

8th August 2018

RE: LETTER OF SUPPORT ON THE PROPOSED AMENDMENTS TO THE DISABILITY SERVICES ACT 1991

Advocacy for Inclusion endorse and support the Community Services Directorate (CSD) proposed amendments to the *Disability Services Act 1991* and the enhancement of the Official Visitors Scheme (OVS) capacity to provide a robust oversight mechanism.

People with disabilities face significant and complex barriers when it comes to knowing where they report violence, abuse or neglect against them. In some cases, a lack of access to information means that victims do not know who they can approach.¹ People with disabilities are more likely to be victims of crimes than their non-disabled peers and more likely not to report the violence.^{2 3}

This is most apparent for people living in socially isolated or institutional arrangements may not make a report as they do not realise what happened or continues to happen to them is a crime. In supported disability service settings, people with disabilities are often alone with support workers to provide a range of personal supports, such as showering, toileting and dressing which, in our experience, has been the emphasizes of some cases of abuse. There remains no available data on how many of those people are currently in institutional care or how many have experienced violence in such settings thus is unknown if and how these people are receiving information on advocacy or victim support.⁴

Advocacy for Inclusion have explored, and continue to explore, a numerous of ways to assist people with disabilities living in residential or institutional settings through individual and systemic advocacy. In this consultation, we endorse the following:

¹ There is no available data on how many of those people are currently in institutional care or how many have experienced violence in such settings thus is unknown if and how these people are receiving information on reporting crime and victim support.

² Community Affairs References Committee (2015) as above, p. 27

³ Victorian Ombudsman (2015) *Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting* (Report, December 2015) p.31. At <https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports>

⁴ Community Affairs References Committee (2015) *The Australian Senate, 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*, pp.37-38. At https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect (viewed 13 June 2018).

1. We most welcome the updated definitions of 'visitable places' in which proposes to include all disability accommodation services within the ACT.
2. We welcome the change that amendments are made that the approved disability accommodation register relates to all 'visitable places' under the ACT and for all support providers to report information to the CSD. This is welcomed as it is hoped that the CSD has accounted for people with disabilities who do not have or are eligible for NDIS funding, yet still live in these living arrangements under additional financial arrangements.
3. We welcome the amendment of Section 8C. We strongly believe that 24 hours provides adequate time for a support provider to 'fix' or 'hide' an issue in which they are prepared for with notice. Many people whom we have advocated for in the past have indicated they have been intimidated, afraid or coerced not to say further of incidents that have occurred to themselves or others. Without the protection of 24 hours' notice of a visit to providers, this will allow OVS more capacity and power to make and ensure a thorough observation. Multiple objection to a visit(s) without an exceptional circumstance and/or reason, involving the same one or more people in a support provider service, rings alarm bells in our experience.

In addition, we would like to recommend:

Recommendation 1: That CSD provide current OVs with a small increase in funding to ensure that their capacity and resources are strengthened. The proposed amendments are likely to increase their workload in 'visitable places' and their ability to visit and observe.

We welcome the changes to the Disability Services Act 1991 and look forward to collaborating with CSD and the OVs in the future to ensure the safety, wellbeing and voices of people with disabilities living in 'visitable places' remain heard and with justice.

Warm regards,

Bonnie Millen
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Advocacy for Inclusion