

First Nations woman suffered shocking neglect for years, disability royal commission told

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A man has told the disability royal commission he was shocked by his mother's condition while she was under care. *(ABC/File)*

A woman who was put into a facility by a government agency was given monthly injections of anti-psychotics and suffered shocking neglect over seven years but received just one visit from the agency during that time, the disability royal commission has heard.

The First Nations woman, who cannot be named because of strict gag laws in Western Australia, was part of the Stolen Generations and later told her son the facility reminded her of the institutions she had grown up in.

Her son, who was given the pseudonym Anthony, told the commission on Tuesday he was shocked by his mother's physical and mental condition while under the care of the Office of the Public Advocate in Western Australia and that she and the other residents appeared in a catatonic state.

In a statement, he said he remembered going to visit her and finding her in her pyjamas "and often they were dirty with faeces, urine and menstrual blood".

"Her eyes would be quite open and she looked like she was on drugs," he said.

Five years later when her son managed to take back control of her medical decisions and she was weaned off the medication, she told him she had suffered verbal, physical and sexual assaults at the facility.

"I can confidently say that my mother was in a worse state at the end of the Public's Advocate's control over her than when she first came to be subject of orders," his statement said.

"She has not been afforded basic human dignity.

"Her cultural needs were not met".

When he took his mother, who was in her late 40s at the time, to a dentist, he said her teeth were black and they had to be extracted and replaced with dentures.

In her entire time at the hostel, she had never been taken to a dentist.

She also had hepatitis and developed diabetes but neither condition was treated.

In a statement, Anthony said he and his mother rang the guardian at the Office of the Public Advocate, and asked for her to be moved elsewhere but he said she did not have enough money.

Key points:

- A man told the commission he was shocked by his mother's condition while under care
- About 50,000 Australians are under the control of the state guardians and trustees because they have been deemed to be lacking capacity
- The disability royal commission will spend the rest of the week hearing evidence from across the country

He said he saw the guardian hang up on his mother and she told him "that he hangs up on her often".

Anthony believed the guardian had never visited his mother.

"I said to her, 'Do you know what he looks like? He controls your life,' and she's like, 'No, I don't.' How culturally insensitive is that?"

WA's Public Advocate Pauline Bagdonvicius said someone from her office did visit his mother once during the seven-year period.

She told the royal commission "the lack of contact and engagement in the appropriate way ... by our office is regrettable".

There are an estimated 50,000 Australians under the control of the state guardians and trustees because they've been deemed to be lacking capacity due to cognitive issues like dementia, intellectual disabilities, and mental illness.

This happens when applications by family, social workers or doctors are made to civil and administrative tribunals in each state and territory.

They can appoint public guardians and trustees who make decisions about where the person lives, what medical treatment they receive and how much of their own money they are allocated.

The woman, who has a cognitive impairment, was living with her son when he took her to get a disability pension in 2015.

She was assessed by a psychiatrist and months later she was told she had to attend the State Administrative Tribunal after an application by a social worker.

The tribunal appointed the Public Advocate to look after her accommodation and health needs and she was moved from her son's home to a hostel chosen by the Public Advocate's office.

Meanwhile, the Public Trustee was appointed to look after her finances.

From her own pension, Anthony said his mother received just \$10 a week as spending money.

"I was told that my mother would be looked after. I feel like this is the opposite of what has happened," he said in his statement.

"I can confidently say that my mother was in a worse state at the end of the Public Advocate's control over her than when she first came to be subject to orders. She has not been afforded basic human dignity."

The royal commission heard that in Western Australia, First Nations people made up 17 per cent of all those "under orders" despite making up only 3.3 per cent of the population.

Ms Bagdonvicius said it was an over-representation. She agreed that her staff had no training in Indigenous culture or trauma and had no First Nations staff members.

The WA Public Advocate office was the subject of a critical report last year when the West Australian Ombudsman found that relatives were left uninformed when loved ones under state care died.

The office responded by saying it "does not believe it has a statutory function" to do so. The Public Advocate apologised and said it would change practices.

In other evidence, Queensland's Public Guardian, Shayna Smith, said only 43 per cent of people under the care of the office had been visited face to face in the past 12 months.

The Queensland Public Trustee, Samay Zhouand, came under heavy questioning about perceived conflicts of interest and high fees for people on the disability support pension, with some paying 37 per cent of their income in fees.

"If they have high levels of assets it does have a factor on their disability support pension," Mr Zhouand said.

It is a criminal offence in virtually every state in Australia for the media to identify anyone under the public guardian and trustee punishable by jail and fines.

The disability royal commission will spend the rest of the week hearing evidence from other states in virtually every state and territory.