

We Belong Here: Our nation must end exclusionary systems that harm people with disability

Background

People with Disability Australia's submission *We Belong Here: Our Nation Must End Exclusionary Systems that Harm People with Disability* was made in response to the [Promoting Inclusion Issues Paper](#) released by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) in December 2020.

Discussion

PWDA's July 2021 submission argues that *authentic inclusion* must include ending the *exclusion* people with disability face in everyday life on Australia's shores.

That exclusion involves the use of exclusionary systems, such as the segregated workplaces run by Australian disability enterprises (ADEs), and so-called special schools for students with disability.

People with disability experience violence, abuse, neglect and exploitation in these segregated spaces, both because people are vulnerable, and vulnerable in these settings, and because they are secreted away places where minimum standards of behaviour are less likely to be enforced. Our human rights are breached in these settings and are breached by their very existence.

These are spaces where *inclusion* is talked about but does not exist authentically. Instead, these are places where a *predatory tokenism* is adopted, where *ingrained ableism* allows abuses such as below-minimum-wage hourly rates and unreported sex crimes to continue, benefitting people such as business honours while allowing harm against people with disability to go unchecked.

The exclusion people with disability experience extends to our decision-making, with Australia having a web of *guardianship* and *substituted decision-making regimes* in place that breach Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Human rights-breaching exclusion is particularly allowed under Australia's interpretive declaration on the CRPD and this must end. The declaration must be revoked, forcing a termination of the guardianship laws that have allowed many

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abuses against people with disability in breach of their human rights, including forced sterilisation and abortion.

Recommendations

In our submission, we examine the ways in which people with disability are excluded across the social spectrum, and how our exclusion promotes violence, abuse, neglect and exploitation.

We also present strategies for moving beyond tokenistic gestures that fall short on real action to address the exclusion of people with disability, realising *authentically inclusive practice* via a human rights framework that prioritises equity and social justice.

We make key recommendations to the Royal Commission on what commissioners should recommend to the Australian Government. Our recommendations provide a simple way forward for ending exclusion and working towards real, authentic inclusion.

Recommendation 1 – Australia must make genuine efforts to fully implement the CRPD.

Australia must make genuine efforts to fully implement the CRPD and meet its CRPD obligations. The nation must enshrine the ideals of the convention across the policy sector. The guiding principles¹ of the CRPD cite inclusion as an essential part of the framework guiding its operation.

As a signatory to the CRPD, Australia has a responsibility to make concerted efforts toward dislodging exclusionary thinking and practice, to enact inclusive policy, and reframe a wider culture of consciousness about disability.

People with disability must have equal recognition before the law and enjoy all rights and freedoms on an equitable basis with others.

The human rights of people with disability must be acknowledged, normalised and enacted.

¹ United Nations, [Guiding principles of the convention](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/guiding-principles-of-the-convention.html), *United Nations Convention on the Rights of People with Disability*, United Nations, 2006, accessed 5 July 2021.
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/guiding-principles-of-the-convention.html>

Recommendation 2 – Australia must revoke its interpretive declarations on the CRPD.

Australia must revoke its interpretive declarations on the CRPD to ensure people with disability can fully enjoy our human rights. There can be no equivocation or exceptions made when it comes to the implementation of our human rights. The interpretive declarations to the CRPD must be revoked.

Recommendation 3 – Australia must invest in the authentic inclusion of people with disability at all levels of decision-making.

Australia must invest in the authentic inclusion of people with disability at all levels of decision-making. The CRPD affirms that our inclusion must be integrated far more widely across social interfaces and intersections. Australia must ensure inclusion is authentic on its shores.

Recommendation 4 – Australia must end segregated systems.

Australia must end its segregated systems that include segregated schools and workplaces.

The nation must develop plans to end or phase out all segregated systems for people with disability, with a focus on broadening the scope of mainstream systems to become fully, authentically inclusive and accessible.

Recommendation 5 – Australia must end the outsourcing of decision-making for people with disability.

Australia must end the outsourcing of decision-making for people with disability. People with disability must be empowered systemically to make our own decisions, with an end to restrictive guardianships, mental health orders, and an end to policy that leaves us out of decision-making processes relating to our own lives.

Recommendation 6 – Australia must improve staff training for planners and reviewers.

Australia must improve staff training for government-appointed planners and reviewers.

Whether at Centrelink or the National Disability Insurance Agency, staff members responsible for making major decisions about the supports that people with disability



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have access to need fit-for-purpose training to avoid causing harm or trauma via uninformed or unintentionally biased (ableist) decision-making and decision-making practices.

Recommendation 7 – Australia must legislate for the longevity and stability of lifelong supports.

Australia must legislate for the longevity and stability of lifelong supports. Australian government agencies responsible for managing disability support must identify where supports are going to be needed long term and keep accurate records to ensure lifelong supports are not subjected to unnecessary and traumatic review processes.

Contact Person:

Giancarlo de Vera, Senior Manager of Policy
giancarlod@pwd.org.au
0413 135 731