Dear Prime Minister

Civil Society Statement to the Australian Government

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 extensive and compelling. The violence can no longer be ignored.

An ABC Four Corners report aired in November 2014, entitled *In Our Care*, 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 groups 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 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.

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.
A more recent ABC Four Corners report, *Fighting the System*, 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’. It argued that the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework, 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’.

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. This equates to less than 10% of the total number of people with disability in Australia. Neither the Commission, nor the NDIS Quality and Safeguarding Framework, 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. 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.

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

We call on the Australian Government to call a Royal Commission into Violence and Abuse of People with Disability.

This statement is endorsed by 163 civil society organisations and 383 individuals, listed at page 5-9.
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


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.


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


14 See: https://disabilityroyalcommissionnow.wordpress.com/2017/04/05/open-letter/


16 This would include an examination of intersectional and compounding forms of violence.

Civil Society Statement: Disability Royal Commission, May 2017

4
ACT Council of Social Service
ACT Disability Aged & Carer Advocacy Service
Advocacy for Inclusion
Ailsa HumanRights
All Means All Australian Alliance for Inclusive Education
Amnesty International Australia
AMPARO Advocacy
Amparo Advocacy Inc.
Anglicare Australia
ANTaR
Australian Association of Social Workers
Australian Association of Social Workers (QLD Branch)
Australian Centre for Disability Law
Australian Centre for Leadership for
Women (ACLW) Pty Ltd
Australian Council of Social Service (ACOSS)
Australian Federation of Disability Organisations
Australian Human Rights Centre
Australian Women Against Violence Alliance
Australian Women’s Health Network
BaptistCare Relationship Services
Being - Mental Health and Wellbeing
Consumer Advisory Group
Belmont BEC Inc.
Bendigo Autistic Advocacy and Support Service
Blue Knot Foundation
Brain Injury Matters
Brisbane Rape and Incest Survivors’ Support Centre
C. Quinn Consultancy Pty Limited
Carrie’s Place
CASPAR
Centre for Disability Research and
Policy, University of Sydney
Centre for Excellence in Child and Family Welfare
Cerebral Palsy Support Network
Children and Young People with Disability Australia
Citizen Advocacy Sunbury & Dist
Clean Slate Counselling
Community Disability Alliance Hunter
Community Legal Centres NSW
Community Legal Centres Queensland

Concept Physio
Dignity Party
Disability Advocacy Network Australia
Disability Discrimination Legal Service
Disability Research Initiative, University of Melbourne
Disabled People’s Organisations Australia (DPO Australia)
Diversity ACT Community Services
Domestic Violence NSW
Domestic Violence Resource Centre Victoria
Domestic Violence Victoria
Doris Women’s Refuge Inc.
DPI-Korea / AP-DPO United Women Committee
Elizabeth Evatt Community Legal Centre
Equality Rights Alliance
Everyday Psych Victims Project and Coalition
Against Human Experimentation
Family Planning NSW
Federation of Ethnic Communities’ Councils of Australia
Feminist Legal Clinic
First People’s Disability Network
Fitzroy Legal Service
Front Up
Grampians disAbility Advocacy
Griffith Law School
Havelock Housing Association
IDEAS NSW
InCharge
Inclusion Australia
Inclusion Moves
Independent You
Indigenous Allied Health Australia
International Women’s Development Agency
Jeder Institute
JFA Purple Orange
Justice Equality Rights Access (JERA) International
L’Arche Melbourne
Leadership Plus
Livings
Local Government New South Wales
Macarthur Disability Services
Maldives Association of Physical Disabilities MAPD
Mental Health Carers NSW Inc.
Moreequal.org
Moving Forward DFV case management services Inc
Multicultural Disability Advocacy Association
National Aboriginal and Torres Strait Islander Legal Services
National Congress of Australia’s First Peoples
National Council of Single Mothers & Their Children
National Ethnic Disability Alliance (NEDA)
National Family Violence Prevention
Legal Services Forum
National Foundation for Australian Women
National Older Women's Network Inc. (OWN Australia)
No to Violence/Men's Referral Service
Northern Rivers Community Legal Centre
NSW Council of Social Service
Organisation Intersex International Australia
Penrith Women's Health Centre
Penrith Women’s Health Centre Inc
People With Disabilities ACT
People With Disabilities WA Inc
People With Disability Australia
Physical Disability Council of New South Wales
Psychiatric Revolution
Queensland Advocacy Incorporated (QAI)
Queensland Women’s Health Network Inc
Queenslanders with Disability Network
Rape & Domestic Violence Sevices Australia
Reinforce Incorporated
Rural Disability Network (RDN)
safe steps Family Violence Response Centre
Sisters Inside Inc
SNAICC - National Voice for our Children
Soroptimist International of the South West Pacific
South Australian Council of Social Service (SACOSS)
South Australian Council on Intellectual Disability Inc
Southern Cross University
Speak Out Advocacy
Speaking Up For You (SUFY)
Special Voices
Spinal Cord Injuries Australia
Spinal Home Help Incorporated
Starting With Julius
Sterilising The Mentally Ill is NOT a Side Effect
Support, Help and Empowerment (SHE)
Sydney Women's Counselling Centre
Target Dietitians
Tasmanian Council of Social Service (TASCOSS)
The BubbleGum Club
The Growing Space, SA
The IndividualTree
The Silent Witness Network
The St Vincent de Paul Society National Council
The Hawkesbury Women's Cottage
The Women's Cottage
Twesigangane PWDS Women Organisation
United Blind Persons of Fiji
United Voices for People with Disabilities
Unspoken Words Festival
Vic Diversity
Victorian Council of Social Service
Victorian Immigrant and Refugee Women’s Coalition
Villamanta Disability Rights Legal Service Inc.
WA Council of Social Service
Wagga Women’s Health Centre
Wardlaw & Brown Consulting
Warrina Domestic and Family Violence Specialist Service
Wattle Place
WESNET (Women’s Services Network)
Western NSW Community Legal Centre
Wirringa Baiya Aboriginal Women’s Legal Centre Inc.
Women in Adult and Vocational Education (WAVE)
Women With Disabilities ACT
Women With Disabilities Australia (WWDA)
Women With Disabilities Victoria
Women With Disabilities WA Inc
Women Worldwide Advancing
Freedom & Equality (WWAFE)
Women’s and Girls’ Emergency Centre
Women’s Health Victoria
Women’s Legal Service NSW
Women’s Legal Service Tasmania
Women’s Legal Services Australia
WWDA Youth Network
Yellow Submarine
Young Women’s Advisory Group (YWAG)
of the Equality Rights Alliance (ERA)
Youth Disability Advocacy Service
YWCA NSW
## INDIVIDUALS (383)

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Maureen Willson  
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Shandana Usman  
Shannan Bayliss  
Shannon Bowerman  
Sharon Gray  
Sharon Hobbs  
Shaughan Demarte

Civil Society Statement: Disability Royal Commission, May 2017

Page 8
Sheryl O’Connor  Suzanne M. Keene  Hon. Dr Jocelynne A. Scutt, Chair, WWAFE
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