



# SUBMISSION TO THE CRPD COMMITTEE 14<sup>TH</sup> SESSION

*Day of General Discussion (DGD) on the right of persons with disabilities  
to live independently and be included in the community.*

*19th April 2016*



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## CONTACT

Australian Cross Disability Alliance  
PO Box 407  
Lenah Valley TASMANIA 7000  
AUSTRALIA

✉ [contact@crossdisabilityalliance.org.au](mailto:contact@crossdisabilityalliance.org.au)

🌐 <http://www.crossdisabilityalliance.org.au>

🐦 <http://www.twitter.com/DisAllianceAUS>

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# INTRODUCTION

1. The Australian Cross Disability Alliance (ACDA)<sup>1</sup> is an innovative alliance of four national Disabled Person's Organisations (DPO's) in Australia. It is funded by the Australian Government as the national representative structure for all people with disability and is the recognised coordinating point between Government/s and other stakeholders, for consultation, engagement with, and advice regarding people with disability in Australia. The key purpose of the ACDA is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes and strategic priorities and opportunities. The four DPO's that founded, and make up the ACDA are: Women With Disabilities Australia (WWDA)<sup>2</sup>; National Ethnic Disability Alliance (NEDA3); First Peoples Disability Network Australia (FPDNA)<sup>4</sup>; and, People with Disability Australia (PWDA)<sup>5</sup>.
2. The Australian Cross Disability Alliance (ACDA) thanks the Committee on the Rights of Persons with Disabilities for the opportunity to contribute this brief submission to the Committee's 14th Session Day of General Discussion (GDG) on the right of persons with disabilities to live independently and be included in the community (CRPD Article 19).
3. For the purposes of this brief Submission to the CRPD 14th session, ACDA is focusing its contribution on the recent national Senate Inquiry conducted in Australia into '*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 incarceration of people with disability in institutional and residential settings - where they are exposed to

and experience multiple forms of violence - violates a myriad of human rights, including the right of persons with disabilities to live independently and be included in the community (CRPD Article 19). The recent Australian Senate Inquiry and its findings, offer a relevant and timely contribution to the CRPD Committee's work on Article 19 of the Convention on the Rights of Persons with Disabilities.

## CONTEXT

4. Despite Australia's international human rights obligations, and the strong global movement to recognise people with disability as subjects of human rights law on an equal basis, in the Australian context, people with disability remain subject to the effects of ableism - the practices and dominant attitudes in society that denigrate, devalue, oppress and limit the potential and rights of people with disability.<sup>7</sup> Ableist practices, which continue to pervade many of our state institutions, see people with disability experience and be exposed to, profound and intersecting discriminations that often have aggravating and compounding effects.<sup>8</sup>
5. One of the most pervasive human rights violations experienced by people with disability in Australia is their segregation, isolation and confinement from the community in institutional and residential settings.<sup>9</sup> Wide-ranging systemic failures in legislation, policies and service systems in Australia facilitate conditions that effectively deny many people with disability their right to live independently and to be included in the community. These failures are embedded within and underscored by an ableist culture which sees the promotion and support of laws, systems, policies, practices and attitudes which not only deny people with disability their most basic human rights but which often provide a legitimised gateway through which human rights violations of people with disability flourish.

## VIOLENCE AGAINST PEOPLE WITH DISABILITY IN INSTITUTIONAL AND RESIDENTIAL SETTINGS

6. People with disability in Australia represent one of the most detained, restrained and violated sectors of our population. Australians with disability are significantly over-represented in prisons and are frequently institutionalised and segregated within communities and schools. People with disability are over-represented in mental health facilities and detention centres.
7. It is well established that people with disability are much more likely to experience all forms of violence, abuse, exploitation and neglect in residential and institutional settings. In these settings, they experience, and are at heightened risk of frequent, sustained and multiple episodes of violence in all its forms.<sup>10</sup> The segregated and ‘closed’ nature of institutional and residential settings are breeding grounds for the perpetration of violence against people with disability and of cultures that condone violence and abuse. Violence perpetrated against people with disability in institutional and residential settings constitutes torture and ill treatment as defined and recognised in international human rights law, including the treaties to which Australia is a party. Whilst violence against people with disability in institutional and residential settings is a recognised national crisis,<sup>11</sup> it remains absent from national policy responses regarding violence prevention and relating to the advancement and realisation of people with disability’s human rights. The epidemic of violence affects some of the most marginalised and vulnerable people in our communities and has specific implications for women and children with disability, Aboriginal and Torres Strait Islander peoples with disability and, people with disability from culturally and linguistically diverse backgrounds.

## INTERSECTIONAL DIMENSIONS

8. The gendered nature of violence against people with disability is well recognised. Evidence of severe and egregious human rights violations of women and girls with disability in all types of institutional and residential settings is indisputable.<sup>12</sup> In these settings, women and girls with disability experience and are exposed to practices which qualify as torture and ill treatment. These forms of gendered disability violence can include forced or coerced sterilisation, forced abortion, forced contraception, chemical restraint, indefinite detention, forced psychiatric interventions, forced treatments.<sup>13</sup> Violence prevention legislation, policy frameworks and service responses continue to exclude women and girls with disability who live in institutional and residential settings.<sup>14</sup>
9. Aboriginal and Torres Strait Islander people with disability are significantly over-represented in a number of institutional settings in Australia, particularly prisons, where the incarceration rate is 14 times that of other Australians.<sup>15</sup> Of the 150 people involuntarily detained under mental impairment legislation across Australia, it is estimated that one third are Indigenous Australians. Indigenous people with disability are at risk of being detained indefinitely, often without conviction, in prisons and in forensic psychiatric units throughout Australia<sup>16</sup> enduring periods of indefinite detention that in some cases exceed a decade. Violence against Aboriginal and Torres Strait Islander people is approximately 10 times higher than against non-Aboriginal and Torres Strait Islander people.<sup>17</sup>
10. Australia’s asylum seeker laws, policies and practices have resulted in institutionalised, severe and routine violations of the prohibition on torture and ill-treatment, and have subsequently been found to create serious physical and mental pain and suffering in detainees, and continue to cause life-long disability and impairments.<sup>18</sup> As at September 2014, there were

382 people with disability in detention. Twenty eight of these were children with disability, aged between two and 17-years-old,<sup>19</sup> who on average, had been detained for a year.<sup>20</sup> More than one third of people held in immigration detention have been diagnosed with mental health impairments which have been directly attributed to the harsh conditions, protracted periods of indefinite detention, sexual and other forms of violence, overcrowding, inadequate health care, and fear for and about their future.<sup>21</sup>

11. Violence perpetrated against children and young people with disability in institutional settings, including residential and out-of-home care, juvenile justice detention centres, and schools, is a nationwide problem requiring urgent action and systemic reform. At 30 June 2014, 43,009 children were in out-of-home care nationally. 14,991 of these children and young people were Aboriginal or Torres Strait Islander.<sup>22</sup> Several hundred children in out-of-home care – including children with disability - were victims of substantiated sexual and physical abuse or neglect during 2013-14,<sup>23</sup> and these figures are considered to be grossly conservative. Children with disability in out-of-home care who experience, or are at risk of experiencing violence (including sexual violence), are often forced to remain with ‘carers’ who have allegations against them while their case is being decided. There is widespread and justifiable concern that the current lack of oversight of out-of-home care is likely to become much worse as governments further outsource foster care.<sup>24</sup>

## THE SENATE INQUIRY INTO VIOLENCE AGAINST PEOPLE WITH DISABILITY IN INSTITUTIONAL AND RESIDENTIAL SETTINGS

12. For more than two decades, Disabled Peoples Organisations (DPOs), civil society organisations (CSOs); the United Nations, people with disability themselves, their families, allies, friends and advocates, have appealed to successive Australian Governments to show national leadership and act urgently to address all forms of violence perpetrated against people with disability in institutional and residential settings in Australia. For decades these calls were ignored. However, in February 2015, in response to a sustained and intensive national grass roots campaign, which saw a “*snowballing of voices that would no longer be silenced*”<sup>25</sup> a group of Senators tabled a motion in the Australian Senate for a national Senate Inquiry into ‘*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 motion was passed unanimously and the Senate Inquiry was conducted during 2015, with the Final Report being released on 25 November 2015.
13. Although the Senate Inquiry was welcomed, it was limited in its powers and scope.<sup>26</sup> It was acknowledged that a Senate Inquiry posed inherent barriers for many people with disability – particularly those residing or incarcerated in institutional settings.<sup>27</sup> Despite the limitations of the Inquiry, the Senate Committee undertaking the Inquiry received over 160 written submissions. Six public hearings were held around Australia, attended by people with disability, families, allies, friends and advocates, DPO’s, service providers,

academics, the judiciary, the criminal justice sector, government representatives, and many more. For the Senate Committee conducting the Inquiry, “the voices, lives and choices of people with disability [were] paramount.” In describing the direct evidence they received from witnesses at the hearings, the Senate Committee stated:

*“This inquiry heard highly distressing personal accounts from many people with disability. The inquiry also heard from dedicated family members and advocates speaking on behalf of loved ones, some of whom died as a result of violence or neglect. Much of the evidence was received in camera, largely due to the personal nature of the evidence, but in some cases because of the possibility of repercussions for speaking out. Witnesses told of their fear of speaking out about abusers who had continued daily access to their homes as disability service workers. Evidence was also presented that showed a propensity for reports to service providers about violence and abuse to be ignored, swept under the carpet or treated as a ‘workplace issue’ rather than a crime.”<sup>28</sup>*

14. The Final Report of the Senate Inquiry ‘*Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings*’, released on 25 November 2015, made 30 recommendations, which echoed many of the recommendations made by the ACDA in its formal submission<sup>29</sup> and in its direct witness evidence presented to the Inquiry. The recommendations made in the Final Report of the Inquiry, cover a wide range of issues, including for example: International and national frameworks; Lived experience of violence, abuse and neglect; Reporting and investigating; Risk factors and causes; Access to Justice; and the role of the National Disability Insurance Scheme (NDIS).
15. Critically, the key recommendation of the Inquiry is

that “that a Royal Commission into violence, abuse and neglect of people with disability be called, with terms of reference to be determined in consultation with people with disability, their families and supporters, and disability organisations.” In making this recommendation the Committee stated, in part:

*“In the case of violence, abuse and neglect of people with disability, the committee notes that nature of disability combined with the closed nature of institutions, means that the most vulnerable people and those most likely to have been abused, may not have been able to contact the inquiry [...]. The committee is also highly conscious of the criminal nature of many of the allegations brought before it, through both confidential and public evidence. The committee is therefore of the view that only a Royal Commission with investigative powers, funded and empowered to visit institutions, could properly conduct an inquiry, and give full weight to the seriousness of this issue.”*

16. The Senate Inquiry specifically addressed the widespread, systemic epidemic of violence perpetrated against people with disability in institutional and residential settings, and found that “where people with disabilities live and the cultures of the organisations which provide services, in particular residential services, are significant factors that impact on risk of violence, abuse and neglect.” Several recommendations in the final report focus on the imperative for the Australian Government to close institutions and move away from forced congregate housing models. These recommendations include the need for increased resources for public and social housing for people with disability, and the principle that there should be no forced shared accommodation for people with disability.<sup>30</sup>

## THE NATIONAL DISABILITY INSURANCE SCHEME (NDIS)

17. The Senate Inquiry into ‘*Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings*’, examined the challenges, risks and opportunities presented by the NDIS in reducing violence against people with disability in institutional and residential settings. The NDIS was launched in 2013 and will be rolled out nationally over a three-year period (2016–2019).<sup>31</sup> The NDIS is often cited by Governments and other stakeholders as the mechanism and initiative to domestically implement CRPD Article 19. The ‘*Thematic study on the right of persons with disabilities to live independently and be included in the community*’,<sup>32</sup> published by the Office of the United Nations High Commissioner for Human Rights in December 2014, highlighted the NDIS as a scheme that will:

*“provide persons with disabilities with individualized planning support to identify suitable and necessary services based on their functional needs rather than on diagnosis.”*<sup>33</sup>

18. However, the NDIS will replace existing disability service systems with a uniform framework only for those people with disability who qualify as participants (an estimated 460,000 people who have “*a significant long term physical or psycho-social disability that significantly affects their communication, mobility, self-care or self-management*”).<sup>34</sup> The NDIS will also include a “comprehensive information, capacity building and referral service”,<sup>35</sup> known as ‘Information, Linkages and Capacity Building’ (ILC), to help people with disability (who are in-eligible for an individual support package) to access to mainstream and community supports.
19. For eligible participants, the NDIS will fund ‘reasonable and necessary’ disability supports. It will not fund “*supports that are most appropriately funded*

*or provided through other general systems of service delivery or support services”*.<sup>36</sup> This includes accommodation and housing. In this context, the NDIS is *not* the solution to people with disability in institutional and residential settings being able to live independently and be included in the community. In fact, advocates argue that the unit pricing calculated and set by the National Disability Insurance Agency (NDIA)<sup>37</sup> will see people with disability more likely to be forced into congregate care and other shared accommodation environments, where they are *more likely* to be exposed to, and experience violence. The Senate Committee undertaking the Inquiry recommended “*further investigation of whether the current NDIS unit pricing will have an impact on incidents of violence, abuse or neglect.*”<sup>38</sup> In addition, the Senate Committee expressed concern that the NDIS “*does not address the critical area of accommodation, which is the setting in which violence, abuse and neglect is most likely to occur*” and recommended that “*this matter requires further attention.*”<sup>39</sup>

20. The Australian Government is yet to respond to the final report of the Senate Inquiry, and its 30 key recommendations. The Australian Cross Disability Alliance (ACDA) and its allies and supporters are campaigning strongly for the Australian Government to enact as a matter of urgency, a Royal Commission into violence, abuse and neglect of people with disability.

## THE RIGHT TO HOUSING

21. In the context of the CRPD Committee’s 14th session Day of General Discussion (GDG) on the right of persons with disabilities to live independently and be included in the community (CRPD Art.19), the ACDA recognises and stresses that the right to housing for people with disability is critical. It is clearly a fundamental requirement in not only moving away from institutions and forced congregate housing models, but in addressing violence against

people with disability. It is outside the scope of this brief Submission to discuss in detail, the right to housing for people with disability, however the ACDA makes the following points:<sup>40</sup>

- > *Legal security of tenure*: all persons with disability must have adequate security of tenure which guarantees legal protection against forced eviction, harassment and other threats.
- > *Availability of infrastructure and services*: all persons with disability must have sustainable access to infrastructure and services necessary for them to fully enjoy the right to housing.
- > *Affordable housing*: all persons with disability must have access to housing that is affordable. Governments must provide or facilitate the provision of social housing for low income and housing disadvantaged groups.
- > *Habitable housing*: all persons with disability must have access to housing that is safe, healthy and secure. Safe housing must also provide protection

against violence and abuse.

- > *Accessible housing*: housing must be accessible to persons with disability. Building regulations must require minimum accessibility features in all housing.
- > *Accessible housing*: must be conceptualised to include not only built structures, but also legislation, policy and procedures which regulate housing systems and the allocation of social housing, and the information and communication systems used in all aspects of housing systems.
- > *Housing location*: adequate housing for people with disability must be situated in locations that allow access to employment options, health care services, schools, child care centres, cultural, recreation and leisure and other social facilities.
- > *Culturally adequate housing*: the way housing is constructed, the building materials used, and housing regulation and policy must enable the expression of cultural identity and diversity.

## ENDNOTES

1. For more detailed information on ACDA, go to: <http://crossdisabilityalliance.org.au>
2. For more detailed information on WWDA, go to: <http://www.wwda.org.au>
3. For more detailed information on NEDA, go to: <http://neda.org.au>
4. For more detailed information on FPDN, go to: <http://fpdn.org.au>
5. For more detailed information on PWDA, go to: <http://pwd.org.au>
6. See: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Violence\\_abuse\\_neglect](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect)
7. See: <http://www.stopableism.org/what.asp>
8. Committee on the Rights of Persons with Disabilities (22 May 2015) *General comment on Article 6: Women with disabilities*. Draft prepared by the Committee; UN Doc. No. CRPD/C/14/R.1.
9. 'Institutional and residential settings' - is broadly defined to include the types of institutions that people with disability often experience, including, but not restricted to: residential institutions; boarding houses; group homes; workplaces; respite care services; day centres; recreation programs; mental health facilities; hostels; supported accommodation; prisons; schools; out-of-home care; special schools; boarding schools; school buses; hospitals; juvenile justice facilities; disability services; and aged care facilities. See: Frohmader, C., & Sands, T. (2015) *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia.
10. See e.g. Commission for Children and Young People, "...as a good parent would..." *Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care* (Melbourne: Commission for Children and Young People, August 2015); Attard, M., & Price-Kelly, S. (2010) *Accommodating Violence: The experience of domestic violence of people with disability living in licensed boarding houses*, PWDA, NSW; <http://www.pwd.org.au/documents/pubs/Accommodating%20Violence%20Report.pdf>; See also: NSW Ombudsman, *More than Board and Lodging: the Need for Boarding House Reform* (Special Report to Parliament, NSW Ombudsman, August 2011) <http://www.ombo.nsw.gov.au/publication/PDF/specialreport/SR%20Boarding%20Houses.pdf>; Blackwood, A. (2014) 'Yooralla failings: no more excuses' November 25, *The Age*, <http://www.theage.com.au/comment/yooralla-failings-no-more-excuses-20141125-11t5cl.html>, See also Michelmore, K. & Cronau, P. (24th November, 2014) 'In Our Care'; *Four Corners*, ABC TV; Accessed at: <http://www.abc.net.au/4corners/stories/2014/11/24/4132812.htm>; Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013) *Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia. Background Paper*. Hobart: Women with Disabilities Australia (WWDA).
11. For example, figures from the Victorian Office of the Public Advocate (OPA) show that between 2006-2011, police examined more than 1000 cases of alleged abuse involving people with severe disabilities living in state residential care or private homes in Victoria - including 282 allegations of assault, 320 of rape, and six alleged abductions or kidnapping. See: 'Law failing to protect disabled in state care'; *The Age*, April 24, 2011. Accessed online October 2011 at: <http://www.theage.com.au/victoria/law-failing-to-protect-disabled-in-state-care-20110423-1dse1.html>
12. See: Frohmader, C., & Sands, T. (2015) *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia.

13. Frohmader, C., Dowse, L., and Didi, A. (2015) *Preventing Violence against Women and Girls with Disabilities: Integrating A Human Rights Perspective*. Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-4-5. See also: Committee of Ministers of the Council of Europe (2009) *Declaration: Making gender equality a reality*. 119th Session of the Committee of Ministers, Madrid, 12 May 2009.
14. *The National Plan to Reduce violence against women and their Children 2010–2022*, at: <https://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>; See also: Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) 'Change the story: A shared framework for the primary prevention of violence against women and their children in Australia', Our Watch, Melbourne, Australia; at: <http://www.ourwatch.org.au/getmedia/0aa0109b-6b03-43f2-85fe-a9f5ec92ac4e/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf.aspx>
15. Australian Bureau of Statistics - *Prisoners in Australia*, 2012, <http://www.abs.gov.au/ausstats/abs@.nsf/Products/BD0021D329F0464FCA257B3C000DCCE0?opendocument>
16. Sitori, M., McGee, P. and Baldry, E. (2012) *The Imprisonment and Indefinite Detention of Indigenous Australians with a Cognitive Impairment*; A Report Prepared by the Aboriginal Disability Justice Campaign. Sydney: University of NSW.
17. Memmott, P., Stacy, R., Chambers, C. & C. Keys (2001) *Violence in Indigenous Communities*. Attorney-General's Department. Available at: <http://www.crimeprevention.gov.au/Publications/FamilyViolence/Documents/violenceindigenous.pdf>
18. *Joint NGO report to the United Nations Committee Against Torture; Torture and cruel treatment in Australia*. (November 2014), Human Rights Law Centre, Victoria.
19. *Fight to get refugees living with a disability out of immigration detention centres*; at: <http://www.dailytelegraph.com.au/newslocal/inner-west/fight-to-get-refugees-living-with-a-disability-out-of-immigration-detention-centres/story-fngr8h4f-1227326273893>
20. National Ethnic Disability Alliance (NEDA) (2015) *The Plight of People Living with Disabilities within Australian Immigration Detention: Demonised, Detained, and Disowned*. NEDA, Canberra. See also: Australian Human Rights Commission (2014) *The Forgotten Children: National Inquiry into Children in Immigration Detention*; AHRC, Sydney.
21. Ibid.
22. Productivity Commission, *Report on Government Services 2015*; Chapter 15: Volume F; Child protection. At: <http://www.pc.gov.au/research/recurring/report-on-government-services/2015/community-services/child-protection>
23. Ibid. See also: Trembath, B. (28 January 2015) 'National Children's Commissioner 'very concerned' by figures showing hundreds of kids in foster care abused'. *ABC News*, <http://www.abc.net.au/news/2015-01-28/hundreds-of-children-in-foster-care-abused-last-year-report-find/6052006>; See also: *ABC News* (14 January 2014) 'Foster carer charged over physical assault of three children in her care'; Access online at: <http://www.abc.net.au/news/2014-01-13/foster-carer-charged-over-physical-assault-of-three-children-in/5197950>
24. Pryor, L. (16 September 2013) 'Foster children left in care despite serious allegations of abuse'; *Sydney Morning Herald*; <http://www.smh.com.au/nsw/foster-children-left-in-care-despite-serious-allegations-of-abuse-20130915-2tt1h.html>
25. Commonwealth of Australia (2015) The Senate, 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', Canberra.
26. See for example: [http://www.aph.gov.au/Parliamentary\\_Business/Chamber\\_documents/Senate\\_chamber\\_documents/standingorders/b00/b05](http://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/standingorders/b00/b05)

27. Many people with disability in institutional and residential settings were simply not able to provide evidence to the Committee or contribute to the Inquiry as they did not have the necessary supports, the relevant information or the extensive processes required to facilitate and support them in coming forward to provide evidence directly to the Senate Committee. It was also acknowledged that in many cases, institution staff and other service providers would be unlikely to encourage and support people with disability to share their experiences of violations of their human rights in the institutions and settings in which they reside, are incarcerated or in which they receive services. See: Frohmader, C., & Sands, T. (2015) Australian Cross Disability Alliance (ACDA) *Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia.
28. Ibid.
29. See: <http://crossdisabilityalliance.org.au/submissions/acda-submission-to-senate-inquiry-into-violence-abuse-and-neglect-against-people-with-disability-in-institutional-and-residential-settings/>
30. Commonwealth of Australia (2015) The Senate, 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’, Canberra.
31. The NDIS was launched in July 2013 and will be rolled out nationally over a three-year period (2016–2019), except in Western Australia which has not yet signed up to the scheme. See more at: <http://www.ndis.gov.au/>
32. United Nations General Assembly (2014) *Thematic study on the right of persons with disabilities to live independently and be included in the community*; Report of the Office of the United Nations High Commissioner for Human Rights; UN Doc. No. A/HRC/28/37
33. Ibid, para. 38.
34. See: <http://ndismiway.org.au/ndis-frequently-asked-questions/>
35. Ibid. See also: <http://www.theaustralian.com.au/national-affairs/health/millions-set-to-fall-through-ndis-net/news-story/61d075c365f60619b1d5d1899d39dff7> See also: <http://www.ndis.gov.au/sites/default/files/ILC-Policy-Framework.pdf>
36. See: <http://ndismiway.org.au/ndis-frequently-asked-questions/>
37. The National Disability Insurance Agency (NDIA) is an independent statutory agency, whose role is to implement the National Disability Insurance Scheme (NDIS).
38. See page 248 of Commonwealth of Australia (2015) The Senate, 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’, Canberra.
39. Ibid.
40. French, P. (2009), *Accommodating Human Rights: A human rights perspective on housing, and housing and support, for persons with disability*, People with Disability Australia.