



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**QUESTIONS WITHOUT NOTICE:  
TAKE NOTE OF ANSWERS**

**Danher, Mr Liam**

**SPEECH**

**Monday, 21 June 2021**

BY AUTHORITY OF THE SENATE

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## SPEECH

<b>Date</b> Monday, 21 June 2021	<b>Source</b> Senate
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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Kitching, Sen Kimberley	<b>Question No.</b>

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**Senator KITCHING** (Victoria) (17:54): by leave—I move:

That the Senate take note of the document.

On 11 May this year, during question time, I asked the Minister for the National Disability Insurance Scheme questions relating to the tragic and unnecessary death of Liam Danher. On 5 February, Liam Danher died of a seizure in his sleep while his parents were next door. He was 23 years old and had a severe intellectual disability. He was also suffering from autism and epilepsy. Liam's parents have said that his death was avoidable and could have been prevented if he had been provided with a seizure mat. I'll come to the cost of that seizure mat shortly. Liam's parents have spoken out about being cut out when Liam was moved from a state run service on to the National Disability Insurance Scheme. The Danhers had become increasingly worried that their son might be having rare night-time seizures. Even his neurologist had recommended the purchase of the—wait for it—\$445 mat, which would have detected a seizure and sounded an alarm. Liam's family has since been told that the \$445 figure was just for the mat component—they would have happily paid for this—and that the whole set-up was priced at over \$2,000. However, let's compare that cost with the cost of what the government spent fighting the Danhers in the AAT. The \$2,000 is a mere fraction of that cost, and that is why we are here today.

The minister has just tabled a response to a question taken on notice during question time on 11 May this year. The questions taken on notice were:

Q1: How many thousands of taxpayer dollars did the Morrison government spend on legal advice and lawyers to deny Liam his \$445 seizure mat?

Q2: Could you answer the question about what you spent in legal costs?

Q3: Why then did the National Disability Insurance Agency still deny Liam the support he needed?

The minister's response in the documents just tabled was:

Circumstances relating to this case are currently under review by NDIA. The outcomes will be communicated to the family prior to any public commentary.

That's right; the minister has again failed the Danher family by refusing to answer just how much time she and this cruel government have spent trying to deny their son a relatively inexpensive item that we now know would have saved his life. He would not be dead.

Three of Liam's own treating professionals, including a neurologist, recommended that he have this mat. Despite the overwhelming evidence suggesting Liam needed this potentially lifesaving device, the agency, instead of amending his plan to provide it, spent 18 months in the AAT trying to deny him this. The agency deployed thuggish tactics and engaged lawyers and barristers. Liam was unable to access legal aid, and the NDIA stopped his parents from representing him. He was by himself.

Perhaps the saddest part of this whole story is that, a week after Liam's death, the NDIA contacted the family support coordinator requesting quotes for the seizure mat. The least the minister could do, after all we now know about the tragic death of Liam Danher, is offer a personal and heartfelt apology. She has not done this. Even this is too much for this minister. Last Wednesday, when I asked the minister if she had personally apologised to Liam Danher's family, she gave one of the most offensive answers I've heard in this place. The minister said:

... my chief of staff has been in contact with Mr Danher, and I have, through my chief of staff, offered to either in person or on the phone talk with Mr Danher myself.

The minister also said:

If my chief of staff does something on my behalf, then I consider that is the case. And I did, on further questioning, clarify that point, that it was in fact my staff.

However, the Danhers have told Labor that they would like the parliament to also get any answers about their son's case on the record. That is the family. Senator Reynolds spent that question time saying: 'Oh no, I'm thinking of the family. I just want to consider their feelings.' I'm paraphrasing because I'm not sure she was that articulate. Remember: she also previously said that she had contacted the family. In fact, it transpired that she had not; her department had. Now we find out that it was her chief of staff, not even her—not even at that point. That family is very happy for those answers to be tabled—correct, full answers to the question, rather than the mealy-mouthed rubbish that we got just then.

Instead of always feigning 'woe is me', perhaps the minister should take some responsibility for her ministerial responsibilities and actions and pick up the phone to the Danhers to apologise. While she's at it, she could also inform the Senate how much the government spent trying to avoid providing the Danher family with the simple device that could have saved their son's life.

Today, at an event for the global day for motor neurone disease, Senator Reynolds heard from Peter Chambers, whom she referred to in her response in question time today, who had been rejected by the NDIS the first time around. What did she say? She said, and I paraphrase, 'We must get onto those administrative problems.' This is a person with motor neurone disease, rejected by the NDIA, and she says, 'It's a bit of an administrative problem.' She is overpromoted and she feels sorry for herself for losing the portfolio she did have. Not much will be remembered about Senator Reynolds's reign of error, other than a lack of candour, a lack of rigour, a lack of intellect and a lack of decency.

Question agreed to.