful and difficult if they say no to those programs.

40 DR MELLIFONT: So you might be speaking, for example, of a – although a family having formally requested that the child is not withdrawn from the classroom, that occurs without their knowledge. For example, they attend cooking instead of maths, or other programs for students with disability, and that those families report they're sometimes treated as ungrateful and accused of denying their children support when they resist those programs?

45 DR BRIDLE: That's right.

DR MELLIFONT: Sorry, please continue if you had something to say?

DR BRIDLE: Look, I – I think the other thing that we see is where obviously students with intellectual disability are really highly vulnerable to being seen as only able to be educated in special settings, even despite the – despite the policy. And I would like to see that – I guess more of an emphasis on what we know from the evidence – from the research evidence about what models work for students with disability.

DR MELLIFONT: Okay. So in those circumstances where parents are reporting to you withdrawal of their kids from class without their permission, are they reporting to you a lack of trust then?

DR BRIDLE: That is, yes, definitely a lack of trust. And they're also – you know, one of the concerns that families who approach CRU would be that they believe that their child is safer in that kind of mainstream environment, rather than being grouped with students with disability who cannot communicate what has gone on during their day. So some of the instances of, you know, kids being hit or kids being humiliated have occurred in those – when the kids are segregated together.

DR MELLIFONT: Okay. And is it a matter of report to your organisation that sometimes families discover that their child had been withdrawn from the classroom only when another school parent tells them or when the family happens to be at the school unexpectedly?

DR BRIDLE: That's right.

DR MELLIFONT: All right. I will come back to you again, Dr Bridle, in case you've got anything to add. But Mrs Wilson, do you have any additional observations in respect of the impact of segregated models and practices?

MRS WILSON: No. We definitely hear from our parents that the negative and the demoralising impact that it has on their child being segregated, being made to feel completely different, not the same, not given the same opportunities, is what we hear all the time.

DR MELLIFONT: Thank you.

COMMISSIONER SACKVILLE: When each of your organisations receives reports of this kind of exclusion or bad treatment, do you then contact the school or the education system in any way on behalf of the parent?

DR BRIDLE: So, we don't. We will talk with the families about what they would like to do from there on. I think one of the issues that – our experience is that families are deeply reluctant to make a formal complaint or to do something that will – they feel will make their child more vulnerable to exclusion. So families that I do know who have – and I'm thinking actually in the private system here – they have made complaints or started to escalate things and the child's enrolment has been withdrawn. There are families in – in the State School system who have found

complaints upheld but actually they – nothing substantially has changed. So we are not funded as an advocacy organisation, so we do not take that decision out of the families – family’s hands but our experience is that families – and often have really a lot else on their plate, and they do not see that they have an alternative school for their son or daughter to go to. Some of them feel that they don’t want to move their – often, you know, it’s not just their child – the child with the disability, but if the child has siblings at the school, it’s a very complex decision to, you know - - -

10 COMMISSIONER SACKVILLE: Would you like to have an advocacy role, to be funded for that?

DR BRIDLE: A lot more access to formal advocacy is very important.

15 MRS WILSON: And we assist the parents go through – the parents usually come to us when they’re at their wits end. They have nowhere else to go to. The school is not listening to them. So we will then advocate with them for their child. We will attend meetings, we will liaise with the Education Department to try and get some sort of middle ground, and make it easier for the child, without doing any harm, without any retribution to the child. So we will always attend until there is a good enough outcome for the parent.

25 DR MELLIFONT: Thank you. Dr Bridle, can I take you, please, to the topic of restrictive practices and assaults. Now, not everybody knows what restrictive practices means. So when you’re giving your evidence, can you talk about that?

DR BRIDLE: So the things that I’m talking about particularly, the first issue, I guess, would be seclusion. So where a student with a disability may be placed in a kind of locked sensory room, or sometimes a makeshift sensory room like a storage cupboard.

30 DR MELLIFONT: What do you mean by sensory room?

DR BRIDLE: I actually don’t know – I – so I know the idea of a sensory room, so – but I can’t describe it. I haven’t seen a sensory room in a – in a school. Sometimes, I – the – I have seen a restraint room in a high school that we were looking to send our son to. So it was just really basically felt to me like it was a – a pen that you would hold an animal in, actually.

40 DR MELLIFONT: And that’s some time ago now?

DR BRIDLE: That’s some time ago.

DR MELLIFONT: Your son is now 24?

45 DR BRIDLE: 24. So it was probably 10, 12 years ago.

DR MELLIFONT: Okay. Sorry, I interrupted you. Go ahead?

DR BRIDLE: That's okay. So other times, I guess, so people have found that their child is just in a – a courtyard on their own, or on a tennis court on their own during school hours. Yes, so – then there would be, I guess, when the child is restrained, either because they're – sometimes kind of wedged up in a seat, unable to kind of  
5 move their seat back. A family was describing that, understanding that when the child was coming home with bruises on their legs, and then they realised how this child was seated all day. Perhaps they're unable to move their wheelchair out of position. Lots of families would come to us saying that they've been told by a principal or a head – some other person in the school, that the child can only return to  
10 school if they're chemically restrained, so placed on medication for the behaviour. They would be the main instances.

DR MELLIFONT: Have you had occasions of parents reporting unexplained and/or unreported finger mark bruising on their children?  
15

DR BRIDLE: Yes.

DR MELLIFONT: Or that other parents or students have witnessed rough handling of the student?  
20

DR BRIDLE: Yes.

DR MELLIFONT: Have you received reports of those things?

25 DR BRIDLE: That's right.

DR MELLIFONT: Have you had occasions, where a child has been hurt or assaulted by an adult, that that was characterised as reasonable management of student behaviour?  
30

DR BRIDLE: So I think some of the physical – physical overpowering of a student is certainly in that category, and at other times I guess some sense that the student's behaviour was so difficult for – to manage that, you know, things have happened.

35 DR MELLIFONT: I missed the last bit, sorry.

DR BRIDLE: Sorry, things have happened that – yes, that it's almost – people felt pushed to, yes, retaliate, I guess.

40 DR MELLIFONT: Okay. Have you had reports by families of their belief some staff have deliberately triggered a child's behaviour by using restrictive practices, to provide a justification for the child to be sent home, whether by way of informal suspension or a formal suspension or exclusion?

45 DR BRIDLE: Yes. So one of – one of the things that has been – a number of families have reported that they felt their child has been denied perhaps access to the – their regulation, and that includes, you know, movement breaks or the chance to

leave, leave the classroom. It can be something like a fidget device or something else that helps the child to regulate their own behaviour, and those things have been seen as kind of rewards for good behaviour, rather than something that's a reasonable adjustment for that student to do better. And then removal of that, whether it's the movement break, or the other regulator, has been – has occurred and the student has been punished. And sometimes parents believe that this is – they have been deliberately set up to fail.

DR MELLIFONT: Okay. Have you had parents express their belief to you that some incident reports are written up to evade legal liability or present the most favourable version to their staff – of their staff?

DR BRIDLE: So – so I guess I think families will often say that they've received the report of what the school's version is, that they don't believe the case that has been made, but it also seems to be written up to have a watertight case against the child, in the parents' view.

DR MELLIFONT: Okay. Have you had examples of families going to police?

DR BRIDLE: We have, yes.

DR MELLIFONT: And what about repercussions?

DR BRIDLE: So I guess that students with particularly intellectual disability are in the same situation that they are in many areas of our legal system where they're not considered reliable witnesses, the presumption is with the – with the adults. And often police have said that they either can't investigate or they can investigate but likely nothing will be able to happen.

DR MELLIFONT: Okay. And in terms of repercussions within the school?

DR BRIDLE: So, as I was saying before, I think very few people actually get to the point of making – making a formal complaint, but even where there has been investigation, sometimes the consequences have been minimal.

DR MELLIFONT: Okay.

COMMISSIONER SACKVILLE: Dr Mellifont, would that be a convenient time for us to have a break or do you want to ask Mrs Wilson something?

DR MELLIFONT: I'm about three minutes off finishing this particular topic, if we might.

COMMISSIONER SACKVILLE: All right.



DR MELLIFONT: Dr Bridle, you report that indeed in one situation school leadership expressed sympathy for the wellbeing of the teacher rather than the student in the case of inappropriate restrictive practice.

5 DR BRIDLE: That's correct.

DR MELLIFONT: Is that the case? Yes.

DR BRIDLE: It was actually a case where a student was hit.

10

DR MELLIFONT: And how recent was that?

DR BRIDLE: I have – I have – I have a document from – in the last year.

15 DR MELLIFONT: Okay. And have you had reports from parents they've become aware of assaults against children witnessed by other staff members but where those things weren't reported?

DR BRIDLE: That was the case. Same case.

20

DR MELLIFONT: Same case. Mrs Wilson, is your experience consistent or otherwise with what has been relayed by Dr Bridle?

25 MRS WILSON: Fortunately, we haven't come across any physical abuse, but definitely using suspension of 10, 12 days for a simple matter of not being in the correct uniform, where another child may just get a detention. We had in our case study one child has been suspended for periods of 10 days four times in one year. Using the model of teachers doing this because they are stressed and the school is needing to have the teachers off on stress leave because they cannot deal with the  
30 behavioural issue of children with disabilities or intellectual learning disabilities. So very much in that vein of suspending the child to deal with the issue rather than trying to work through issues with the parents. Again, not being believed – being accused of something, and not being believed that they didn't do it, not believing another witness to the incident which cleared them, because that witness also  
35 happened to have a disability. So taking the word of a parent or another student over a child with a disability.

DR MELLIFONT: Thank you, Mrs Wilson. Might we have a break then - - -

40 COMMISSIONER SACKVILLE: Yes. Let's have a break for 15 minutes.

DR MELLIFONT: Thank you.

COMMISSIONER SACKVILLE: And we shall resume.

45

DR MELLIFONT: Thank you.

COMMISSIONER SACKVILLE: Thank you. Thank you very much.

**ADJOURNED**

**[3.23 pm]**

5

**RESUMED**

**[3.38 pm]**

10

DR MELLIFONT: Thank you. Dr Bridle, can we move then to a discussion, please, about the understanding of behaviour, suspensions and exclusions, please.

15

DR BRIDLE: I guess what – what I would say is that the quality of behaviour support plans is, again, very variable. Generally, I think there is still an inflexibility in many school cultures, a lack of understanding of kind of student behaviour generally, and kind of a punitive approach rather than an understanding of positive approaches to supporting students with disability. So we would see lots of – we would hear from lots of parents about the – almost like a revolving door of their student having a – being suspended due to behaviour issues, coming back to school, getting suspended again, and in many parents' views, a belief that this is a deliberate attempt to drive them from the school.

20

25

DR MELLIFONT: Mrs Wilson, do you have any observations in respect of those topics?

MRS WILSON: No, nothing new from what I've already said just before about our own clients – like, the same issues.

30

DR MELLIFONT: And you've presented to the Commission, which will be available in due course, a number of case studies of examples of this happening?

MRS WILSON: Yes, that's right.

35

DR MELLIFONT: Dr Bridle, can you speak about the 2018 inclusive policy Department of Education initiatives, please?

DR BRIDLE: Can I talk a little bit more about the exclusions first, sorry?

40

DR MELLIFONT: Certainly. No problem.

45

DR BRIDLE: So I just – I guess I wanted to make the point that sometimes there's encouragement from the school to just keep the child home, that is not counted as a formal suspension or exclusion. So the things that might be said to parents are, "It would be better for this not to be on the – the child's tired or teachers are tired, it would be better not to risk an incident, so if you keep your child home, it won't –

you know, they won't have an incident, it won't go on their OneSchool record. You know, that would be better for everyone".

5 I guess I want to talk – I just want to draw attention to the fact that parents describe a really high level of anxiety and harassment about the number of phone calls that they get from schools around student behaviour, incidents where there's a level of frustration because from the parents' point of view, none of the supports that have been agreed to have been put in place, and the child is kind of bearing the costs of those supports not being in place. So even though behaviour support plans may have  
10 been written, when – when the parent asks, "Have these things happened first?" "No." And then the child's had a – you know, has lashed out, or in other ways their behaviour has kind of constituted – constituted a level 2 or a level 3 behaviour, and the suspension has – has happened. But none of the undertakings from the school may have been put in place.

15 DR MELLIFONT: In respect of your earlier observation, so what you are speaking of really is an enforced type of absence which are not going to show up in the figures as to actual suspensions or exclusions?

20 DR BRIDLE: That's right.

DR MELLIFONT: So you exercise some caution with respect to data and exclusions in respect of that?

25 DR BRIDLE: That's right.

MRS WILSON: Excuse me, can I also say that as I said before about the emotional distress it causes the child, and teachers having to then take stress leave because they cannot deal with the behaviour issues. I don't think the teaching staff have been  
30 given or told the importance of the positive behaviour support plans that are in place for that child to counteract misbehaviour during the school term.

DR MELLIFONT: Thank you.

35 DR BRIDLE: I just want to say that I think it's – many of the families who we've been in contact with who have ended up moving their son or daughter to a special school have been driven by the student being suspended or excluded from school. Often, parents will tell us, "I didn't want to do that. I was really committed to inclusive education, but I've got – I've got to work and I just couldn't, you know,  
40 take every – take that phone call, have to pick up my child halfway – halfway through the school day three days a week and maintain my employment." I just want to quickly say it was certainly our experience in high school that we were threatened with the – the principal told us that it didn't matter what we wanted in terms of our son's continued inclusion in high school. It was a Catholic high school. We were  
45 told at a meeting of eight people that he would just suspend our son for longer and longer periods until we would have no choice but to leave from the – leave that school.

COMMISSIONER SACKVILLE: When was that?

DR BRIDLE: So he's now five and a half years out of school, so probably seven years ago.

5

COMMISSIONER SACKVILLE: I see.

DR BRIDLE: I just want to – it's digressing a bit, if that's okay, but I just wanted to say I'm – I'm not a shrinking violet. I've been a social worker for 30 years. My husband has been a criminal defence lawyer for 40 years. And it was damn hard for us to withstand the harassment, and walking into very hostile meetings with eight professionals who told us that our son did not have a single friend at the school, that the teachers felt he was just being babysat, that we were burdening the school, have a letter in writing that he was a financial burden to the school.

10  
15

DR MELLIFONT: Thank you, Doctor. Can I take you, please, to then the impact of the 2018 Inclusive Education Policy and the Department of Education initiatives?

DR BRIDLE: So I – I guess I feel that the Inclusive Education Policy is something to be applauded and protected. I think it did respond very well to the recommendations of the Deloitte Review that we needed to clarify, what inclusive education means, and the distinctions between inclusion and segregation and integration. I think it has led to work which has clarified that every student has the right to enrol in their local school, and it set some very helpful measures of success. So I think that that's something to be – to be applauded. I have seen – obviously it is still hit and miss, but I've seen families who say, "I now feel welcomed at my – at the school". So perhaps it's a school that they had already enrolled in but they never felt secure about their child's place in the school. So they will say that they've seen things in the school newsletter, or they've seen posters, or they just feel that there's a difference in the climate at the school since the – since the policy and since the work that has been done to kind of promote that policy and promote understanding of the legal obligations to support and include students with disability.

20

25

30

DR MELLIFONT: Any other observations you wanted to make in respect of that topic?

35

DR BRIDLE: I think it has allowed some students who had – where families had found themselves in special schooling, even though that wasn't their first choice to transfer into the regular school system. I think it has raised expectations in some schools about the child with a disability not just being in the classroom but being – issues of access and participation. I see some higher expectations for student learning and a greater – some greater consciousness that it includes out of classroom activities as well, though that's still pretty variable.

40

DR MELLIFONT: Thank you.

45

DR BRIDLE: I think I've seen – as I said before, I think there are some really excellent new roles within the Department over the last couple of years which have made a difference for significant number of students. So there are now contact points where people feel that they will – their – parents feel their perspective will be  
5 listened to and valued, and their input will be sought. And I think we see some greater collaboration in schools and regional teams around inclusive education.

DR MELLIFONT: Thank you Mrs Wilson, did you have - - -

10 COMMISSIONER ATKINSON: When you say you've seen some excellent new roles, what are those roles?

DR BRIDLE: I'm thinking particularly of the coaching roles. I understand different – different regions do things slightly differently so I don't want to give too much of a  
15 Brisbane-centric kind of focus, but there is, for example, the Autism Hub which I mentioned previously. There's some kind of inclusion coaches, I understand sort of wellbeing or mental health coaches as well. Yes.

COMMISSIONER ATKINSON: Thank you.

20

DR BRIDLE: And I think just – I guess I do – CRU is delighted to be working with the Department to – on that issue of supporting families in their own advocacy, because I think it must come in any change process, it – parents can't just be dictated to either. It's important that parents are well informed about the policy and their  
25 rights – their son and daughter rights, etcetera.

COMMISSIONER SACKVILLE: Have the level of complaints or referrals to your organisation diminished since the inclusion policy was adopted?

30

DR BRIDLE: Well, they – they haven't diminished but that's because we're actually – in fact we're saying we're more open for business than ever.

COMMISSIONER ATKINSON: Yes. Yes.

35

DR BRIDLE: You know, so previously we were probably not – education was a piece of our work. It's now - - -

COMMISSIONER SACKVILLE: I see.

40

DR BRIDLE: We now have a lot more staff so we have a lot more – we're actually inviting people to contact us. So I don't know that we could look at the number of contacts and say it's an indicator that there are less problems or more problems.

45 MRS WILSON: And I think that also goes to the fact that parents have more rights. They – they feel more confident that there is this new Inclusive Education Policy project in place, and that they are demanding that it be put in place across all schools,

not – not just hit and miss. And as part of that coaching mentoring program, the Education Department should be open to learning from those schools that are adopting the policies, that they can see it's working and learning from it.

5 DR MELLIFONT: Thank you.

DR BRIDLE: Can I just say I do want to say that I think that there has been – with the new policy, I guess, there has also been some families whose experience has been very negative who then – it's almost like the starkness of having an excellent policy and the experience has been a bit galling for them. So there's sort of some sense of,  
10 “How come there's this great policy and I've seen my – kind of – son or daughter's mental health really deteriorate because I can't get the supports met?” And so I guess they're just very conscious, I guess, of the gap between, you know, what is being promised and what – what they're experiencing. And I guess the need then for  
15 – is to make sure we have all the pieces in place so that families can be – because there will be times when professionals fall short of what should ideally happen. So how do we make sure that, yes, those families and students don't fall through the gaps?

20 DR MELLIFONT: Thank you. Can I now move to the last question for both of you, and that is what do each of you wish to see come out of this Commission? Would you like to start, Mrs Wilson?

MRS WILSON: Overall, it is, of course, that abuse, neglect, exploitation for those with disability are addressed. The people are held accountable for it. And we learn and we move on and we have a much more inclusive society. With the education,  
25 again, we have the policy there. We – we have that lovely working inclusive education. It needs to happen and we all need to learn from each other. Make sure you include the parents, the specialist OTs and the specialist disability sectors out there, and get it working, so it doesn't happen again.  
30

DR MELLIFONT: Thank you, Mrs Wilson. Dr Bridle?

DR BRIDLE: So this has given me some thoughts. I've probably got a number of  
35 things that would be my recommendations or CRU's recommendations. The first is actually probably the one that is particularly controversial but essential, which is to end the dual system of special and inclusive regular education, to set a date and some clear targets for that transition. And the – probably, if you had asked me 10 years ago I would have said, “No, I think that they can coexist” and we can, you know,  
40 keep – the inclusive settings will grow and eventually people will realise you don't need the special settings. But the data doesn't support that. So we've seen a growth in special settings. And it is, to me, untenable that we would continue to offer special education which is inferior on the evidence. And I feel, particularly, that in Queensland to get enrolled in a special education school you have to have an  
45 intellectual impairment, and I would ask why students who need more from the education system would be relegated to a parallel system where it's inferior.

I also think there is no way we're going to get the social and economic participation promised by the NDIS unless we get inclusion in school right. And that while those special places exist, I think there will always be the threat of exclusion, that there will always be coercion placed on families to take that special path. I think it  
5 undermines the will to include when things get tough, and inclusion isn't easy so things will get tough. I think it reinforces a myth that special places are the right places for people with disability, and it's a theft of resources that are best placed in the regular school system. So I would like to see a transfer of funding from the special education system into regular schooling, so that no child in a regular school is  
10 told that they cannot go on camp, that they – there are not the funding for triangular pencils, or all the other things that are told to parents.

And I understand that that won't be easy and it will take political courage, but we need to approach that as a – I guess a change management process, and I had some  
15 ideas about some things that are important in that. I would like to see that families who are approaching any school get told about the Disability Standards for Education, the United Nations Convention on the Rights of Persons with Disabilities, the evidence, the policies, and they can be guaranteed the same supports in the regular school setting. I think there needs to be processes of assistance for families  
20 who want to transfer or feel that they are being coerced out of the regular system. I think we need disability rights, education and training, a public campaign, if you like, which will target, you know, schools and community. And I think we need to continue to invest in parents in terms of their advocacy and knowledge.

I think we also need to kind of showcase what is working. So I guess one of the things that we would hate is for all of the issues that are there in the regular school system to – to be kind of an evidence that it's too hard to do inclusions. So I think it was lovely to hear this morning that actually you can have the same child well  
25 included, welcomed, a valued member of the school community. And just as, you know, I've highlighted lots of, you know, the hard times, we would also have, you know, families who tell us of the wonderful things that happen for the kids in regular schools. So whether that's through, you know, examples in Queensland, in  
30 Australia, or the chance to study good inclusion overseas, I think that would be very valuable. I probably have just two more points. Is that okay?

35 DR MELLIFONT: It's fine, Dr Bridle. Please. Thank you.

DR BRIDLE: I think in the meantime, I guess we can't wait for those special schools, the end of the dual system, which I would think – I was thinking – I tried to  
40 put a number of in 15 years' time. But I think we need to particularly invest in understanding student wellbeing and belonging in schools, what does it mean to be an authentic member of a school community, and – and actually their behaviour is telling us, "You don't understand me, you don't value me, I don't belong." So getting to understanding rather than control of students with disability. Formal  
45 advocacy so that the onus isn't on families being brave, and being prepared to sacrifice their own mental wellbeing to advocate for their sons and daughters with disability. A continuing support structures for families. I wondered in that whether

it would be timely to look at the Disability Standards for Education and how they describe particularly consultation with families.

5 DR MELLIFONT: What do you mean in that respect?

DR BRIDLE: I think – I think many families struggle with – that they ask for things that they think are quite reasonable and they're told that they're unreasonable. And so – or they are just not consulted and there is no way for them to insist on – on that.  
10 So some clarity around that expectation. And then I guess some – which – some continuing work. So this is work, I think, that is happening in Queensland around school improvement and culture, and helping schools to get better at auditing their own – their own performance. But I would particularly like to see input into those processes from the perspective of people with disability involved in audit teams in  
15 schools.

DR MELLIFONT: Thank you, Dr Bridle.

COMMISSIONER SACKVILLE: You mentioned a period of 15 years. I know you  
20 were not intending to be precise down to the last month but what would have to happen over 15 years to bring about the end of separate special schools? What would be the preconditions that would have to be satisfied?

DR BRIDLE: So I think – the reason I would choose something longer than, you  
25 know, 13 – the 13 years of school is to give that – so that students were not – the numbers of students who would be then going into special settings in the next two or three years would be much less, that families would know even if they were enrolling in a special school that they may actually not be open for the whole of that time. Obviously, we have – last year a group of families got together and tried to decide  
30 what – what they would like to put forward, and they argued then at least that no new special schools would be built and opened, and I guess that's one of the things that we're trying to actually, I think, have and include – move towards inclusive education at the same time we are opening new special schools and I don't think that is going to get us where we want to be.  
35

COMMISSIONER SACKVILLE: What if there are parents who want to have a separate school for their children?

DR BRIDLE: So I – I absolutely understand why families would want to have a –  
40 have a – have their child at a special school. I've had many, many friends, people who come to us at CRU also find themselves in special schools. So I think when families do not feel their child will be welcomed, they don't feel their child will be safe, they don't feel their child will be kind of supported, the schools are set up in rigid ways so they don't think their child's sensory needs will be kind of  
45 accommodated. So – which I guess is why I was saying that focus on student wellbeing has to be – has to start at the same – at the same time, because - - -



COMMISSIONER SACKVILLE: Do I take it from that that your assessment is that if the mainstream schools are more welcoming and inclusive in the way you've described, then the belief parents that their children might be better off in separate schools will dissipate over time?

5

DR BRIDLE: I don't believe that because I think that while special schools exist, that – there's still that direction. So I think that the pressure from paediatricians, from health professionals, etcetera, is still direct – there's a lot of pressure that's kind of brought to bear even before you get the unwelcoming or the welcoming school principal. So I think that's where, I guess, that sense of actually awareness and training about the evidence on inclusive education, the UN Convention needs to happen at the same – at the same time. So – but I think a lot of difference that if – I think we need to be almost wrestling with what does an inclusive school look like. So it's not about kind of retrofitting. It is about kind of planning, well, what is a school where, you know, kids who need quiet space can get that without being secluded. What is a school where, you know, kind of movement breaks, if that's what the child – you know, if – if you're planning for a school which is diverse, it will have not only physical access but those other access requirements met. What will safety look like in an inclusive school?

10  
15  
20

COMMISSIONER SACKVILLE: Mrs Wilson, do you have a view about phasing out special schools?

25

MRS WILSON: Sorry, could you - - -

COMMISSIONER SACKVILLE: Do you have a view about phasing out special schools?

30

MRS WILSON: I think it would take a long time if that was to happen completely. Again, it's about making the child feel safe, having the parents feel confident that their child is going to be safe, is going to be totally included and have their education needs met fully. So I – I think it would be a long time if it ever was completely to happen. With the point Lisa made about advocacy, a lot of the parents that come to us don't understand their rights, don't understand the legislation, the new Queensland Human Rights Act. They know something is not right but they don't understand fully what their rights are and how to go about addressing it, and – and that's what our role is, to help them understand, to help them make the choices that are the best for themselves and their family. So advocacy in education, like anything else, is very important, and unfortunately there's not enough money spent on advocacy at the start. It does save the government so much more money in the end, but I think it needs to be valued that there is a need for advocacy, there is a need to teach parents self-advocacy, which is something that we – we do as well. It's very important that people can speak up for themselves.

35  
40

45 COMMISSIONER SACKVILLE: Thank you.

DR BRIDLE: Can I just say I just want to make sure that – I want to – I do not judge any parent who decides to send their child to a special school. I also know wonderful who work in special education. This is not meant to be a slight or a criticism of that at all. It is about the future that we want to see. I know that  
5 probably if I hadn't had a lot of support from other parents during those years and, probably, wasn't well-connected and probably stubborn – when I saw my son's wellbeing going downhill and he wasn't welcome, certainly that temptation was there to send him somewhere where I thought (1) where I would be able to relax but (2) where he wouldn't be seen as a burden.

10 COMMISSIONER ATKINSON: This is just a question I have that Commissioner Galbally suggested. When you were talking about educational resources available for the child, a number of them have been mentioned this morning and this afternoon. Is really that, in essence, what that child needs. So it's a child-centred  
15 approach?

DR BRIDLE: Yes.

20 COMMISSIONER ATKINSON: What that child needs for their education, rather than saying they need a triangular pencil. Everyone's going to be different and it's a question of age-appropriate curriculum materials?

DR BRIDLE: Exactly.

25 COMMISSIONER ATKINSON: And whatever else it is, a quiet place if they need a quiet place?

MRS WILSON: Definitely.

30 DR BRIDLE: And we've seen families where they have – it's just a very open discussion and that flexibility of what – how can we plan for this child to be, you know, supported to participate and access the curriculum, etcetera, rather than that kind of other schools who will go we can only provide this and they will set the limit before they've even had that conversation with the family.

35 COMMISSIONER ATKINSON: Thanks.

40 MRS WILSON: I think the knowledge of the parents as a resource is critical, and it needs to be listened to more fully, and not just being taken at face value. Okay, they're just the parent. They will – they will say what their child needs. It really needs to be used and harnessed.

45 DR BRIDLE: Can I say one more thing about the closure? So it just strikes me – so CRU has – was around when Queensland closed large institutions, and that was, obviously, a very controversial time and there were families who were campaigning for institutions to stay open, as well as families who were campaigning for, you know, institutions to be closed. And I guess the learning from that was that, really,

one, you did have to set a closure date and you did have to set targets, and then you needed to listen to the families on both sides and support families to understand what the alternative to living in the institution was like. And I think we know that from other change management kind of reform processes, and – but I think we can do better than moving from closing institutions to group homes. So we also want to be kind of careful that we don't just, you know, create smaller pockets of segregation in regular schools.

DR MELLIFONT: Anything further from the Commissioners?

COMMISSIONER SACKVILLE: No. No. I think we're finished.

DR MELLIFONT: Thank you. Mrs Wilson, thank you very much for attending and wishing you a speedy recovery.

MRS WILSON: Thank you.

DR MELLIFONT: And Dr Bridle as well. Thank you very much for attending and safe travels home.

COMMISSIONER SACKVILLE: Can I add, on behalf of the Commission, our thanks for your evidence and the care that you've put into - - -

MRS WILSON: Thank you.

COMMISSIONER SACKVILLE: - - - preparing your evidence. It's been extraordinarily helpful. Thank you so much.

DR BRIDLE: Thank you.

COMMISSIONER SACKVILLE: Yes. Ms McMillan, what would you like to say about all this?

MS McMILLAN: Yes. As we intimated last week in our communications, we won't be in a position to cross-examine these witnesses, particularly as there has been further evidence on top of their submissions.

COMMISSIONER SACKVILLE: Well, I understand you got some documents quite late.

MS McMILLAN: Yes. Yes. We have. So I'm not in a position to cross-examine either of these witnesses. So we will obviously come back to the Commission on our position.

COMMISSIONER SACKVILLE: Yes. You will let us know in due course.

MS McMILLAN: Yes, we will. Thank you.

COMMISSIONER SACKVILLE: Thank you very much.

DR MELLIFONT: Thank you. Before we adjourn for the day, may I - - -

5 COMMISSIONER SACKVILLE: Sorry, can Dr Bridle and - - -

DR MELLIFONT: Yes.

COMMISSIONER SACKVILLE: Can they be released?

10

DR MELLIFONT: They can be released. Thank you.

COMMISSIONER SACKVILLE: Mrs Wilson, thank you very much.

15

**<THE WITNESSES WITHDREW**

**[4.12 pm]**

20 DR MELLIFONT: Before we adjourn for the day may I just observe, of course, that the non-publication order would extend to not making any statements in public which might identify Dr Bridle's son, and by extension given the nature of her evidence, the school that he attended. Just to make that clear in case there is any doubt by those watching.

25 COMMISSIONER SACKVILLE: Does that mean we need to make a separate direction to that effect?

30 DR MELLIFONT: No, in my view the non-publication order this morning would sufficiently cover at least Dr Bridle's son. It might be best, your Honour, for the non-publication order to extend to non-identification or anything which might identify the school that her son attended in the circumstances if your Honour would – sorry, if the Chair – that's a habit – if the Chair would make an order in those terms.

35 COMMISSIONER SACKVILLE: So you want a direction that nothing be published that could identify the school to which – at which Dr Bridle's son attended.

DR MELLIFONT: Yes, thank you.

40 COMMISSIONER SACKVILLE: Or Dr Bridle's son's identity.

DR MELLIFONT: That's so, thank you.

45 COMMISSIONER SACKVILLE: Does that mean Dr Bridle's name can't be mentioned?

DR MELLIFONT: No, it does not. It does not. It just means that in terms of the relation to the evidence or the relating of the evidence, should be careful so as not to make reference to her son or to the school to which he attended.

5 COMMISSIONER SACKVILLE: All right.

DR MELLIFONT: Thank you.

10 COMMISSIONER SACKVILLE: And you will – you will check with Dr Bridle that that meets her needs.

DR MELLIFONT: Yes, I will. Thank you.

15 COMMISSIONER SACKVILLE: All right. Thank you. Now, do we now adjourn and resume at 10 o'clock tomorrow?

DR MELLIFONT: Yes, that's so.

20 COMMISSIONER SACKVILLE: And you will remind us of what's going to happen at 10 o'clock tomorrow.

25 DR MELLIFONT: Yes. We will be hearing from a second parent, followed by Mr Bates from the Queensland Teachers' Union, in the afternoon we will hear from Professor Carrington and Dr Mann.

COMMISSIONER SACKVILLE: Good. Thank you very much. Thank you, everybody, for your attendance. And everybody who is watching us remotely. We shall resume at 10 o'clock tomorrow.

30

**MATTER ADJOURNED at 4.14 pm UNTIL TUESDAY, 5 NOVEMBER 2019**

## **Index of Witness Events**

AAA, SWORN	P-21
EXAMINATION-IN-CHIEF BY DR MELLIFONT	P-21
THE WITNESS WITHDREW	P-36
DEBORAH PEARL WILSON, SWORN	P-37
LISA LOUISE BRIDLE, SWORN	P-38
THE WITNESSES WITHDREW	P-68

## **Index of Exhibits and MFIs**