



Villamanta Disability
Rights Legal Service Inc.

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ACCESS – if you need this newsletter hard copy, large font size, Word or plain English, please let us know.

Editorial

Senate Inquiry into Abuse of People with a Disability

In February 2015, the Senate announced an inquiry into violence, abuse and neglect against people with disabilities. The timeline has been fairly short, and therefore it is important that the information regarding the inquiry is distributed as widely as possible.

To date the Senate Committee responsible for the inquiry has not provided the terms of reference in accessible formatting. We encourage you to contact the Senate Committee if you believe that more could be done to ensure the Inquiry meets the needs of as many people with disabilities as possible. If there are systemic issues that people would like our organisations to address on their behalf, please contact us. Submissions are due on **10 April 2015**. This date is not being strictly adhered to.

Please note that the Inquiry can be contributed to by anyone that has information of relevance, including former and past staff of disability agencies. Included in this newsletter is a plain English information sheet regarding the Inquiry.

Organisations are encouraged to cut and paste the plain English version contained in this newsletter and pass it on if it is of assistance.

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Senate Inquiry into Violence Abuse and Neglect of People with Disabilities

There are two significant documents that you will need to read in order to make a submission to the above Inquiry. The first is the Terms of Reference, and the second is information on how to make a submission.

A plain English version, combining the two documents appears directly below.

For more detailed, please scroll down and see the original Terms of Reference, and Submission document.

Senate Inquiry into Abuse of People with Disabilities - What Is It? How do I get involved? (Plain English)

Part of government - the "Senate Committee", wants to know about violence, abuse and neglect against people with disabilities.

What is "Violence, Abuse and Neglect"? (Abuse)

Here are some examples of can sometimes happen to people with disabilities.
Someone might:-

- hurt you - kick you, hit you, pinch you, slap you;
- call you bad names;
- have sex with you when you do not want to;
- touch you in places that are private, when you do not want them to;
- hold you so you can't move;
- lock you in a place where you can't get out (a room, a courtyard, a garden);
- ignore you when you need help;
- take your money;
- give you medicine that you don't want;
- not give you enough food or drink;
- not take you to the toilet when you need to go.

Who Can Complain (tell their story)? Who can tell the Senate Committee about this abuse?

- ✚ People with disabilities.
- ✚ Parents and families of people with disabilities.
- ✚ Support workers/carers of people with disabilities - who work with them now, all worked with them before.
- ✚ Advocates of people with disabilities.
- ✚ Anyone.

What Do the Senate Committee Want to Know?

- How often is abuse happening?
- What happens when people with disabilities tell other people about the abuse and ask for help?
- What happens to support workers and carers when they complain about the abuse of people with disabilities?
- Do people who complain about abuse get into trouble (people with disabilities/staff/advocates)?
- Do people who complain about abuse get ignored?
- What rules and laws are protecting people with disabilities from abuse?
- Why do you think abuse is happening?
- What needs to happen to protect people with disabilities from abuse?

Where Does Abuse Happen?

- Private homes
- Homes where people with disabilities live together
- Jails
- Schools
- Special schools
- Work
- Training centres
- School buses
- Hospitals
- Aged care (or where older people live together)
- Leisure programs (places you go to have fun, or do sports, or play games)
- Other places

How to tell the Senate Committee inquiry about abuse

- Have your say - it can be as short or as long as you like. You can send the Senate Committee other papers you want them to look at.
- At the moment, the Senate Committee wants you to tell them what has happened through computer. But you can also email them, or send something in the mail. If you are sending something in the mail, please type or write clearly to make sure they can read it.

Privacy

- The Senate Committee might put what you have written and your name on the internet so everyone can see it. They will not put your address or telephone number on the internet. If you don't want anyone else seeing what you have written you must make sure you tell the Senate Committee at the start.
- If you don't want what you write to be seen by other people, do not give your contact details.

- If you want to send them a letter in the mail, make sure you write at the top that it is private, and tell them why you want it to be private. You can decide that some information is private, and some is not private. Just make sure it is clear which parts are private, and which are not. Make sure you understand about privacy right from the start.

Contacting the Senate Committee using the online system or by post

1. You can contact the Senate through its "online" system. Go to <https://www.aph.gov.au/Help/Register>. Ask an advocate to help you.
 2. If you written something, make sure you sign it. You should also include your name, phone number and postal address. (See about "privacy" above)
- If you have questions and you also have a hearing (are deaf) or speech impairment, please contact the Parliament House TTY number (02) 6277 7799.
If you need any help contacting the Senate Committee, please contact the committee secretary.
 - After you have written to the Senate Committee, do not show it to other people until it has been put on the Internet by the Senate Committee (this will not happen if you have said what you have written is private).
 - If you give the Senate Committee names of people and you say that they have lied or broken the law, the Senate Committee will contact those people and ask them what they think about what you have said. They will do this even if you say what you have written is private.
 - People are not allowed to treat you badly because you have written to the Senate Committee talking about abuse.
 - No one is allowed to try to stop you from telling the Senate Committee what you want, by saying they will do something bad to you, or you will be in trouble.
 - You cannot get into trouble later on because you have written things to the Senate Committee.
 - Make sure that you write to the Senate Committee about abuse, not other things.
 - The Senate Committee might invite you later to talk to them at a public meeting about which you have told them. You can say yes or no.

Contact:

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Phone: 02 6277 3515

- Relay call numbers are:
 - TTY/voice 133677

- Speak and Listen 1 300 555 727
- SMS Relay 0423 677 767
- Fax: 02 6277 5829
- Email: community.affairs.sen@aph.gov.au

Contact them by **10 April 2015**. If you are a little bit late, it does not matter.

Senate Inquiry Terms of Reference

On 11 February 2015, the Senate referred the following matter to the Senate Community Affairs References Committee for inquiry and 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.

The terms of reference are:

- a. the experiences of people directly or indirectly affected by violence, abuse and neglect perpetrated against people with disability in institutional and residential contexts;
- b. the impact of violence, abuse and neglect on people with disability, their families, advocates, support persons, current and former staff and Australian society as a whole;
- c. the incidence and prevalence of all forms of violence, abuse and neglect perpetrated against people with disability in institutional and residential settings;
- d. the responses to violence, abuse and neglect against people with disability, as well as to whistleblowers, by every organisational level of institutions and residential settings, including governance, risk management and reporting practices;
- e. the different legal, regulatory, policy, governance and data collection frameworks and practices across the Commonwealth, states and territories to address and prevent violence, abuse and neglect against people with disability;
- f. Australia's compliance with its international obligations as they apply to the rights of people with disability;
- g. role and challenges of formal and informal disability advocacy in preventing and responding to violence, abuse and neglect against people with disability;
- h. what should be done to eliminate barriers for responding to violence, abuse and neglect perpetrated against people with disability in institutional and residential settings, including addressing failures in, and barriers to, reporting, investigating and responding to allegations and incidents of violence and abuse;
- i. what needs to be done to protect people with disability from violence, abuse and neglect in institutional and residential settings in the future, including best practice in regards to prevention, effective reporting and responses;
- j. identifying the systemic workforce issues contributing to the violence, abuse and neglect of people with disability and how these can be addressed;
- k. the role of the Commonwealth, states and territories in preventing violence and abuse against people with disability;
- l. the challenges that arise from moving towards an individualised funding arrangement, like the National Disability Insurance Scheme, including the capacity of service providers to

- identify, respond to and prevent instances of violence, abuse and neglect against people with disability; and
- m. what elements are required in a national quality framework that can safeguard people with disability from violence, abuse and neglect in institutional and residential settings.

Submissions should be received by **10 April 2015**. The reporting date is **24 June 2015**.

Committee Secretariat contact:

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Phone: +61 2 6277 3515

Fax: +61 2 6277 5829

community.affairs.sen@aph.gov.au

The above document can be found at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect

How to Make a Submission

1. A submission may be as short or as long as you like. It may contain facts, opinions, arguments or recommendations. It may cover all the points in the terms of reference or only some of them, depending on what interests you. Supporting documents may be attached.
2. There is no prescribed format. However, to make submissions most useful we suggest:
 - o the terms of reference of the inquiry can be a good guide to structuring a submission;
 - o if the submission is longer than a few pages, please include a summary at the front; and
 - o submissions published on the Senate website will be converted to pdf format and, therefore, may have a different appearance to the document that was submitted. Sensitive material and confidential information should not be sent via email because it is not a secure medium.
3. The Committee prefers electronic submissions uploaded via the [Make a submission to an Inquiry](#) page. Otherwise submissions can be emailed or if posting please type or write clearly in black ink on A4 paper. The preferred format for electronic submissions is Microsoft Word but all submissions are considered regardless of their format or medium.
4. The Senate prefers the committee process to be as transparent as possible. The majority of submissions to Senate or Joint committees are published on the internet by a decision of the relevant committee. The preferred method of publication is via the committee website. Committees publish the name of the person making the submission but they take care not to publish the person's contact details on the world wide web. If you have a

concern about having your name published on the internet or if you wish to make a confidential submission, **you must make this clear from the start.**

5. If you intend to request that your submission be considered on a confidential basis you must ensure that the actual submission document or documents that you create **do not contain your contact details** and that you have removed document metadata properties. The committee will sympathetically consider requests for confidentiality, but cannot make promises in advance. If you have concerns about confidentiality, please discuss with the committee secretary before you make the submission.
6. If you are making a submission by post and you want your submission to be kept confidential, please say so clearly at the top or in a covering note. Say why you want it to be kept confidential. If you want part of the submission to be confidential, please put that part on a separate page(s). As stated above, the committee will sympathetically consider requests for confidentiality, but cannot make promises in advance. If you have concerns about confidentiality, please discuss with the committee secretary before you make your postal submission.

Making a submission using the online submission system or via post

7. The majority of inquiries are now accepting submissions via the [Make a submission to an Inquiry](#) page. The online submission site is a secure site and is suitable for uploading sensitive and confidential material.
8. Make sure you sign written submissions. Submissions must include your name, phone number and postal address so we can verify them. If it is the submission of an organisation, say so clearly. Show the signatory's position and say at what level the submission was authorised.
9. Inquiries from hearing and speech impaired people should be directed to the Parliament House TTY number (02) 6277 7799. Adobe also provides tools for the blind and visually impaired to access PDF documents. These tools are available at: <http://access.adobe.com/>. If you require any special arrangements in order to enable you to participate in a committee inquiry, please contact the committee secretary.
10. A submission to a committee becomes a committee document, and must not be disclosed to any other person until it has been released ('published') by the committee. Unless you have requested that the submission remain confidential, it is normally published after the committee has received and examined it and authorised its publication. Once a committee has authorised the release of a submission, subsequent publication of it is protected by parliamentary privilege (see below). The content of a submission may be published in another form or for another purpose before the submission is released by the committee, but this publication will not be protected by parliamentary privilege.
11. If your submission 'reflects adversely' on another person (for example, accusing them of lying or corrupt behaviour), the committee will send the comment to the other person so they can reply. This applies even if the committee agrees to keep your submission confidential.
12. Making a submission is protected by parliamentary privilege. It is an offence for anyone to try to stop you from making a submission by threats or intimidation. It is an offence for anyone to harass you or discriminate against you because you have made a submission. The content of the submission is also protected but only after the committee has accepted it. This means that what you say in the submission, once the committee has accepted it, cannot be used in court against you or anyone else. More information is available in

another brochure, entitled 'Procedures to be observed by Senate committees for the protection of witnesses'.

13. A committee may reject a submission that is not relevant to its inquiry. In that case the content of the submission is not protected by parliamentary privilege.
14. If you make a submission, the committee may invite you to give evidence at a public hearing.

For more information contact the Senior Clerk of Committees, phone: (02) 6277 3506, fax: (02) 6277 3899, email: seniorclerk.committees.sen@aph.gov.au or contact the relevant committee secretary.

The above document can be found here:

<http://www.aph.gov.au/Parliamentary%20Business/Committees/Senate/How%20to%20make%20a%20submission>

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