



28 December 2022

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability  
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### How we can become a more inclusive society

Dear Commissioners,

My office has welcomed the ongoing opportunities to contribute to the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability.

The Office of the Public Advocate (OPA) has contributed submissions on topics including: health care for people with cognitive disability, the justice system, emergency planning and response, restrictive practices, rights and attitudes, employment, violence and abuse in people's homes, First Nations people with disability (with Connecting Home) and culturally and linguistically diverse people with disability.

In November 2019, OPA released the report "*I'm too scared to come out of my room*"<sup>1</sup> as its submission to the Royal Commission Group Homes Issues Paper. I provided statements to the Royal Commission on 25 November 2019, 2 December 2019 and 5 November 2022, and also gave evidence at Public Hearings 3, 20, 26 and 30.

Across all its submissions, OPA applies a human rights approach that:

- holds that all people with disability have the right to enjoy equality of opportunity and to effectively participate in, and be fully included in, society
- recognises that the vast majority of challenges experienced by people with disability are a result of disabling systems and environments, rather than being due to an inherent 'lack' in the individual
- considers impairment as an expected dimension of human diversity
- seeks for people with disability to be supported and resourced to have the capabilities to lead a dignifying and flourishing life.

The Royal Commission, in its Rights and Attitudes Issues Paper noted:

Research suggests limited contact between people with disability and the wider community can contribute to a lack of understanding of disability. Negative attitudes can cause a social distance between people with disability and the wider community driven by stigma.<sup>2</sup>

My office has previously submitted that one of the best ways to challenge negative attitudes is through increased interaction, especially in the highly valued domain of paid employment.<sup>3</sup> OPA sees the elements of a flourishing life as a guide for developing inclusionary human-

<sup>1</sup> Office of the Public Advocate (Victoria), "*I'm too scared to come out of my room*": Preventing and responding to violence and abuse between co-residents in group homes (Report, November 2019) <<https://www.publicadvocate.vic.gov.au/opa-s-work/research/142-i-m-too-scared-to-come-out-of-my-room>>.

<sup>2</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation, *Issues Paper: Rights and Attitudes* (Issues Paper, April 2020) 3.

<sup>3</sup> Office of the Public Advocate (Victoria), *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Response to Employment Issues Paper* (Submission, October 2020) 7 <<https://www.publicadvocate.vic.gov.au/opa-s-work/submissions/royal-commission-into-violence-abuse-neglect-and-exploitation-in-disability-care/136-opa-response-to-drc-employment-issues-paper>>.

rights based approaches and has described this in a previous submission to the Royal Commission.<sup>4</sup>

My office has previously submitted that:

A human-rights approach begins by recognising people with disability as rights bearers, both moral and legal. Uppermost is respect for the dignity of people with disability. As was recently stated by the Australian Human Rights Commission, international human rights treaties offer the most widely accepted framework for protecting individual dignity and promoting the flourishing of communities.<sup>5</sup> The United Nations *Convention on the Rights of Persons with Disabilities* (CRPD) states what must be done to provide dignity for all people with disability.

A human-rights approach affirms the inherent worth of every individual and promotes and protects universal rights. A human rights approach provides real equal opportunity, effective participation and full inclusion in society. It also involves creating a culture, both broadly in society and within organisations, that fosters a human-rights approach mindset.<sup>6</sup>

OPA is currently undertaking a project with a human-rights approach called *Healthy discussions: Supporting people with disability to make and communicate health decisions*. It is a four-year project, funded by the Australian Government Department of Social Services, that aims to support health professionals throughout Victoria to improve their communication with, and understanding of, people with disability. The project highlights that in Victoria everyone with capacity to do so has the right to make their own decisions about their health and, to the extent possible, people should be provided with the support they need to make these decisions.

The heart of the *Healthy Discussions* project is the voice of people with disability. The project uses a best-practice model of people with disability leading the design and delivery of the project in a paid capacity. To date, the project has developed a short video that includes tips from people with disability and has delivered information sessions for health professionals in which the voice of people with lived experience is central.

In addition, and in line with OPA's mission to protect the human rights of people with disability, the Healthy Discussions Project Officer, Lisa Brumtis, who lives with acquired brain injury (ABI), has undertaken a series of interviews on the theme of human rights. Drawing on the themes from her interviews, and her own lived experience of ABI, Lisa recently led the development of a report titled, *Experiences of ABI and inclusion*. This powerful report, that is attached with this submission, highlights the importance of shifting our understanding of disability so that authority lies in the experience of people with disability. OPA considers that hearing directly from people with lived experience of disability is the best way to challenge deeply-rooted exclusionary attitudes and prejudices, and that the movement towards social and economic inclusion is critical and must be accelerated.

Yours sincerely,



Dr Colleen Pearce AM  
**Public Advocate**

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<sup>4</sup> Office of the Public Advocate (Victoria), *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Rights and attitudes issues paper* (Submission, August 2020) < <https://www.publicadvocate.vic.gov.au/opa-s-work/submissions/royal-commission-into-violence-abuse-neglect-and-exploitation-in-disability-care/135-submission-in-response-to-the-drc-rights-and-attitudes-issues-paper>>.

<sup>5</sup> Australian Human Rights Commission, *Human Rights and Technology* (Discussion Paper, December 2019) 31.

<sup>6</sup> Office of the Public Advocate (Victoria), *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Rights and attitudes issues paper* (Submission, August 2020) 8.