



Queensland Advocacy Incorporated

Our mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

Systems and Legal Advocacy for vulnerable people with Disability

Department of Social Services
GPO Box 9820
Canberra ACT 2601

26 March 2019

Dear Director-General,

Draft Terms of Reference for a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

We refer to the above and sincerely thank the Government for responding to the calls to establish this Royal Commission.

We make the following comments with respect to the draft terms of reference (**TORs**):

1. First and most importantly, we emphasise the importance of ensuring that this inquiry is directly informed by the voices of people with disability with lived experience of violence, abuse, neglect and/or exploitation. This is both in the composition of the Commission and in the gathering of information.
2. We support explicit reference in the TORs to Australia's international obligations to take appropriate legislative, administrative and other measures to promote the human rights of people with disability, including to protect people with disability from all forms of exploitation, violence and abuse under the Convention on the Rights of Persons with Disabilities (**CRPD**).
3. In the preamble to the TORs, reference should be made to the heightened vulnerability of people with disability to violence, abuse, neglect and exploitation.
4. QAI supports the scope of the Royal Commission extending to all settings and contexts. We note that people with disability are particularly vulnerable to experiencing violence, abuse, neglect and exploitation in some of the more closed and disability-specific environments, where a general culture of denigration for people with disability can be prevalent. The scope of the inquiry and its recommendations should include express reference to forms of abuse in institutional and congregate settings that may be particular to those settings.
5. QAI supports the scope of the Royal Commission extending to cover all forms of violence, abuse, neglect and exploitation and all settings and contexts (para (e)). We do not consider it appropriate to ask survey participants to rank types of violence or to propose types of abuse that should be excluded from the Royal Commission. We are concerned that this may have the unintended effect of denigrating the experience of particular types of violence and abuse. Further, we consider that all forms and degrees of violence, abuse, neglect and exploitation of or against a person with disability should be within the scope of the Royal Commission.

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QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

Patron: His Excellency The Honorable Paul de Jersey AC

6. We also note that some people with disability are subject to specific types of violence, abuse, neglect and exploitation, including control, denial of access to necessary aids or medication, Restrictive Practices including physical, chemical and mechanical restraint and seclusion and involuntary treatment for mental illness. QAI considers it imperative that the scope of this inquiry extend to a consideration of these forms of violence, abuse, neglect and exploitation and that the composition of the Royal Commission includes persons with expertise in, and persons with lived experience of, these types of disability-specific abuses to ensure they are properly recognised and understood.
7. While we agree with the merit of identifying 'best practice' to inform future decision making on what all Australian Governments and others can do to prevent and respond to violence, abuse, neglect and exploitation of people with disability, we note that best practice will be context and setting specific and will also depend on the nature of a person's disability and life experience.
8. QAI supports the requirement of accessibility in para (k). We note that accessibility must encompass accessibility, on an equal basis with others, to the physical, social, economic and cultural environment, to health and education and to information and communication (including information and communications systems), in both urban and rural environments, as required by the CRPD.
9. The definition of 'people with disability' should include people with *neurological* impairment.

Please do not hesitate to contact us for further information or clarification of the matters raised in this correspondence.

Yours Faithfully,



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