

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*,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 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 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.

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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.

**This statement was coordinated by Disabled People's Organisations
Australia (DPO Australia) and is endorsed by:**

CIVIL SOCIETY ORGANISATIONS AND GROUPS (163)

ACT Council of Social Service	Concept Physio
ACT Disability Aged & Carer Advocacy Service	Dignity Party
Advocacy for Inclusion	Disability Advocacy Network Australia
Ailsa HumanRights	Disability Discrimination Legal Service
All Means All Australian Alliance for Inclusive Education	Disability Research Initiative, University of Melbourne
Amnesty International Australia	Disabled People's Organisations Australia (DPO Australia)
AMPARO Advocacy	Diversity ACT Community Services
Amparo Advocacy Inc.	Domestic Violence NSW
Anglicare Australia	Domestic Violence Resource Centre Victoria
ANTaR	Domestic Violence Victoria
Australian Association of Social Workers	Doris Women's Refuge Inc.
Australian Association of Social Workers (QLD Branch)	DPI-Korea / AP-DPO United Women Committee
Australian Centre for Disability Law	Elizabeth Evatt Community Legal Centre
Australian Centre for Leadership for Women (ACLW) Pty Ltd	Equality Rights Alliance
Australian Council of Social Service (ACOSS)	Everyday Psych Victims Project and Coalition
Australian Federation of Disability Organisations	Against Human Experimentation
Australian Human Rights Centre	Family Planning NSW
Australian Women Against Violence Alliance	Federation of Ethnic Communities' Councils of Australia
Australian Women's Health Network	Feminist Legal Clinic
BaptistCare Relationship Services	First People's Disability Network
Being - Mental Health and Wellbeing	Fitzroy Legal Service
Consumer Advisory Group	Front Up
Belmont BEC Inc.	Grampians disAbility Advocacy
Bendigo Autistic Advocacy and Support Service	Griffith Law School
Blue Knot Foundation	Havelock Housing Association
Brain Injury Matters	IDEAS NSW
Brisbane Rape and Incest Survivors' Support Cente	InCharge
C. Quinn Consultancy Pty Limited	Inclusion Australia
Carrie's Place	Inclusion Moves
CASPAR	Independent You
Centre for Disability Research and Policy, University of Sydney	Indigenous Allied Health Australia
Centre for Excellence in Child and Family Welfare	International Women's Development Agency
Cerebral Palsy Support Network	Jeder Institute
Children and Young People with Disability Australia	JFA Purple Orange
Citizen Advocacy Sunbury & Dist	Justice Equality Rights Access (JERA) International
Clean Slate Counselling	L'Arche Melbourne
Community Disability Alliance Hunter	Leadership Plus
Community Legal Centres NSW	Living's
Community Legal Centres Queensland	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 Services 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 IndividualiTree
 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)

Adam Curlis	Carolanne Powell	David Chapman	Erika Kreiseler
Adrian Smith	Carolyn Burgess	David Jobling	Erin Normoyle
Alex Holland	Carolyn Frohmader	Deanna J. Parker	Erin White
Ali Nasiri	Carolyn Seiler	Deborah Gleeson	Esther Murphy
Alison Mildenhall	Cashelle Dunn	Deborah Slate	Faith Stanley
Alix Marshall	Cassandra Chattin	Debra Haller	Faith Stanley
Allison Kirkpatrick	Cassie Gardner	Debra Sampson	Faye Argall
Amanda Nichamin	Catherine Haigh	Deidre Griffiths	Felicity Martin
Amber J. Del Pin	Catherine Kilkenny	Delphine Stagg OAM	Felix Hills
Amber Karanikolas	Catherine Stuckings	Denna Graham	Fiona Given
Amelia Jones	Cathy Hewick	Dianne Toohey	Francis Townsend
Amy Lattimore	Catia Malaquias	Donna Blayney	Fraser-Barbour
Amy Louise	Chanelle McKenna	Donna C. McAleese	G. Simpkins
Amy Stansfield	Chantel Moody	Donna Jones	Gail
Andrew Klein	Charlie Murray	Donna L. Justo	Gail Hester
Angela Hein	Cherohn Louise Rule	Dr Jamee Newland	Gaynor Macdonald
Angela Maidment	Cherohn Rule	Dr Joseph Naimo	Geoff Millican
Ann Dean	Cheryl McDonnell	Dr Maggie Hall	Glenda Lee
Annaliese Constable	Cheryl Sagar	Dr Margaret Spencer	Glenn Davies
Anne O'Grady	Chloe Letica	Dr Susan Barnes	Greg Curran
Anne Standen	Chloe Sarapas	Dr Suzanne Covich (PhD)	Greg Morris
Annemarie Webb	Chris Rodd	Edith Magnussen	Haidee McDermott
Annie Johnston	Christie Adamson	Ee-Lin Chang	Hannah Cameron
A. Prof. Susan	Christine Shirley	Eileen Leather	Hayley Foster
Harris Rimmer	Christine Vernon	El Gibbs	Helen Clark
Barbara Holgate	Christopher Brophy	Elaine K. Schulze	Helen Zitkevicius
Belinda Downes	Christopher J. Black	Elena Sutcliffe	Hester Wilson
Belinda Rigby	Cindy Tams	Elida Christoffersen	Hon Kelly Vincent MLC
Bonney Corbin	Claire Pullen	Elisabeth Kramer	Ian McDonald
Bonnie Millen	Claire Spivakovsky	Elise Elbanna	Ireland Rugen
Brenda L. Scerri	Clare Keogh	Elizabeth	Isabelle Vertucci
Brenda O'Connor	Clare Murphy	Elizabeth A. Barber	Isadora Jarosek
Briana Blackett	Colin J. Middleton	Elizabeth Blue	Iva Strnadova
Bridie Smith	Colleen F. Hanrahan	Elizabeth Graham	Jack Avery
Britt Ketchell	Colleen McGrath	Elizabeth Wall	Jackie Softly
Brooke Haslett	Craig Rugen	Ellie Todd	Jamie Hill
C. Reinke	Danielle Jones	Emily Noga	Jane Matthews
Caitlin McHugh	Danielle Strong	Emily Stuart	Janet Presser
Cameka Steel	Darren Stein	Emma	Jeanee Andrewartha
Cara Ellickson	David Cater	Emma Delaney	Jennie Brand-Miller

Jennie Keough	Kelley Johnson	Marc Adams	Paul Levett
Jennifer Holmes	Kerrie Tyler	Maria Helena Malaquias	Peggy Bogar
Jenny Cush	Kim Wilson	Marie Wallin	Penelope Pitcairn
Jenny Wren	Kristin Gillespie	Marija Lemic	Peter Davidson
Jessica Bartlett	Kristina Tito	Marlena Rosenthal	Philip Patterson
Jessica F. White	Krys Roberts	Mary Carroll	Phillipa Bunyan
Jill Fowler	Kyja Noack-Lundberg	Matthew Bowden	Pi Lee
Jillian Mary Burn	La'Reen K. Willumsen	Maureen Lewis	Rae West
Joan Beckwith	Lachlan Cahill	Maureen Wilkins	Rebecca Kelly
Joan Purton	Larissa MacFarlane	Maureen Willson	Rebecca Waters
Joanna Williams	Laura Bryant	Max Hopwood	Rebecca Wilschefski
Joanne Bingham	Laura Christian	Megan Vosz	Robin Banks
John Duthie	Lauren Henley	Mel	Robin M. Eames
John Irving Bauer	Leanne Johnston	Melanie Stjepanovic	Robyn Alders
John Mills	Leanne Nurke	Melissa Dummigan	Robyn Stevenson
John Smith	Lee-Anne	Melissa K. Kwan Ewart	Robyn Wood
John Zigric	Leica Wagner	Melissa Smith	Rosalie Power
Josephine Gibson	Leslee Hogan	Merril Burchmore	Rosana Ibarra
Joyce Langmaid	Lesley Goldacre	Michele Boettcher	Rosemary Nicholson
Judith van Unen	Lillian Madden	Michelle Groeneveld	Rosemary O'Malley
Judy Clews	Linda Hughes	Michelle Lomas	Rosey Olbrycht
Judy Gayton	Linda Jestrinski	Michelle Rowe	Roslyn Archer
Julia Wynn	Lindsey O'Flynn	Michelle Tencza	Rowan Johnston
Julie Guilfoile	Lisa Beaumont	Michelle Tencza	Sacha Petersen
Julie Haraksin	Lisa Hamilton	Mikaela Marin	Sallie-Anne Moad
Julie Hearnden	Lisa Kelly	Miriam	Samantha Henwood
Julie Pianto	Lisa Smajlov	Monica Cooper	Samantha Lee
Julie Wamsley	Liz Olle	Mr James Lake	Samdi Taylor
Juliette Lovius	Loretta Woolston	Murray Mayes	Sandra Guy
Jurgen Mulzer	Lottie Frohmader	Nadine Diamond	Sarah
Juta Stokes	Louise Bannerman	Nancy Bevan	Sarah Houbolt
K. Royal	Louise Barton	Narelle McCaffrey	Sarah Priestley
Kane Davis	Louise Buchanan	Narelle Warren	Sarah Waters
Kara Gandolfo	Lyla Fleischman	Nataya Forbes	Sascha Tokar
Karen Burgess	Lyn Jordan	Nelly Dean	Scarlett Finney
Karen Fisher	Lyn Plummer	Nelly Dean	Scott Eversham
Karen Tanti	Lynne Hille	Nicola A. Mackenzie	Sean Bell
Karin Swift	Maggie Heynemann	Nikki Wedgwood	Shandana Usman
Kate Finch	Maimiti Brook	Nina Pentecost	Shannan Bayliss
Kate Lowrie	Mairi Steele	Noel P. Muller	Shannon Bowerman
Kath Russell	Mairi Steele	Pamela Menere	Sharon Gray
Kathy Goldsworthy	Mala	Patrice Newton	Sharon Hobbs
Katie Brooker	Malia Paraha	Patricia Inglis	Shaughan Demarte

Sheryl O'Connor	Suzanne M. Keene	Hon. Dr Jocelynn A.	Vicki Lennon
Simon Hills	Suzanne Rasmussen	Scutt, Chair, WWAFE	Vicki Waghorne
Skylla Jackman	Suzanne Waite	Therese Cumming	Victoria M. Stong
Sophie Ewart	Tabitha Lloyd	Toni Grange	Vivienne Miao
Stephen Howie	Tara Gordon	Toni Rowe	Wendi Robshaw
Steve Chen	Tatiana Andersen	Toni Rugen	Will Barling
Steven Yates	Taya Nielsen	Tony Davies	William Crocker
Stuart Conroy	Taylor Johnston	Tracey Hayes	William Dale
Sue Cripps	Terese Corkish	Tracey Hughes	Yasmin Fairbrother
Sue Gillibrand	Terri Rule	Venus Karel	Zachery Ellis
Suellen Welch	Terry Chace	Veronica Ball	Annabel Doherty
Susan Day	Terry Fletcher	Veronica Luchtan	
Susan Diggins	Terry Lynch	Veronica Seymour	
Suzanne K. Boyce	Tessa Yu	Veronica Yeaman	