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May 18 2019 - 5:00AM

## A horrible chain of events means this disabled woman can't go home



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Unfortunate chain of events: A NDIS build more than 18 months ago in Elmhurst has meant that Garry Saville's daughter Theresa can't return to the family home from hospital. Picture: Lachlan Bence

Garry Saville is now fighting for accountability and for the future of his disabled daughter, after an NDIS failure called "one of the worst" by a disability advocate. A simple renovation on his Elmhurst home for his wife Marilyn has turned into a nightmare.

The unfortunate chain of events started after structural works were completed by a National Disability Insurance Scheme-employed builder without a building permit. Since that time, Mr Saville has been fighting council to get the house signed-off for the past 18 months.

During those delays, his daughter Theresa has languished in a Melbourne hospital recovering from a brain aneurysm, and can't return to the Saville's home, one hour north-west of Ballarat, unless it is considered safe.

"I'm that frustrated. I just want it rectified, and I shouldn't be virtually begging," Garry Saville said.

## HOW IT HAPPENED

In late 2017, Marilyn Lindsey was approved for an National Disability Insurance Scheme (NDIS) package as she suffered from multiple system atrophy, which causes muscle rigidity and nervous system dysfunction.

Ballarat-based provider State-wide Equipment Program (SWEP), a sub-division of Ballarat Health Services, created plans for two doorways to be widened, while three walls would be removed to make a large bathroom which could be navigated easily.

SWEP contracted a Delacombe builder Maker Constructions for the renovations on November 13, 2017. Sections of the contract which mentioned the need for a building permit were marked 'not applicable' by the builder. The full scope of works was costed by the builder at \$32,740.

 Marilyn Lindsay. Picture supplied by Garry Saville.

Maker Constructions told *The Courier* they proceeded without a permit because they did not believe the walls were load-bearing until after construction had started and they found a roof leak. Company owner Martin Messemaker said the company was placed under pressure by the family and the service provider to complete the works quickly, so Marilyn could spend Christmas at home.

"Maker Constructions should have ceased works and not continue, regardless of the pressures, until all the proper requirements were in place - a permit for the works that needed to be done even if it means delaying the project for weeks," he admitted.

The temporary support beam placed in the leaking roof is considered structural.

Mr Messemaker said Ararat Rural City Council told him via email last year no building permit approvals could be found for the creation of the bathroom when the house was originally built, making any broader council approval difficult, regardless of the state of works completed by the builder. Maker Constructions could not, at that point, speed up the process of council approval. The process was outside its control.

Ararat Rural City Council declined to comment on the story, citing the ongoing VBA process.

The VBA technical report said there was no damage observed to the roof in its current state. A spokesperson for the VBA said the matter of permits had been referred "to its disciplinary unit" and would be completed in three months.

SWEP were engaged by the NDIA to provide funding toward building works. A builder was engaged through both the family and the Occupational Therapist. Based on the sign off by the home owners and the Occupational Therapist, these building works were completed according to the original scope.

***A Ballarat Health Services spokesperson for SWEP***

Ms Lindsay's occupational therapist from East Grampians Health Service signed a certificate of completion for the build in December 2017. Funds were released to the builder without Marilyn or Garry's knowledge and despite a hold on the NDIS account, said Garry Saville.

Mediation between the council, service provider and Mr Saville in early 2018 was unsuccessful. Since then, he's been exploring every avenue to have final approval issued, so his daughter can return to his care.

## EMOTIONAL TOLL

Ms Lindsay lived in the home for 14 months, until her death in January.

Mr Saville fought back tears reflecting on the stress the renovation caused to his wife in her last months.

"I couldn't spend quality time with my wife, who had a terminal illness, because I was having to deal with this," he said. "In the last few months, Marilyn said to me, 'Just put me in a home, you don't deserve this.'"

His 45-year-old daughter Theresa, whose aneurysm caused an acquired brain injury, has become the next unfortunate victim of the circumstances.

Without approval from the council saying the house is safe, Theresa cannot be released from the Austin Hospital by Victoria's Office of the Public Advocate (OPA).

Despite being "at 90 per cent" good health according to Mr Saville, she has been in the hospital for 18 months.

Both Theresa and her father desperately hope she will be able to live in Elmhurst soon, with Garry as her carer, as she is "so depressed" in hospital she sometimes refuses to eat.

 Garry Saville. Picture: Lachlan Bence

Ararat Rural City Council declined to comment on the story, citing the ongoing VBA process.

Grampians disAbility Advocacy's Judi Smith said it was one of the most egregious failures she had seen in her five decades working in welfare, but was symptomatic of a struggling system.

"It is the lack of logic, it is the lack of accountability, and nobody has followed a duty of care," she said.

"The disappointment is the organisations that should be supporting us are the ones who are almost actively working against us."

 Grampians disAbility Advocacy's Judi Smith. Picture:  
Lachlan Bence

Mr Saville is on a pension. He admits he doesn't have the money to launch legal action or rectify the works.

"This isn't a witch hunt. I just want to be able to move on," he said.

Grampians disAbility Advocacy CEO Debbie Verdon said cases like these underline the importance of advocacy.

"The NDIS is working for some people, but when cases become complicated, that's when problems arise," she said. "But returning to the old system is not an option. We're committed to seeing this scheme work, and we want to be part of the solution."

## Current action

Robert Chappell, manager of practitioner discipline at the Victorian Building Authority (VBA), confirmed via letter this week the VBA can't force Maker Constructions to find a way to have a certificate granted. The delays that have been experienced in applying for council approvals is also outside of the VBA and Maker Constructions's control.

"(The disciplinary process has started) in respect of, among other things, that apparent failure to obtain a building permit when it became clear the modifications had a structural element," Mr Chappell said in correspondence.

And the biggest thing is, Garry knows about what's happened with the NDIS. How many other people with packages don't?

*Grampians disAbility Advocacy's Judi Smith*

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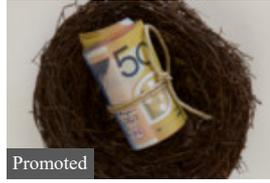
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