



# **AN OPEN LETTER TO THE NATIONAL CABINET**

**Immediate Actions Required for Australians with Disability  
in Response to Coronavirus (COVID19)**



First Peoples  
Disability Network  
Australia



Women  
With  
Disabilities  
Australia  
(WWDA)



Blind Citizens Australia



DANA  
Disability Advocacy  
Network Australia



**VicRAN**  
Victorian Rural  
Advocacy Network Inc

- Assent 4 All
- Colac Otway Region Advocacy Service
- Disability Advocacy & Information Service
- Gippsland Disability Advocacy Inc
- Grampians Disability Advocacy
- South West Advocacy Association



Expanding Ideas; Creating Change



**Advocacy**  
Tasmania



**CORAS**

COLAC OTWAY REGION  
ADVOCACY SERVICE INC



**Leadership+**  
Plus



The Association for Children  
with Disability (Tas.) Inc.

**VALID**



YACVING

ydas

scia

Spinal Cord Injuries Australia



North East Citizen Advocacy (NECA)





We are a diverse range of organisations from across Australia, representing the interests of people with disability, their families, carers and support persons. Collectively, we have significant, direct and growing knowledge of the impact of Coronavirus (COVID19) on people with disability in Australia.

Australians with disability represent some of the most excluded of all Australians in relation to the impacts of Coronavirus. Our needs remain largely forgotten as evidenced by the fact that people with disability are rarely if ever, mentioned in any press conference, media release or government conversation about Coronavirus. The national discourse relating to Coronavirus is inherently ableist - preferencing able-bodied people as the norm. This ableist discourse is resulting in the exclusion of people with disability in efforts to prevent the spread of and address, the impact of the Coronavirus.

We are deeply concerned by the lack of specific and targeted measures from Australian Governments to proactively protect and support people with disability, their families, carers and support persons from the impact of COVID19.



## URGENT ACTIONS

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We call on all Australian Governments to take the following urgent actions to protect the lives of Australians with disability in the context of COVID19:

1. Guarantee continuity of supports for all people with disability.
2. Expand criteria for COVID19 testing to include people with disability and their support persons.
3. Urgently improve information and communications to be inclusive of all people with disability.
4. Take measures to remove the barriers to adequate healthcare for people with disability.
5. Include recipients of the Disability Support Pension (DSP) in the Coronavirus Supplement of \$550 per fortnight.
6. Urgently define what constitutes an 'essential service' for people with disability.
7. Ensure effective measures are in place to recognise and respond to violence, abuse, exploitation and neglect of people with disability.
8. Prevent discrimination of students with disability in the provision of education.
9. Ensure the human rights of people with disability in congregate and other settings are upheld.
10. Adequately resource Disabled Peoples Organisations (DPOs) and Disability Representative Organisations (DROs) to enable support of, and advocacy for, people with disability.

## 1. Guarantee continuity of supports for all people with disability

Many people with disability rely on a range of services and supports to survive. People with disability are reporting being unable to get the essential help they need due to the impact of COVID19.

The Prime Minister's announcement on Sunday 29<sup>th</sup> March, that indoor and outdoor 'gatherings' are now restricted to two persons,<sup>1</sup> is causing confusion and distress for people with disability. For example, some people with disability may require two or more support workers at the same time, to provide personal care, and other basic activities of daily living. People with disability who are currently receiving essential help, (or who may come to require such help), must not be disadvantaged or placed at risk due to COVID19 restrictions.

Service providers must not withdraw from the provision of essential supports for people with disability. The NDIS must allow greater flexibility in use of funds so people can get the support they need. Special and flexible provisions may also need to be made for cohorts of people with disability who cannot access services and supports through this crisis (e.g. Aboriginal and Torres Strait Islander people with disability in regional, rural and remote locations; culturally and linguistically diverse people with disability in regional, rural and remote locations; and people who rely on Auslan interpreting as their first language or who have complex communication needs).

Continuity of supports for all people with disability – including those who are not participants of the National Disability Insurance Scheme (NDIS) – must be guaranteed.

## 2. Expand criteria for COVID19 testing to include people with disability and their support persons

Many people with disability are at high risk of contracting COVID19, due to the nature of their impairments and/or health conditions and their reliance on others for essential supports. Whilst the criteria for eligibility for testing for COVID19 was expanded on Wednesday 25<sup>th</sup> March, there remains no advice regarding disability support workers, including those who work in the community.

We note that criteria for testing is still dependent on displaying symptoms of the virus. A disability support worker can often provide supports to several people with disability within the same day. People with disability may also be receiving supports from multiple disability support workers within the same day.

We are of the strong view that disability support workers – regardless of where and how they deliver services to people with disability – must be eligible for COVID19 testing. People with disability who display COVID19 symptoms, those who are at high risk of contracting COVID19, and those who have regular interactions with support workers, must be fast-tracked for testing. Testing must be accessible, including the provision for testers to undertake home visits to people with disability where this is required.



### **3. Urgently improve information and communications to be inclusive of all people with disability**

67% of people with disability in Australia state that they find government information inaccessible and/or difficult to understand.<sup>2</sup> People with disability are reporting that they cannot access information and communications regarding COVID19 due to a wide range of factors, including but not restricted to: inaccessibility of messaging; lack of provision of interpreters; lack of information in Plain English and/or Easy Read; lack of captioning; lack of information provided in first languages; lack of communication supports; lack of access to the Internet; congested and unreliable telecommunications services.

Although there are currently no mandated minimum standards for government and public sector organisations to ensure web accessibility and usability;<sup>3</sup> and for accessible information and communications to be provided to the public, it is critical that Australian Governments ensure that COVID19 related information is fully accessible to all people with disability.

In addition, we strongly recommend the Australian Government resource Disabled Peoples Organisations, Disabled Representative Organisations (DROs) and National Disability Advocacy Program (NDAP) Organisations to establish and implement a proactive, phone-based outreach program to connect and check in with people with disability, both during the crisis and through the recovery phase.

### **4. Take measures to remove the barriers to adequate healthcare for people with disability**

People with disability in Australia have a life expectancy up to 20 years lower than those without disability,<sup>4</sup> and are 10 times more likely than people without disability to assess their health as poor.<sup>5</sup> People with disability often have health conditions, including chronic illness, that make them more susceptible to serious illness or death if they were to contract COVID-19. They are also more at risk of contracting the virus due to their reliance on others for essential supports.

People with disability report not being able to access basic supplies and equipment, including for example: personal protective equipment; basic aids and appliances; continence aids; fresh produce; cleaning products; sanitisers, hypoallergenic products and more. This situation appears to be more dire in regional and remote Australia.

Provision of basic, necessary supplies and equipment must be ensured for people with disability, including those in remote and regional locations. In addition, any and all policies and guidelines for the triaging and/or management of COVID19 must ensure that people with disability have equality of access to, and receipt of health care, including in hospitals and intensive care settings. We urgently recommend the establishment of a National Advisory Committee of people with disability and other relevant experts to inform and advise the Australian Health Protection Principal Committee (AHPPC) on the health impacts of Coronavirus on people with disability.

## **5. Include recipients of the Disability Support Pension (DSP) in the Coronavirus Supplement of \$550 per fortnight**

Forty-five per cent of people with a disability in Australia live in poverty.<sup>6</sup> 11.2% of people with disability experience deep and persistent disadvantage, more than twice that of the national prevalence.<sup>7</sup> The median gross weekly personal income of people with disability is half that of people without disability.<sup>8</sup>

The Disability Support Pension (DSP)<sup>9</sup> is inadequate to support people with disability<sup>10</sup> through this unprecedented crisis. People with disability who are in receipt of DSP are experiencing and facing additional, unforeseen costs in this time of crisis, which is causing significant levels of distress and anxiety, and only serving to further entrench DSP recipients into poverty. Furthermore, currently less than 10% of the population of people with disability in Australia are supported by the NDIS and are therefore unable to access and pay for the additional help they may require during this crisis.

It is therefore critical that the Australian Government act urgently to include recipients of the DSP in the Coronavirus Supplement of \$550 per fortnight, consistent with the Jobseeker Payment and other payments announced by the Prime Minister on Sunday 22nd March 2020.

## **6. Urgently define what constitutes an 'essential service' for people with disability**

People with disability, their families, carers and support persons report confusion, anxiety and distress regarding the lack of clear information and advice from Australian Governments as to what constitutes "an essential service" for people with disability during this time of crisis.

It is clear that some people with disability cannot adhere to certain advice provided to date by Government, simply by virtue of the nature of their impairment and the care and support they require (eg: indoor and outdoor 'gatherings' restricted to two persons, excluding 'ordinary members of a household'). Whilst an 'essential service' can be broadly understood to be a service that 'preserves and safeguards life', there remains ambiguity regarding this term as it applies to people with disability.

It is therefore vital that the Australian Government provide clear information and guidance to State and Territory governments, to people with disability, their families, carers and support persons, as to the meaning of an 'essential service' as it applies to people with disability. Consultation with representative organisations of people with disability could assist in this regard. It is our view that Australian Disability Enterprises (ADEs) - formerly known as 'sheltered workshops' - do not constitute an "essential service" and we urge the Australian Government to act swiftly to close all ADE's given the high risk they pose to people with disability at this time.



## **7. Ensure effective measures are in place to recognise and respond to violence, abuse, exploitation and neglect of people with disability**

People with disability experience and are at a far greater risk of violence, abuse, exploitation and neglect than others in the population.<sup>11</sup> More than a third of people with disability report experiencing violence or abuse, and almost 50% of people with disability report feeling unsafe where they live.<sup>12</sup> Women and girls with disability are particularly at risk of all forms of violence, and have considerably fewer pathways to safety.<sup>13</sup> People with disability in shared accommodation and congregate care settings are also at much higher risk.

Whilst measures taken to 'lockdown' shared accommodation and congregate care settings may assist in managing the spread of the virus, these measures are also likely to result in an escalation of violence, abuse, exploitation and neglect against people with disability in these settings. In addition, women with disability are 40% more likely to be the victims of domestic violence than women without disability.<sup>14</sup>

It is critical that all Australian Governments ensure that effective measures are in place to recognise and respond to violence, abuse, exploitation and neglect of people with disability, including the need to ensure that effective outreach services, supports and oversight are in place.

## **8. Prevent discrimination of students with disability in the provision of education**

People with disability in Australia already have significantly lower levels of educational attainment than those without disability. Only 36% of people with disability aged 15-64 years complete secondary education compared to 60% of people without disability.<sup>15</sup>

The responsibility for education of students with disability during the COVID19 crisis must remain the responsibility of the Australian and state and territory governments. Where schools have moved to remote learning, they are still required to comply with the Disability Discrimination Act (DDA) and the Disability Standards for Education (DSE).

These prohibit discrimination against students on the basis of their disability and include ensuring that students with disability are not treated less favourably than non-disabled students, and that they are provided with reasonable adjustments where needed to access the general curriculum, on the same basis as their non-disabled peers.

Australian Governments must ensure they have a plan to provide reasonable adjustments and support students with disability throughout the COVID19 crisis, so that students with disability are not further discriminated against in their education.

## **9. Ensure the human rights of people with disability in congregate and other settings are upheld**

More than 5.2% of people with disability in Australia live in shared accommodation such as group homes,<sup>16</sup> with a further 2.8% living in supported accommodation facilities.<sup>17</sup> There are also a significant number of people with disability held in forensic facilities across Australia.

It is well recognised that people with disability in these settings experience, and are more at risk of violations of their human rights, including their right to live free from violence, abuse, neglect and exploitation. We are receiving reports of people with disability in these types of settings being locked in their rooms, or conversely, being able to congregate in groups within the community, including on public transport and in community venues. We are also receiving reports of Australian Disability Enterprises (ADEs) remaining operational despite the high risk to people with disability in these environments.

Information about COVID19 appears not to be reaching many people with disability in closed and congregate care settings. Australian Governments must ensure that people with disability in shared accommodation and other congregate care settings are not denied access to information about COVID19, including the help they may need to process the information. In addition, it is critical that the human rights of people with disability are not violated in procedures to manage the potential spread of the virus. We further recommend that the NDIS Justice Interface Working Group be urgently convened to discuss COVID19 implications and actions required for people with disability who are at high risk and held in forensic facilities across all jurisdictions.

## **10. Adequately resource Disabled Peoples Organisations (DPOs) and Disability Representative Organisations (DROs) to enable support of, and advocacy for, people with disability**

Disabled Peoples Organisations (DPOs) and Disability Representative Organisations (DROs) are critical in the fight to stop the spread of COVID19. Whilst we commend the Australian Government on the announcement of additional resourcing for national counselling services, domestic and family violence services, and mental health services - we are concerned by the lack of urgent resourcing of Disabled Peoples Organisations (DPOs) and Disability Representative Organisations (DROs).

These organisations provide a critical conduit between Governments and people with disability, their families, carers and support persons. DPOs and DROs are the recognised coordinating point between Government/s and other stakeholders, for consultation and engagement with people with disability in Australia.

The United Nations Committee on the Rights of Persons with Disabilities has clearly articulated the duty of Governments to actively involve people with disability, through their representative organisations, including those representing women and children with disability, in the development and implementation of legislation and policies and in other decision-making processes, on all matters that affect them.<sup>18</sup> In this context, we strongly urge Australian Governments to ensure that DPOs and DROs are adequately resourced during and after this unprecedented crisis.



## **WE STRONGLY ENDORSE**

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We strongly endorse the [Statement of Concern](#) issued by the Royal Commission into Violence, Abuse, Exploitation and Neglect of People with Disability, issued on 26<sup>th</sup> March 2020.

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# ENDORSEMENTS

This letter to The National Cabinet is from the following organisations:

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- Women with Disabilities Australia
- People with Disability Australia
- National Ethnic Disability Alliance
- Children and Young People with Disability Australia
- Australian Federation of Disability Organisations
- Disability Advocacy Network Australia
- Deaf Australia
- Autism Aspergers Advocacy Australia
- Deafblind Australia
- Deafness Forum of Australia
- Brain Injury Australia
- Inclusion Australia
- Blind Citizens Australia
- Down Syndrome Australia
- Physical Disability Australia
- Every Australian Counts
- Disability Resources Centre Advocacy Ideas
- Disability Justice Australia
- Enhanced Lifestyles
- National Mental Health Consumer and Carer Forum
- Imagine More
- Advocacy Western Australia
- Midland Information Debt and Legal Advocacy Service
- Melbourne East Disability Advocacy
- Queensland Advocacy Incorporated
- Family Advocacy
- Grampians Disability Advocacy
- Syndromes Without A Name
- Advocacy Tasmania
- Southwest Advocacy Association
- Victorian Rural Advocacy Network
- Assert 4 All
- Colac Otway Region Advocacy Service
- Disability Information and Advocacy Service
- Gippsland Disability Advocacy
- Community Resource Unit
- AED Legal Centre
- ANTaR
- Centre of Research Excellence in Disability and Health
- People with Disabilities Western Australia
- Association for Children with Disability Tasmania
- Association for Children with a Disability Victoria
- All Means All
- Queensland Collective for Inclusive Education
- Southern Disability Advocacy
- Rights Information and Advocacy Centre
- Regional Disability Advocacy Service
- Youth Disability Advocacy Service
- National Aboriginal and Torres Strait Islander Legal Services
- Spinal Cord Injuries Australia
- Barwon Disability Resource Council
- North East Citizen Advocacy
- Julia Farr Youth
- Leadership Plus
- VALID
- Women with Disabilities Victoria
- Citizens Advocacy Perth West
- Speakout Advocacy
- Developmental Disability WA
- Women with Disabilities ACT
- Council for Intellectual Disability
- Citizen Advocacy Sunbury
- South Australian Council on Intellectual Disability
- Parent to Parent Queensland
- People with Disabilities ACT
- Aspergers Victoria
- Disability Advocacy and Complaints Service of South Australia
- Australian Centre for Disability Law
- Disability Advocacy Victoria

# ENDNOTES

- 1 Campbell, F.K. (2011) 'Stalking Ableism: using Disability to Expose 'Able' Narcissism', in Goodley, D., Hughes, B. & Davis, L. (eds). *Disability and Social Theory: New Developments and Directions*, Basingstoke: Palgrave Macmillan.
- 2 National CRPD Survey (2019) Findings.
- 3 For example, in addition to WCAG 2.0 adherence, web content should include Easy English, Large Print, Rich Text Format, Auslan, audio and other community languages.
- 4 Disability Rights Now (2012) [CRPD Civil Society Report on Australia](#).
- 5 Australian Institute of Health and Welfare 2018. [Australia's health 2018](#). Australia's health series no. 16. AUS 221. Canberra: AIHW.
- 6 More than double the OECD average of 22%. See for eg: Price Waterhouse Coopers (PWC) (2011) [Disability expectations: Investing in a better life, a stronger Australia](#).
- 7 Australian Institute of Health and Welfare 2017. [Australia's welfare 2017](#). Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- 8 Australian Government (2016) National Disability Strategy 2010-2020: Progress Report to COAG.
- 9 See: Australian National Audit Office (2016) [Qualifying for the Disability Support Pension](#).
- 10 Disability Rights Now (2012) [CRPD Civil Society Report on Australia](#).
- 11 Disabled People's Organisations Australia (DPO Australia) (March 2019) [Violence Against People with Disability](#).
- 12 National CRPD Survey (2019) Findings.
- 13 Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013) [Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia](#). Background Paper. Hobart: Women with Disabilities Australia.
- 14 Brownridge, D. (2006) 'Partner violence against women with disabilities: Prevalence, risks and explanations', *Violence against Women*, vol. 12, no. 9, pp. 805-22.
- 15 Sands, T. (2017), Disabled People's Organisations Australia (DPO Australia) [Submission to the 2017/2018 Federal Budget](#).
- 16 Australian Institute of Health and Welfare 2017. [Australia's welfare 2017](#). Australia's welfare series no. 13. AUS 214. Canberra: AIHW. See also: Australian Government, [Australia's Combined Second and Third Periodic Report under the Convention on the Rights of Persons with Disabilities](#), 1 September 2018.
- 17 Australian Institute of Health and Welfare 2017. [Australia's welfare 2017](#). Australia's welfare series no. 13. AUS 214. Canberra: AIHW. See also: Australian Government, [Australia's Combined Second and Third Periodic Report under the Convention on the Rights of Persons with Disabilities](#), 1 September 2018.
- 18 Committee on the Rights of Persons with Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, UN Doc No. CRPD/C/GC/7.