

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

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Submitted To:
The Hon Paul Fletcher, Minister for Families and
Social Services

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About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability and the organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

QDN has over 2000 members and supporters across Queensland who provide QDN with the perspectives of people with disability.

Introduction

QDN welcomes the opportunity to respond to the Australian Government's public consultation on the Draft Terms of Reference for a Royal Commission into the Violence, Abuse, Exploitation and Neglect of People with Disability and chooses to do so by written submission.

QDN welcomes bi-partisan support for a Royal Commission into violence, abuse, exploitation and neglect of people with disability. After many years of calling for action to address this endemic issue, QDN is pleased that people with disability will have their voices heard in the Royal Commission. QDN commends both sides of Government for coming to an agreement about the importance of a Royal Commission and the need to investigate the well-researched and documented high incidence of violence, abuse and neglect of people with disability.

QDN is pleased that a strong Terms of Reference, which is inclusive of all kinds of violence, abuse, exploitation and neglect has been developed for consultation. Furthermore, QDN fully supports the Terms of Reference as they are broad and inclusive of the wide variety of circumstances in which people with disability live and receive services and supports. QDN believes it is essential for ALL people with disability to have a voice in the Royal Commission, without causing further hardship, inconvenience or trauma to individuals who have experienced violence, abuse, neglect or exploitation.

QDN's submission will focus on key areas of importance to make this a strong and supportive Royal Commission for people with disability. QDN firmly believes that resources need to be invested up-front to ensure people have the support they need to participate meaningfully in the Royal Commission. Furthermore, QDN believes people with disability have the right to redress concerning violence, abuse, exploitation and neglect they have experienced particularly at the hands of those who have been funded to care for and support them. Finally, QDN believes there needs to be a focus on research on both the incidence and prevalence of violence, abuse, neglect and exploitation and successful strategies to eliminate this.

The public survey

It is critical that people with disability are central to the development of the Terms of Reference, including the planning, design and implementation of the Terms of Reference.

QDN is aware a public survey has been released seeking people's views on what should be covered in the Terms of Reference. This is a question based survey. QDN has encouraged our members and supporters to provide feedback via this survey. We have also told members that we will be raising with the Department of Social Services that it is important that there are a variety of ways that people can provide feedback other than a question based survey. This may include, for example, written responses, small group/ individual face-to-face consultations, phone interviews, graphic harvests/ artwork.

QDN members have also raised concern about the requirement of people undertaking the survey to rate in order of importance the types of issues to be covered in the Terms of Reference¹. For many people who have experienced violence and abuse this can be an overwhelming and confronting task. Many people believe all the areas listed in the survey are important and therefore, they have difficulty in rating them in order of importance.

QDN is also concerned that on the engage-dss website, a link to the *Disability Advocacy Finder* is given as a resource to support people needing assistance to complete the survey. While advocacy organisations fully support the Royal Commission, they are stretched to capacity and do not have the additional capacity required to support people to participate in the Royal Commission without the guarantee of additional resources.

Given the complexity in people's lives and their individual personal experiences with a range of mainstream systems and Government services, additional to the survey, QDN believes that consideration needs to be given to targeted engagement approaches for people with disability to give feedback. This will enable people to hear about the Royal Commission, how they can participate and the support available to do so.

Resources required for people with disability to participate in the Royal Commission

QDN believes the Terms of Reference needs to acknowledge up-front the resources and supports required to ensure people with disability can participate effectively in the Royal Commission.

Some QDN members believe we should have a 100% disability Royal Commission, arguing the Commissioner should be a person with a disability, saying that if this is about people

¹ Question 1 of the survey asks participants to rate issues in order of importance. See: <https://www.surveymonkey.com/r/LSXH77X>

with disability then it should be led by people with disability - Nothing about us without us! This will go a long way in acknowledging the human rights paradigm in the UN Convention on the Rights of Persons with Disabilities.

QDN believes it is critical that the Royal Commission is appropriately resourced so that people with disability can access the support they need to participate. QDN believes a budget commitment in the upcoming Federal Budget is a crucial part to ensuring adequate specialist services, advocacy and support are available to people with disability with a range of needs. This commitment needs to have particular focus on communication and also on engagement with people with disability, to ensure they can participate and share their experiences of violence, abuse, exploitation and neglect.

QDN members have given feedback that funding for support needs to be allocated to organisations such as DPOs, advocacy and other organisations that have no 'conflict of interest' as they currently are not, and historically have not been, providers of accommodation and/or funded supports to people with disability, given the subject matter and vulnerability of people with disability.

QDN is aware that many people with disability, particularly those living in a group home/ residential environment or congregate care or other situations where they are isolated, are at higher risk of being abused and may not even be aware that the violence and abuse perpetrated against them is wrong. Much preparatory work is needed before the Royal Commission commences to engage with people with disability, inform them about violence, abuse, neglect and exploitation and what they can do about it and how to get support to give evidence at the Royal Commission.

QDN also sees it is vital that a Federal budget commitment includes resources to support people with disability to give evidence at the Royal Commission, particularly people with disability who experience additional disadvantage and challenges in participating in formal processes like a Royal Commission. This may include;

- People with disability from Aboriginal and Torres Strait Islander backgrounds
- People with disability from culturally and linguistically diverse backgrounds
- People with cognitive and learning disability
- Women with disability
- Children and young people with disability
- People from the LGBTIQ+ community
- People who experience additional disadvantage and marginalisation, including people who are homeless, people living in supported accommodation and caravan parks, people in prisons, people living in hospitals and aged care facilities and people experiencing domestic or family violence.

The support people with disability may require to participate in the Royal Commission may include, but is not limited to:

- support by trained professionals to address issues of trauma that may arise

- offering professional counselling and debriefing services to people giving evidence
- offering support to give evidence – this may include formal advocates to assist people to gather and prepare their evidence beforehand, support and if necessary, speak on behalf of people during hearings and any follow up support that people need post giving evidence.

Access to Redress

QDN believes people with disability have the right to access redress concerning violence, abuse, exploitation and neglect they have experienced, particularly at the hands of those who have been charged to care for and support them. QDN believes that access to redress should form part of the Terms of Reference for the Royal Commission.

A Scheme similar to the National Redress Scheme formed from the Royal Commission into Institutional Responses to Child Sexual Abuse should be established and made available to people with disability and include the following underlying values and principles:

- Acknowledging that many people with disability have experienced violence, abuse, exploitation and neglect
- Recognising the harm caused by this violence, abuse, exploitation and neglect
- Holding service systems involved accountable for this violence, abuse, exploitation and neglect; and
- A firm commitment to help people with disability who have experienced violence, abuse, exploitation and neglect gain access to counselling and psychological services, a direct personal response, and a monetary payment.

Research

QDN believes the Terms of Reference should support a focus on ethical research on both the incidence and prevalence of violence, abuse, neglect and exploitation against people with disability and successful strategies to eliminate this.

QDN believes this research should:

- Involve the expertise of people with disability in Expert Advisory Panels in co-designing the research, forming the research questions and conducting the research
- Focus on the situation of people with disability, in particular the contexts of the violence, abuse, exploitation and neglect they experience
- Focus on practices, policies and research that are respectful of autonomy, self-determination and human dignity.
- Offer safe spaces for people with disability to discuss their experiences of violence, abuse, exploitation and neglect and get the support they need

Conclusion

QDN looks forward to working with all levels of Government in ensuring the voice of all Queenslanders with disability is heard in the Royal Commission. People with disability have a right to be safe and live a life free from abuse, violence, neglect and exploitation, especially when this is perpetrated by the people who have responsibility and a duty of care to support these individuals. Our community and our Governments have a responsibility to understand the experiences of people with disability and to provide adequate responses that ensure the safety of all people.