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Lifestyle In Supported Accommodation

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with a loved one who has a disability*

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LISA... is a parent support and lobby group, for parents and families with a family member having an intellectual or multiple disability, and living in a supported accommodation group home in the State of Victoria, Australia.

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The Department of Human Services, Victoria, offered a grieving mum \$220,000 in hush money!

Peter Rolfe (rolfep@heraldsun.com.au) Sunday Herald Sun, 20 November 2011

A heartbroken mother whose only son died in suspicious circumstances has been offered \$220,000 by the Department of Human Services but only if she ends her fight for justice and keeps details of the deal secret.

Pensioner Michelle Stewart whose son Nathan was aged 16 when he died from a stab wound to the heart has received the six-figure offer in a legal letter from the DHS. But the letter linked the money to a confidentiality clause that would have barred her from talking about the details of the settlement. "It's all about the suppression to them, never speaking about it again," she said.

In a brave move motivated by a mother's love for her son rather than money, Ms Stewart has turned her back on the hush fund and chosen to tell her story through the Sunday Herald Sun.

"But it's about the principle, it's about doing what is right, it's about them being accountable to some degree and paying some respect," she said.

Nathan died in a Melbourne hospital in April 2005, months after his family and school had raised concerns about his care.

Ms Stewart has staged a six-year legal battle against the DHS and the Angliss Hospital where he was first treated for the fatal wound claiming negligence and failing in a duty of care.

A letter from lawyers representing the DHS shows the department was willing to pay \$220,000 on condition there was a confidentiality clause.

Ms Stewart also claims the DHS told her at mediation she could never talk about what happened to her son under the terms of the deal.

"They can't even admit that they made a mistake, they can't even say 'sorry'," she said.

Ms Stewart said she was first offered \$50,000 by Eastern Health in 2008 to sign a gag clause. That was later raised to \$80,000, which she also refused.

"They want me to sign away my son's story pay me to sweep it under the carpet.

"Where is the dignity in that? It's saying 'shut up'."

Bronwyn Perry, spokeswoman for Minister for Mental Health Mary Wooldridge, refused yesterday to comment. "Given the litigation is ongoing, we are unable to comment," Ms Perry said.

It's about them being accountable to some degree and paying some respect In April this year the DHS offered her \$220,000 during mediation, on condition that the department denied liability and she sign an order "to keep the terms of the settlement of the proceedings and the terms of the compromise ... confidential".

She was given two weeks to sign the DHS deal but declined. Last night she describing the offer as "blood money", adding: "You can't put a price on silence.

The Government has assembled a legal team to fight the case in the Supreme Court next year. Ms Stewart will represent herself in the three-week trial, but is unsure how she will pay for legal costs that already total more than \$279,000.

"You do feel powerless when you're up against such a big government body, but he was my son and I loved him so I can't give up the fight," she said.

Ms Stewart said she wanted an apology from the DHS.

"I have had to fight for the right to have my son's voice heard," she said. "My son has died in vain if his voice has not been heard. I often say the day Nathan died, I died too. I built my life around him this has torn me apart."

In a 2008 investigation into Nathan's death, State Coroner Jennifer Coate described him as "an intelligent and articulate boy who had been exposed to a great deal in his short life".

Ms Stewart said Nathan was taken out of her care because of domestic violence at home.

No one has been charged in connection with Nathan's death.

Labor's child safety spokesman Luke Donnellan slammed the DHS. "Mistakes have been made. Why not just admit that, learn the lesson and move on?" he said. "Nobody would ever want this to happen again."

Editorial Comment

Compo offered with unfair strings attached. The Department of Human Services should be ashamed of itself. Even for an organisation

routinely exposed for its negligence and incompetence, today's revelations in the Sunday Herald Sun are astounding.

As we report on today's front page, Nathan Stewart, 16, died in 2005. He had suffered stab wounds to the heart.

The original DHS inquiry concluded there was nothing untoward about his death. It was just a tragic accident, the agency told the Sunday Herald Sun in 2005.

But Nathan's mother, Michelle, has never given up seeking answers. Questions remain unanswered about this young man's death.

The DHS has offered Michelle compensation for her loss. She says the first offer was only \$50,000. That was later increased to \$80,000.

The most recent offer made in April this year stands at \$220,000.

But in return for the money, according to legal letters obtained by the Sunday Herald Sun, the DHS has demanded Ms Stewart sign a draconian confidentiality order that will prevent her from publicly talking about not only the compensation but also the "terms and Nathan Stewart conditions of the compromise".

In other words, the deal was designed to silence Ms Stewart over the events surrounding the death of her son.

The cash offer also includes a "no liability" clause to get the DHS off the hook. That is an absolute outrage.

There is no question that Ms Stewart deserves compensation though the fact the DHS's original offer was only \$50,000 gives some indication of the value this organisation places on a life.

The money should be paid and without a gag order attached.

To attach such an order reveals this as hush money aimed at allowing the DHS to avoid scrutiny.

As Ms Stewart says today, she's rejected the offer and intends pushing ahead with a lawsuit in the Supreme Court.

Her lawyers have urged her to accept the compensation, but she's not in this for cash.

She wants to sue the DHS in a bid to get some answers and hold the organisation to account over Nathan's death.

Community Services Minister Mary Wooldridge has been in charge for almost a year. The \$220,000 hush-money offer was made on her watch.

Ms Wooldridge must intervene personally in this case, and demand her department provide answers for Nathan's mother and the people of Victoria.

LISA Comment: This is yet another example of this government department's reactive management buying its way, rather than proactively managing its way.

Again, we see this captive market, out-of-control, government department, where no one is held responsible, as no one "owns-the-company".

Although the Minister has legal authority over this department, she is out-gunned by a traditional and well entrenched public service culture of, "No one tells us what to do!" "We can do anything, or nothing!"

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