



26 August 2008

Mr Elton Humphery
Committee Secretary
Senate Community Affairs Committee
P O Box 6100
Parliament House
Canberra ACT 2600

By e-mail to: community.affairs.sen@aph.gov.au

Dear Mr Humphery

Inquiry into Special Disability Trusts: Additional response

I thank the Committee for the opportunity to appear on 29 July 2008.

I would like to clarify one matter for the benefit of the Committee:

Senator Siewert asked me whether, as the Guidelines and legislation currently stand, we would recommend people establish Special Disability Trusts. My response was yes we would, by which I meant that we actively promote and inform people about the Special Disability Trust option and, wherever appropriate, recommend their establishment.

I would like to clarify, however, that we have found that it is rarely the case in practice, under the law as it stands, that we can specifically recommend establishment of a Special Disability Trust in a given instance. As our written submission sets out, the expenditure and other restrictions that currently apply mean that it is only in very limited circumstances that we would find an inter vivos Special Disability Trust to be an appropriate mechanism to meet a given client's needs.

I look forward to the Committee's report.

Yours sincerely

A handwritten signature in blue ink, appearing to read "A G Fitzgerald".

A G Fitzgerald
Managing Director