

**END THE VIOLENCE: CALL A ROYAL COMMISSION INTO VIOLENCE AND ABUSE
AGAINST PEOPLE WITH DISABILITY**

We are a diverse range of organisations from across Australia, including organisations of people with disability, advocacy organisations, peak bodies, violence prevention organisations, and a range of other organisations, groups and individuals from throughout the Australian community. Collectively, we have substantial and direct knowledge of the violence and abuse experienced by people with disability in Australia. The issue is systemic. The evidence is extensive¹ and compelling. The violence can no longer be ignored.

An ABC Four Corners report aired in November 2014, entitled *In Our Care*,² detailed horrific violence perpetrated against people with disability in residential settings. *In Our Care* 'lifted the lid' on the scourge of sexual violence and other egregious forms of violence perpetrated against people with disability. It uncovered how whistle-blowers were targeted and persecuted; their warnings not acted upon. It exposed deliberate and systematic attempts by management to cover up the violence and silence the survivors.

In January 2015, peak disability advocacy groups³ renewed the campaign for a national inquiry by writing to the Prime Minister. The letter was endorsed by over 95 state and territory based disability and other organisations from around Australia, supported by over 11,000 signatories to a petition calling for an inquiry. In response, a group of Senators referred the matter on 11 February 2015 to the Senate Community Affairs References Committee.

The subsequent Senate Inquiry into *Violence, abuse and neglect against people with disability in institutional and residential settings*⁴ found that violence and abuse against people with disability in Australia is prolific and systemic; Australia's hidden shame. It established that violence and abuse against people with disability in Australia is an 'epidemic' and an issue of national significance. The Inquiry found that a Royal Commission into the issue is urgently warranted.⁵

The Senate Inquiry found that people with disability experience untold levels of violence and abuse across a range of institutional, residential and private settings, including disability and mental health service systems, aged care, childcare, schools and educational settings, hospitals, prisons, and at home. The Inquiry uncovered systemic failures in the legislation, policies and service systems that are designed to protect all people from violence and abuse.⁶

A more recent ABC Four Corners report, *Fighting the System*,⁷ provided further evidence of violence and abuse against people with disability. It detailed extensive patterns of violence and abuse in residential settings. It highlighted that responses to violence and abuse against people with disability in Australia remain inadequate, incompetent and unjust.

In March 2017, the Australian Government provided its formal response to the Report of the Senate Inquiry into *Violence, abuse and neglect against people with disability in*

institutional and residential settings. In its response, the Australian Government ruled out a Royal Commission on the basis that it 'does not consider that a further inquiry is needed'.⁸ It argued that the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework,⁹ will 'protect the rights of people with disability and ensure where there is an incidence of abuse and neglect of people with disability, it is addressed as a priority.'¹⁰

While the NDIS Quality and Safeguarding Commission announced in the Federal Budget 2017-18 is welcomed, it will only provide protection to people with disability who directly access NDIS supports.¹¹ This equates to less than 10% of the total number of people with disability in Australia.¹² Neither the Commission, nor the NDIS Quality and Safeguarding Framework,¹³ will have the scope to identify and address systemic issues outside its mandate. It will not cover the range of settings in which people with disability experience violence, nor the multiple forms of violence that people with disability experience. It will not hold individuals, organisations and systems accountable for past injustices. It is not the answer.

On 17 May 2017, more than 120 academics from around Australia signed an open letter urging the Prime Minister, the Hon Malcolm Turnbull, to act on the headline recommendation from the Senate Inquiry and establish a Royal Commission into Violence against People with Disability.¹⁴ The letter was the basis of ABC's Lateline report that detailed further disturbing stories of chemical restraint, abuse and neglect in disability group homes.¹⁵

A Royal Commission is the **only** mechanism that can provide a comprehensive, independent, and just response to all forms of violence and abuse against people with disability. People with disability in Australia deserve nothing less.

A Royal Commission into Violence and Abuse of People with Disability will have legal powers to:

- enable people with disability to tell their story and give evidence in a safe and supported way, without fear of retribution or reprisal;
- compel witnesses and representatives of service systems to appear and be cross-examined under oath;
- thoroughly examine forms of violence that are specific to people with disability,¹⁶ which have been ignored in most other inquiries;
- shed light on and respond to the incidence and prevalence of all forms of violence perpetrated against people with disability, including the range of settings in which such violence occurs;
- refer criminal allegations to the police and hold perpetrators and systems to account;
- interrogate legislative and service system responses to violence and abuse against people with disability;
- provide resourcing to enable the full and meaningful participation of people with disability, including those in institutional settings;
- travel to capital cities, regional centres and towns to hear evidence and pursue open processes;
- commission research and inform policy development;
- make recommendations on legal reform, policies, systems and practices to create a safer future for all people with disability;
- ensure justice for victims through the provision of redress.

Only a Royal Commission can provide a just response to people with disability who have been denied justice for so long.

We call on all Australian Governments to actively support a Royal Commission into Violence and Abuse of People with Disability.

This Civil Society Statement was coordinated by Disabled People's Organisations Australia (DPO Australia) and is endorsed by:

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- ¹ The Senate Inquiry received over 160 submissions from across the disability and community sectors. See http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Submissions
- ² Four Corners, 'In Our Care' was a joint Four Corners/Fairfax investigation. Available from: <http://www.abc.net.au/4corners/stories/2014/11/24/4132812.htm>
- ³ The coalition included Women With Disabilities Australia, People with Disability Australia, National Ethnic Disability Alliance, First People's Disability Network Australia and United Voices for People with Disabilities. See: National Campaign to End Violence and Abuse against People with Disability in Residential and Institutional Settings: 'Letter to the Australian Prime Minister, Hon. Tony Abbott' (January 2015), available at: <http://wwda.org.au/issues/viol/viol2011/> See also: <https://www.change.org/p/tony-abbott-to-urgently-launch-a-national-inquiry-into-violence-neglect-and-abuse-against-people-with-disability-in-residential-and-institutional-settings>
- ⁴ Community Affairs References Committee, 'Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability', November 2015, Commonwealth of Australia.
- ⁵ Ibid.
- ⁶ Community Affairs References Committee, 2015, OpCit. pp. xxvi-xxvii.
- ⁷ Four Corners, 'Fighting the System', 27 March 2017. [Online Video]. Australian Broadcasting Corporation. Available from: <http://www.abc.net.au/4corners/stories/2017/03/27/4641276.htm>
- ⁸ Australian Government, 'Australian Government response to the Senate Community Affairs References Committee report', 2 March 2017, Commonwealth of Australia.
- ⁹ <https://www.dss.gov.au/disability-and-carers/programs-services/for-people-with-disability/ndis-quality-and-safeguarding-framework-0>
- ¹⁰ Australian Government; Australian Government response to the Senate Community Affairs References Committee report: 'Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability', 2 March 2017, Accessed online at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Government_Response
- ¹¹ Currently, there are over 60,000 NDIS participants. This number is expected to grow to about 460,000 participants when the NDIS is fully implemented from 2020. The NDIS Quality and Safeguards Commission will oversee safeguards for 460,000 NDIS participants at full scheme. See: 'Guaranteeing the NDIS and providing stronger support for people with disability', Joint Media Release by Hon Christian Porter, Senator the Hon Zed Seselja, and The Hon Jane Prentice. 9 May 2017. Accessed online at: <http://christianporter.dss.gov.au/media-releases/guaranteeing-the-ndis-and-providing-stronger-support-for-people-with-disability>
- ¹² <http://theconversation.com/understanding-the-ndis-many-eligible-people-with-disabilities-are-likely-to-miss-out-61016>
- ¹³ <https://www.dss.gov.au/disability-and-carers/programs-services/for-people-with-disability/ndis-quality-and-safeguarding-framework-0>
- ¹⁴ See: <https://disabilityroyalcommissionnow.wordpress.com/2017/04/05/open-letter/>
- ¹⁵ See: 'Open letter calls for royal commission into treatment of people with disabilities', [Online video] Lateline, ABC TV, 17 May 2017, accessed at: <http://www.abc.net.au/lateline/content/2016/s4670932.htm>
- ¹⁶ This would include an examination of intersectional and compounding forms of violence.