



Royal Commission
into Violence, Abuse, Neglect and Exploitation
of People with Disability

First Progress Report



First progress report

December 2019

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

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Why is it so difficult for people with disability to have the same basic human right as anybody else in this room or in the community? Why is it that we can't have the same basic things? You're allowed to get married. I might not be because I've got a disability. You're allowed to go to the pub. I'm not, I've got a disability. I'm in a group home. Those get locked at 6 o'clock. You're allowed to have children, I'm not. Why; because I've got a disability. When is it going to end that people with a disability have the same basic human rights as anybody else in this community!'

Mr Colin Hiscoe, witness at the Homes and living hearing in Melbourne, 5 December 2019.

Foreword from the Chair of the Royal Commission

This First Progress Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) provides an overview of the work undertaken by the Royal Commission since its establishment was announced in April 2019, and an outline of the Royal Commission's program for 2020. A significant milestone will be the delivery of an Interim Report by 30 October 2020.

The Royal Commission is the product of tireless and persistent efforts by people with disability, their families, advocates, academics and many others who have long recognised that people with disability in this country are routinely subjected to violence, abuse, neglect and exploitation. They rightly have high expectations of what the Royal Commission can achieve. We intend to do our best to satisfy those expectations and to do so with empathy, thoroughness and transparency.

The voices and experiences of people with disability are at the centre of this Royal Commission. It is critical to the success of the Royal Commission that people with disability who have experienced violence, abuse, neglect and exploitation feel safe to share their experiences and receive the full range of supports to do so. We acknowledge that we shall also have to actively seek out people who otherwise may not have direct access to engage with the Royal Commission, for example people with cognitive disabilities living in closed environments.

The terms of reference expressly state that Australia has international obligations to protect the human rights of people with disability, including to fulfil, respect and promote the rights recognised by the *Convention on the Rights of Persons with Disabilities* (CRPD). For the Royal

Commission this means our starting point is the CRPD and that our work must have a rights-based focus.

The Royal Commission has already heard in public hearings and community forums many harrowing accounts of violence, abuse, neglect and exploitation of people with disability. We have also examined practices and policies that have the potential to protect and enhance the independence, inclusion and rights of people with disability. These are critical to formulating recommendations that will hasten the day when people with disability enjoy:

... the full and equal enjoyment of all human rights and fundamental freedoms ... and ... respect for their inherent dignity.ⁱⁱ

With the active participation of individual people with disability, advocates, and the disability community, the Royal Commission provides a genuine opportunity to bring about the transformational changes necessary to achieve a more inclusive society. Such a society must unstintingly recognise the dignity, autonomy, equality and freedom of choice of people with disability.

We are deeply conscious of the magnitude and complexity of the task we face. Even so, we embrace the challenge and are determined to meet it.

Ronald Sackville AO QC
Chair

Overview

On 5 April 2019 the Australian Government announced the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The terms of reference for the Royal Commission define the scope of the Royal Commission's work and are included in the Commonwealth Letters Patent. The terms of reference direct the Royal Commission to inquire into all forms of violence, abuse, neglect and exploitation of people with disability in all settings and contexts.

The Hon Ronald Sackville AO QC was appointed as Chair of the Royal Commission. He is supported by 6 other Commissioners; the Hon Roslyn Atkinson AO, Ms Barbara Bennett PSM, Professor Rhonda Galbally AC, Ms Andrea Mason OAM, Mr Alastair McEwin

AM, and the Hon John Ryan AM. Biographies of all 7 Commissioners are available on the [Royal Commission website](#).

Commissioners have undertaken and contributed to the Royal Commission's work in a variety of ways, including by direct engagement with the disability community, presiding at hearings, participating in workshops and community forums, meeting with key stakeholders and by overseeing and directing the work of the Royal Commission. These activities are addressed in more detail throughout this Progress Report.

Unless noted to the contrary, this Progress Report sets out the Royal Commission's key activities for the period 5 April 2019 – 30 November 2019.

Key activities in 2019

Accessibility

The Royal Commission published its *Accessibility and inclusion strategy* after engaging in extensive public consultation on the draft. The *Accessibility and inclusion strategy* explains how the Royal Commission will fulfil its obligations under its terms of reference in a way that is accessible, inclusive, and which puts people with disability at the centre of its work. The *Accessibility and inclusion strategy* provides that the Royal Commission will design its processes to ensure involvement and engagement with First Nations people and their communities, and people from culturally and linguistically diverse backgrounds.

Additionally, the *Accessibility and inclusion strategy* commits to ensuring the Royal Commission is LGBTIQ inclusive, and offers a range of accessible communication modes so that people can choose to engage in a way that best suits their preferences and needs. The Royal Commission welcomes feedback on this document which will be periodically reviewed.

Confidentiality

The Royal Commission takes confidentiality very seriously. The experiences of those who make submissions to the Royal Commission in writing, online or in audio-visual format will not be published unless consent is explicitly given by the author. If a submitter does not wish for their account to be published, the Royal Commission may do so but in a de-identified manner.

The Royal Commission has not published and does not intend to publish (in a de-identified form or otherwise) any submissions made to it without the submitter's consent. A new submission form was launched by the Royal Commission on 13 February 2020, which includes seeking consent for publication of submissions in a public, anonymous or restricted manner. Persons who have made submissions prior to that date, or without using the submissions form, may be contacted by the Royal Commission to seek their consent to public, anonymous or restricted publication. It will then be entirely a matter for those persons to decide whether or not to grant consent.

More information about the Royal Commission's approach to protecting confidentiality can be found on the [Royal Commission website](#).

I simply want to live my life as much as I can on my own terms, that is, I am happy and even eager to play the best hand with the cards I've been dealt. This is my first priority. If this seems like a cry, it is not a cry for sympathy but instead for empathy.ⁱⁱⁱ

**Dr Peter Gibilisco, witness at the Homes
and living hearing in Melbourne, 2 December 2019.**

Strategic documents

There are a number of other strategic documents which support the work of the Royal Commission, as outlined below.

Engagement strategies

A *Community engagement strategy* is currently being finalised, which will be guided by the *Accessibility and inclusion strategy* and will take a trauma-informed approach. The Community engagement strategy will incorporate:

- our vision and approach to community engagement, including purpose and how community engagement informs the work of the Royal Commission
- a roadmap outlining the model and proposed engagement tools and methods
- key stakeholder groups and communities of interest
- a feedback mechanism regarding community engagement methods and
- a proposed forward schedule of community engagements for 2020.

First Nations people

We know that there is a substantially higher proportion of First Nations people with disability compared to the non-Indigenous population. Because of this, the approach the Royal Commission is taking is to embed First Nations issues in all areas of our work. This means that on every issue we consider, First Nations people with disability concerns are a paramount consideration.

The Royal Commission will engage with First Nations communities and organisations across Australia during the life of the Royal Commission. The principle of listening and hearing directly from First Nations people with disability and other people who are working to make communities and organisations more inclusive is core to our work.

The Royal Commission has established a First Nations People Strategic Advisory Group. This body is an expert panel of 7 First Nations representatives who will provide leadership and direction on matters specific to First Nations people with disability.

We are also finalising the *First Nations engagement strategy*, which will be published on the Royal Commission website in early 2020. This is being developed through consultation with key First Nations stakeholders. An essential component of our work is to ensure a strong evidence base and data driven approach to inform our engagements and to ensure we are engaging with jurisdictions and communities that have high percentages of First Nations people with disability. The Royal Commission has engaged 4 Indigenous engagement officers to support our engagement work with First Nations people.

Culturally and linguistically diverse people

The Royal Commission is developing a *Culturally and linguistically diverse engagement strategy*, on which we will consult with key stakeholders in culturally and linguistically diverse communities. The Royal Commission is committed to ensuring our communications and

publications are translated into a range of different languages, ensuring our staff includes those from a culturally and linguistically diverse background and that all staff are culturally aware.

Information for the public

The interim Royal Commission website went live in late April 2019, and has been undergoing redevelopment to make it more accessible and informative. New content, navigation and website design have been underway since October 2019 and are expected to be completed in January 2020. The new website will feature a simplified, easier to use online submission form, new downloadable resources and an online ordering form for free print materials. The Royal Commission is undertaking extensive usability and accessibility testing to ensure the new website is easy to navigate and meets standards for web content accessibility.

Support for people to share their experiences

Advocacy, counselling and legal services are available to people engaging with the Royal Commission. Funding arrangements for these services are the responsibility of the Commonwealth Department of Social Services (DSS) and the Attorney General's Department (AGD) respectively.

DSS has funded Blue Knot to provide telephone counselling to people engaging with the Royal Commission. This service commenced on 17 October 2019. DSS has also funded 10 face-to-face counselling

services, which are expected to operate as from January 2020.

DSS are also managing funding arrangements for 50 providers under the National Disability Advocacy Program to provide individual advocacy services. These services provide people with disability access to disability advocacy that seeks to uphold their rights by addressing discrimination, abuse and neglect. The majority of these services have been available since late-November 2019.

National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Service have been funded through AGD to provide legal advice to people seeking to engage with the Royal Commission. This service has been operational since mid-November 2019 and more information can be found at www.drclegalservice.org.au.

Public hearings

First public sitting, Brisbane

... disability advocates explain that First Nations people with disability have a lived experience that they describe as a type of apartheid. They have experienced times of exclusion, invisibility and being at the edge of our society. They are often not afforded the equality of respect and access to opportunities that other non-disabled Australians expect as their ordinary right to receive.^{iv}

Commissioner Andrea Mason OAM, first public sitting in Brisbane, 16 September 2019.

The international disability community's mantra is 'Nothing about us without us'. Your individual stories and experiences along with your expertise and knowledge about what works will be central to examining processes that have resulted in systemic failures, as well as success.^v

Commissioner Alistair McEwin AM, first public sitting in Brisbane, 16 September 2019.

The Royal Commission held its first public sitting in Brisbane on 16 September 2019. This was the ceremonial opening of the Royal Commission. Statements were made by the Chair and Commissioner McEwin, and Commissioner Mason delivered an Acknowledgement of Country. Senior Counsel Assisting, Ms Rebecca Treston QC, outlined the process for making submissions and arrangements for ensuring that the Royal Commission is accessible to people with disability and that people receive the support and assistance they need to engage with us. More information about the first public sitting, including transcripts, can be found on the [Royal Commission website](#).

Education hearing, Townsville

We can't possibly be happy with what we are currently doing because history has reminded us time and again that the segregation and othering of diverse groups of our own human kind results in the most horrific outcomes which linger for many decades and transcend generations. We have known better for an awfully long time. We must act with urgency and do better.^{vi}

Ms Loren Maree Swancutt, Regional Head of Special Education Services, North Queensland Region, witness at the Education hearing in Townsville, 6 November 2019.

The Royal Commission held its first public hearing on matters within the terms of reference in Townsville between 4 and 7 November 2019.

The principal purpose of the Townsville public hearing was to examine existing legislation, policies and practices relating to inclusive education in Queensland state schools. Additionally, the hearing considered the barriers to achieving inclusive education in Queensland schools and heard diverse views on the role, if any, of special schools.

The Royal Commission heard evidence from parents of children with disability, representatives of advocacy and community organisations, the Queensland Teachers' Union, academic experts, Heads of Special Education Services, principals and the Queensland Department of Education. The hearing particularly inquired into innovative approaches taken by 3 North Queensland state high schools: Bowen State High School, Ingham State High School and Thuringowa State High School, each of which is at different stages of implementing Queensland's *Inclusive education policy*.

The key issues raised in detail at the hearing included:

- the right of all children to a quality inclusive education and what that may look like
- experiences of ‘gatekeeping’^{vii}, exclusion, segregation, violence, abuse and humiliation, and the use of restrictive practices
- inadequate reasonable adjustments and supports
- insufficient complaints mechanisms and remedies
- parental choice as a key part of the maintenance of a dual system that includes both special schools and mainstream schools
- the impact of culture and leadership on an education setting
- the importance of the relationship between teacher, school staff and parents, and
- teacher training and support.

Evidence touched on the following matters for future consideration:

- the use of restrictive practices as a means of managing behaviours of concern
- the particular experiences of First Nations students in North Queensland
- the continued role, if any, of special schools in the education system
- the experiences of students with disability in private schools, independent or faith-based schools and home-schooling
- the prevalence and nature of violence, abuse, neglect and/or exploitation in segregated settings, including whether there is an increased risk of violence, abuse, neglect and/or exploitation in special schools
- the nature of transition phases and their impact on students with disability, including at different stages of education
- movement between a special school, a special education unit and a mainstream school
- movement between a secondary special school or special education unit and further learning and/or employment
- the number of students from special schools who transition into Australian Disability Enterprises (ie ‘sheltered workshops’) and
- collection and use of data.

More information about the Education hearing, including transcripts, can be found on the [Royal Commission website](#).

Bwgcolman visit, Palm Island (Qld)

In addition to other community engagements undertaken by Commissioners, on 8 November 2019 Commissioners Mason and Atkinson visited Bwgcolman (Palm Island), Queensland. They met with a number of First Nations people and organisations including elected members, representatives of service providers and individuals in the community. Commissioners heard stories of inclusion, support and hope. They saw the Queensland Department of Education's *Inclusive education policy* in action in the Bwgcolman Community School. They also heard stories to indicate that more could be done to ensure First Nations people with disability are afforded the best start to life, whether on Palm Island or elsewhere in Australia. Improved information sharing between services providing direct support to First Nation children with disability particularly during the early years was raised as an important issue.

Homes and living hearing, Melbourne

... to be free as a bird – because I've been through domestic violence as well, I have, and I've left my partner. And ever since I've left my partner, I've felt more freedom. My health has been a lot better. I didn't – don't need to hold things in, I don't now, and, yes, I can speak up for myself. I'm a fighter, I am, and I'm with the First Peoples Disability and I teach other people that they have got a voice to be heard, they have, not to be ignored.^{viii}

**Ms Jane Rosengrave, witness at the Homes
and living hearing in Melbourne, 2 December 2019.**

The Royal Commission held its second public hearing on matters within the terms of reference in Melbourne between 2 and 6 December 2019. The principal purpose of the hearing was to examine the experiences of people with disability living in group homes including their experiences of violence, abuse, neglect and exploitation.

The Royal Commission heard evidence from a number of people with disability who have lived in group homes, family members of people with disability, academics, the Victorian Office of the Public Advocate, Community Visitors, the Victorian Disability Services Commissioner, the Victorian Department of Health and Human Services, disability advocates, academics and service providers.

Key issues raised at the hearing included:

- experiences of violence, abuse, neglect and exploitation for people with disability living in group homes
- the use of restrictive practices in group homes
- the process of deinstitutionalisation and the movement of people with disability from larger institutions into smaller community based settings, including group homes
- the right of people with disability to choose where they live, who they live with and how they live
- social attitudes, service cultures and staff practices that may contribute to violence, abuse, neglect and exploitation
- legislation and regulatory mechanisms governing the operation of group homes, and
- alternative independent living models.

More information about the Homes and living hearing, including transcripts, can be found on the [Royal Commission website](#).

The Royal Commission continues to consider the evidence gathered via public hearings and will provide further information in its Interim Report.

Workshops

The Royal Commission has held 9 workshops across Australia. Participants identified issues, and communicated ideas, and information on specific topics affecting people with disability. At each workshop, the discussion has included feedback on a draft paper outlining the Royal Commission's approach to developing areas of focus (domains) for its inquiry, such as education, accommodation, health and justice.

Advocacy workshop

At the first workshop, held in Melbourne on 18 June 2019, the Royal Commission heard from advocates in the disability community from across Australia. The Royal Commission confirmed to workshop participants that its inquiry would extend to hearings and other outreach activities occurring in both regional and remote locations. Key issues discussed included:

- the importance of taking into account the multiple and cumulative forms of disadvantage that often affect particular groups of people with disability
- the experiences of people with disability in institutional settings
- the particular experiences of people with intellectual disability who are denied legal capacity to make their own decisions, and
- the experiences of people with disability in interacting with police and the justice system.

Legal workshops

The Royal Commission held 3 legal workshops in Sydney, Brisbane and Melbourne on 1 July 2019, 3 July 2019 and 9 July 2019 respectively. Participants at these workshops included representatives from community legal centres, legal aid agencies, public interest centres, law firms providing pro bono services, and advocacy groups. The discussion at each workshop focused on:

- legal issues for people with disability in areas of justice, accommodation, education and learning and economic participation
- concerns about the National Disability Insurance Scheme (NDIS) and
- the importance of law reform in relation to disability rights and disability services.

Participants agreed that the Royal Commission should be guided by the principles stated in the CRPD.

Service providers workshop

The Royal Commission held a workshop in Melbourne on 18 July 2019 with disability service providers from across Australia. A central issue discussed was the impact of the NDIS on service delivery. Service providers highlighted some of the barriers to accessing services for people with disability from culturally and linguistically diverse backgrounds.

First Nations people consultation workshops

The Royal Commission held 2 First Nations people consultation workshops in Sydney and Darwin on 6 August 2019 and 15 August 2019 respectively. The main purpose of these workshops was to hear the stories, insights and proposals for change from First Nations people with disability. Participants raised concerns about:

- institutional racism within the health system, and the lack of services in remote settings for First Nations people with disability and
- education for First Nations children with disability, especially concerns that the needs of First Nations children with cognitive impairments are often not met throughout school due to the misperception that certain behaviours are a disciplinary matter.

Participants in both workshops emphasised the critical importance of member-led First Nations organisations leading services and support to First Nations people with disability at the local and regional level.

Justice workshop

At the Justice Workshop held in Melbourne on 2 September 2019, participants included academics, public guardians and public advocates, solicitor advocates and community legal centres. Key issues raised by participants included:

- legal capacity of people with disability
- indefinite detention of people with disability and
- barriers to the complaints process within the criminal justice system.

Education and learning workshop

The Royal Commission held an education and learning workshop in Melbourne on 3 October 2019, participants of which included representatives from universities, legal services and advocacy groups. Discussion explored:

- inclusive education, including barriers to implementing inclusive education
- strategies that have been effective in promoting and realising the right of people with disability to access an equitable education and
- whether Australian teaching standards are consistent with the CRPD.

Submissions

The Royal Commission opened for submissions on 29 July 2019. Submissions can be made through the submission form, which is available on the [Royal Commission's website](#). The submission form requests information about people and organisations making submissions and includes questions about areas the Royal Commission is focusing on. Submissions can also be made by email, post or phone.

The Royal Commission is finalising a new submission form to provide guidance to individual and organisations who would like to share their experiences. This form responds to feedback from the community about the initial approach, reduces the number of questions we ask people to respond to and provides better guidance to people about how they provide information to the Royal Commission. The new approach also asks individuals and organisations to tell us how they would like the Royal Commission to use the information in our work. The new form will be released in early 2020.

The Royal Commission has established a national hotline (1800 517 199 or 07 3734 1900) to provide information about our work and to answer questions from the public. This national hotline can also be used by those who wish to make a submission and find it difficult to use the submission form.

Since opening the hotline on 29 July 2019, the Royal Commission has received 2001 phone enquiries (as at 2 December 2019).

Snapshot

- As at close of business on 10 December, the Royal Commission has received 428 submissions from individuals and organisations.
- The majority of submissions were made by family members (42% of submissions), or by people with disability (33% of submissions). Forty paid carers and 20 advocates have assisted people to make submissions.
- Of people who made submissions, 51% were female, 2% identified as being LGBTIQ, 4% identified as First Nations people and 7% identified as being from a culturally or linguistically diverse background.
- Most reports of violence, abuse, neglect or exploitation of people with disability were recent, rather than historical, with 74% of submissions describing a form of abuse that we were told had happened since 2010.
- The majority of submissions came from respondents living in eastern states - 26% from NSW and 23% from Victoria. Some respondents, including family members, have made submissions on behalf of a person with disability living in another state.
- 1 in 3 submissions focused on homes and living as the primary topic, and a similar number focused on education and learning. Many submissions discussed more than one issue, and emphasised experiences of exclusion and abuse across the life course for many people with disability.

Submissions are one way we can learn more about the nature and extent of all forms of abuse of people with disability, and are received from both individuals and organisations.

What individuals and organisations share with us will help us to:

- identify matters relevant to our terms of reference
- understand more about the contexts and institutions in which abuse is likely to occur
- develop an understanding of the impacts of violence, abuse, neglect and exploitation on people with disability, their families, support people and our community
- gather information relevant to our investigations and research programs
- hear different views on the matters identified in our terms of reference, and
- make recommendations for change.

The process of receiving submissions is also served by the publication of issues papers, which outline particular issues for consideration and response by the public.

Issues papers

As at 18 December 2019, the Royal Commission has released 3 issues papers which focus on the themes of education and learning, group homes and the health system. These issues papers outline the Royal Commission's preliminary understanding of key issues and provide organisations and individuals with the opportunity to respond to these issues. The Royal Commission

anticipates that its policy processes, research agenda and hearings will be strengthened by the responses to the questions in these papers.

Education and learning

The *Education and learning issues paper* released on 30 October 2019 was adapted from a background paper that was prepared for the education and learning workshop held in Melbourne on 3 October 2019. The issues paper outlines the key issues and barriers experienced by students with disability, including access to education and learning and the appropriateness and adaptability of education and learning.

Group homes

The *Group homes issues paper* released on 29 November 2019 defines 'group homes' and the existing regulatory arrangements of group homes. The issues paper examines the shift in community attitudes towards people with disability since the early 20th century that led to the closure of large institutions. The issues paper notes that despite a shift to 'deinstitutionalisation', concerns for living arrangements for people with disability continue to be raised.

Health

The *Health issues paper* released on 16 December 2019 considers the issue of violence, abuse, neglect and exploitation experienced by people with cognitive disability within the health system. This issues paper notes the importance of health in supporting independence and an inclusive society, and outlines some issues and barriers experienced by people with cognitive disability in their interaction with the health system.

Community forums

For us, after 12 years of very vindictive and negative experiences at every level of government and legal authorities, to have an opportunity to finally be heard and taken seriously is like a ray of sunshine. It was a very pleasant and positive experience considering the trauma most of us have experienced. We don't feel so alone.

Participant at the Hobart community forum, 26 November 2019.

The Royal Commission has held 6 community forums as at 13 December 2019 (1 in Townsville, 2 in Adelaide, 1 in Gawler and 2 in Hobart). Community forums give people the opportunity to share their personal experiences and ideas, including how to better protect, care for, and support people with disability. Community forums are also a way for people to hear about the work of the Royal Commission. The Royal Commission has heard from people with disability, relatives of people with disability, service providers, advocacy groups and lawyers from community legal centres.

The following table provides an overview of participant numbers at each community forum, with an estimate of additional numbers of those who attended without registering.

Location	Participant numbers	Number of speakers	Breakdown of speakers
Townsville	128 registrations Approximately 150 in attendance	14	Speakers included 6 people with disability, 4 parents of children with disability, 3 service providers and 1 advocate
Adelaide Session 1	80 registrations Approximately 90 in attendance	9	Speakers included 4 people with disability, 2 parents of children with disability, 1 support worker and 1 service provider
Adelaide Session 2	80 registrations Approximately 90 in attendance	8	Speakers included 3 people with disability, 1 carer, 4 parents of people with disability
Gawler	54 registrations	12	Speakers included three people with disability, 6 parents of people with disability, 1 advocate and two others.
Hobart Session 1	80 registrations Approximately 85 in attendance	13	Speakers included 2 people with disability, 7 parents of people with disability, one sibling, 1 advocate and 2 others.
Hobart Session 2	44 registrations	5	Speakers included 1 person with disability and 4 others.

The majority of the forums have been fully or over-subscribed, and have attracted a diversity of participants including people with disability, parents including parents of children now deceased and adults who are non-verbal, siblings, carers, advocates and NGOs. The numbers of people registering to speak and share their experiences at community forums range from 6 to 14 and have reflected the diversity of attendees (people with disability, parents, siblings, carers and advocates).

Townsville

The Royal Commission held its first community forum in Townsville on 9 September 2019. Participants raised a number of issues, including:

- violence and abuse in a range of settings
- inadequate service delivery and poor experiences with the NDIS
- barriers to accessing inclusive education for students with disability
- use of restrictive practices and lack of reasonable adjustments in education
- financial exploitation of people with disability living in group homes
- discrimination and harassment in the workplace
- the importance of adequate transport to enable community participation for people with disability and
- inadequate complaints mechanisms and lack of independent oversight.

Adelaide

The Royal Commission held 2 community forums in Adelaide on 12 November 2019. Over the course of both a morning and evening session, participants discussed:

- violence, abuse, neglect and exploitation of people with disability in supported accommodation settings
- the experiences of people with cognitive disability in hospital settings, including the use of physical restraint
- restrictive practices in education and
- discrimination towards children with disability perpetrated by teaching staff.

Gawler

The Royal Commission held a community forum in Gawler on 14 November 2019. The Royal Commission heard participants' experiences of:

- violence, abuse, neglect and exploitation in the health system and in prison and
- violence, abuse, neglect and exploitation perpetrated by carers.

Hobart

The Royal Commission held 2 community forums in Hobart on 26 November 2019. Participants raised a variety of issues, particularly around education, regulation and oversight, and homes and living. Most of those who spoke were parents or carers of people with disability. Issues raised are outlined below.

- Parents spoke on behalf of their children, who experienced abuse, discrimination, and school refusal to accommodate their needs.
- Parents also spoke about their own experiences of abuse and retaliation from schools and even other parents, and becoming regarded as ‘that parent’, due to their advocacy for their children.
- Participants also raised the issue of the NDIS failing to provide supports to students in education settings, and the struggle to hold governments, schools, the NDIS, and service providers accountable for abuses and failures.

Additional information about community forums is available on the [Royal Commission website](#).

Research

The Royal Commission has undertaken a broad and systematic approach to research which has provided a sound basis for the Royal Commission’s inquiry. Research projects currently underway by the Royal Commission include:

- the historical context of disability policy in Australia
- a narrative of events leading to the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability,
- disability language and its meaning for Australians in diverse contexts
- disability language and its meaning for First Nations people
- models and theories of disability and their implications for policy
- an understanding of disability in Australian First Nations culture
- nature and extent of violence, abuse, neglect and exploitation of people with disability
- analysis of the extent to which Australia has implemented key articles of the CRPD
- review of past reports and inquiries relevant to the Royal Commission’s terms of reference to determine which past reports and inquiries in Australia should inform our work, including the extent to which these were successful and the barriers to implementation of past recommendations
- historical review of disability legislation in Australia and
- the development of the CRPD.

Establishment of Royal Commission offices

The Royal Commission has established offices in Sydney, Brisbane, Canberra and Adelaide. These offices represent the Royal Commission's national footprint.

Human Resources snapshot as at 30 November 2019

- Total staff (excluding Commissioners): 137
 - Sydney 66
 - Brisbane 32
 - Canberra 36
 - Other 3
- Staff hired from Affirmative Measures Employment Register: 10
- Staff who identify as having a disability: 18 (13.1%)
- Staff who identify as First Nations: 8 (5.8%)

Counsel Assisting

On 9 September 2019 the Australian Attorney-General appointed the following as Counsel Assisting the Disability Royal Commission:

Rebecca Treston QC

Rebecca Treston is Queens Counsel at the Queensland Bar and, among her many achievements, in November 2018 was elected the Bar Association of QLD's first female President.

Kate Eastman SC

Kate Eastman is Senior Counsel at the NSW Bar and has a distinguished legal career working in human rights law among many other legal disciplines.

Dr Kerri Mellifont QC

Dr Kerri Mellifont is Queens Counsel at the Queensland Bar with a broad range of legal experience including in commission of inquiry work as Senior Counsel in the Queensland Floods Commission in 2011.

Andrew Fraser

Andrew Fraser is a barrister at the Queensland Bar with a practice in aged care law among other legal disciplines and is an accredited Mediator.

Janice Crawford

Janice Crawford has a background as a health care professional and is now a barrister at the Queensland Bar with

experience in coronial inquests and commissions of inquiry and in health law and juvenile justice.

Ben Power

Ben Power is a barrister at the Queensland Bar with experience in commission of inquiry work including the Queensland Floods Commission and in Crime and Corruption Commission work.

Earlier, on 5 July 2019, the Attorney appointed Malcolm Harding, a barrister at the Victorian Bar, as Counsel Assisting the Royal Commission. Mr Harding was appointed Senior Counsel on 23 October 2019 and has a very strong disability background having worked in employment and industrial law and anti-discrimination law.

These counsel will undertake Counsel Assisting work for public hearings as instructed by the Office of Solicitor Assisting. Rebecca Treston QC and Andrew Fraser appeared as Senior and Junior Counsel Assisting respectively at the First Sitting of the Commission on 16 September 2019 in Brisbane. Kerri Mellifont QC, Kate Eastman SC and Andrew Fraser were Counsel Assisting at the Education hearing of the Royal Commission in Townsville. Kate Eastman SC, Malcolm Harding SC and Andrew Fraser were Counsel Assisting the Royal Commission at the Homes and living hearing in Melbourne on 2 – 6 December 2019.

Addressing conflicts of interest

It is essential that the Royal Commission discharge its responsibilities independently, thoroughly and transparently with the confidence of the disability community and the public. The Royal Commission policy addressing conflicts of interest can be found on the [Royal Commission website](#).

Activities in 2020

The Royal Commission will be undertaking a range of work in 2020, including hearings, community forums, community engagement, release of issues papers and delivery of its Interim Report in October 2020. Commissioners will continue to lead and drive the work of the Royal Commission, and in 2020 will begin the important task of holding private sessions.

The Royal Commission will employ a number of engagement methods to ensure we are accessible and meet the needs of people with disability, stakeholders and communities.

- A range of hearings will take place around the country, the first of which will be held in Western Sydney, New South Wales in February 2020. This hearing will consider access for people with cognitive disability to health services and the outcomes from their interactions with health services. Other hearings will follow including further hearings focusing on education and homes and living for people with disability, as well as hearings considering issues faced by people with cognitive disabilities in the justice system, and First Nations people in remote communities. The Royal Commission will issue a schedule for hearings for the first half of 2020 before the end of 2019.
- A number of community forums will be held in various places across Australia in 2020. Locations will include capital cities where forums have not yet been held as well as regional and remote locations. The first community forum for 2020 is proposed to be held in Queensland in February, with others to follow.
- The Royal Commission will continue to publish issues papers in 2020, designed to highlight broad thematic issues that fall within the terms of reference, and invite responses on those issues. This process is designed to increase the Royal Commission's understanding of particular issues and provide guidance on key lines of inquiry to those making submissions.
- On 13 September 2019, the *Royal Commissions Act 1902* (Cth) was amended and on 19 September 2019 the Royal Commissions Regulations 2019 (Cth) made to authorise the Royal Commission to hold private sessions. From early 2020, the Royal Commission will hold private sessions around Australia to hear directly from people with disability who have experienced violence, abuse, neglect and exploitation. Private sessions enable people to give information to the Royal Commission in a private, safe, and less formal setting than a public hearing. The information gathered during private sessions will be used to inform the Interim and Final Reports of the Royal Commission. Information on how to register for private sessions will be communicated via the Royal Commission website and through other communication channels before registration commences.
- On 9 December 2019, the *National Disability Insurance Scheme Amendment (Streamlined Governance)* Bill 2019 received Royal Assent making it easier for the Royal Commission to obtain, and for both the NDIS Quality and Safeguards Commission and the National Disability Insurance Authority to provide, information that the Royal Commission requires for its inquiry. This will greatly assist the Royal Commission to conduct its work in 2020.

Endnotes

- ⁱTranscript of Mr Colin Hiscoe, Homes and living public hearing, Melbourne, 5 December 2019, 352 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-5-december-2019.pdf>
- ⁱⁱ*Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, UNTS 2515 (entered into force 3 May 2008), article 1.
- ⁱⁱⁱTranscript of Dr Peter Gibilisco, Homes and living public hearing, Melbourne, 2 December 2019, 24 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-2-december-2019.pdf>
- ^{iv}Transcript of Commissioner Andrea Mason OAM, first public sitting, Brisbane, 16 September 2019, 2 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-16-september-2019.pdf>
- ^vTranscript of Commissioner Alistair McEwin AM, first public sitting, Brisbane, 16 September 2019, 16 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-16-september-2019.pdf>
- ^{vi}Transcript of Loren Maree Swancutt, Education public hearing, Townsville, 6 November 2019, 229 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-6-november-2019.pdf>.
- ^{vii}Gatekeeping refers to the formal denial of access or informal discouragement of children with disability attending their school of choice. This could include refusing to enrol a child with disability, only offering part-time hours, encouraging enrolment in segregated education settings or encouraging home-schooling.
- ^{viii}Transcript of Jane Rosengrave, Homes and living hearing in Melbourne, 2 December 2019, 65 <www.disability.royalcommission.gov.au/hearings/Documents/transcripts/transcript-2-december-2019.pdf>



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