
SUBMISSION - 30 June 2011

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Chairperson
Scrutiny of Acts and Regulations Committee

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Mr Laurie Harkin
Disability Services Commissioner

Submission to the Scrutiny of Acts and Regulations Committee
Victorian Disability Services Commissioner, June 2011
Victorian Disability Services Commissioner – June 2011

1. Background

The Victorian Disability Services Commissioner (DSC) commenced operation on 1 July 2007 under the Disability Act 2006 (the Disability Act) to improve services for people with a disability in Victoria.

This independent statutory office works with people with a disability and disability service providers in Victoria to resolve complaints.

The DSC complaints resolution process is free, confidential and supportive and we encourage and assist the resolution of complaints in a variety of ways including discussions, conciliation processes, or under certain circumstances through investigations. Since commencement, the office has responded to approximately 2000 matters. Any feedback or commentary given by DSC in its submission is given taking into account the experiences gained to date.

Victorian disability service providers readily contribute to DSC’s growing body of knowledge by reporting each year on the number and types of complaints they receive and how they were resolved. This information is used to identify systemic issues and inform the ongoing development of the disability service system.

Informing our submission to this review of the Charter of Human Rights and Responsibilities Act 2006 (the Charter) are both the themes and conclusions DSC has drawn from disability service provider’s complaint reporting data and our own experience of complaints brought to this office. DSC has also drawn from the experience of reporting each year to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) on the impact of the Charter on the work of this office and our analysis of the human rights issues identified in DSC complaint data.

The following comments and areas for further consideration are provided with the aim of promoting and protecting the rights of people with a disability and achieving improved outcomes.

2. Key questions addressed by this submission

We note the breadth of the Terms of Reference of this review and the important considerations in each of the questions posed by the review. We have focused on aspects related to the work and experiences of this office, and limited our comments to the following questions:

Q5. What have been the effects of the Charter Act on –
   (c) the provision of services, and the performance of other functions, by public authorities;

Q6. What if any, have been the overall benefits and costs of the Charter?
3. **Response to specific Terms of Reference of this review:**

The following comments and examples have been drawn from experience in dealing with enquiries and complaints about disability services.

3.1 **Response to question 5(c) in the Terms of Reference:**

5. *What have been the effects of the Charter Act on –

(c) the provision of services, and the performance of other functions, by public authorities;*

The purpose of the Disability Act as set out in section 1 was to enact a new legislative scheme for persons with a disability which reaffirms their rights and responsibilities. This legislation includes a specific objective at section 4(d) to promote and protect the rights of people accessing disability services and sets out key rights for people with a disability in the principles at section 5. As DSC was established and operates under this legislation the performance of DSC functions has reflected this focus on the rights of people with a disability. Section 5(5) of the Disability Act also sets out the intention that the principles specified in this section should wherever possible be given effect in the administration of this Act and in the provision of disability services.

There is an alignment between the purpose in section 1(2) of the Charter to protect and promote human rights and the purpose, objectives and principles of the Disability Act. As a public authority, DSC is obliged to act in a way that is compatible with human rights and to interpret statutory provisions in a way that is compatible with human rights as far as is possible. The Charter was used as a reference in the development of DSC’s values and principles, which guide the approach taken to all aspects of the work of the office. These values and principles are ‘consistent with the principles contained within the Disability Act 2006, the State Disability Plan 2002-2012, the Charter of Human Rights and Responsibilities Act 2006 and UN Convention on the Rights of Persons with Disabilities’.\(^1\) The Charter has informed and influenced the approaches developed for the performance of the functions of DSC.

DSC seeks to promote human rights through complaint resolution, education and capacity development activities with people with a disability, service providers and other stakeholder groups. In reviewing and reporting on the operation of the Charter over the past four years, our office has identified ways in which the Charter has provided additional strength to the objectives and principles of the Disability Act. The Charter does this by setting out key human rights which should be upheld and promoted in the provision of services to people with a disability and by locating the specific rights set out in the Act within the broader human rights that apply to all Victorians.

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\(^1\) Disability Services Commissioner Strategic Plan 2008-2012.

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In carrying out the functions of assessing and attempting to resolve complaints, DSC considers whether there are potential breaches of Charter or incompatibility of service practices with charter rights. These matters often deal with issues relating to choice, security and liberty of people with a disability who experience limitations in autonomy and decision making.

In the two reports provided to VEOHRC on the operation of the Charter (November 2009 and November 2010 respectively), DSC reported on increasing numbers of complaints in which human rights issues have been identified by either the person making the complaint or in DSC’s assessment of the issues presented. In the period 1 January 2009 to 31 October 2009, 29 of 445 matters were identified as raising potential breaches or incompatibility of service practices with the Charter as part of the complaint. In the following reporting period of 1 January 2010 to 26 November 2010, 46 of 580 matters were identified as representing issues of human rights under the Charter. This increase may be explained by increasing awareness and consideration of the Charter by both DSC officers and within the disability sector.

The human rights issues that have been identified in DSC complaints have included the following rights set out in the Charter:

- Right to be free from discrimination [s8(2)]
- Protection from torture, and cruel, inhuman or degrading treatment [s10]
- Right to liberty and security of person [s21]
- Freedom of movement including the freedom to choose where to live [s12]
- Right to privacy and reputation [s13]
- Protection of families and children [s17]
- Taking part in public life [s18]
- Cultural rights, including right to use his or her own language [s19]
- Property rights [s20]
- Humane treatment when deprived of liberty [s22]

Specific examples of human rights issues that have been identified in complaints to DSC have included:

- **Safety in shared supported accommodation**: issues where the well being and safety of residents of shared supported accommodation were compromised through the impact of behaviours, alleged assault or abuse by co-residents or staff [s21 (1) - right to liberty and security of person & s10- protection from torture, and cruel, inhuman or degrading treatment];

- **Decisions to relocate residents**: decisions made to relocate residents of shared supported accommodation which could effectively dislocate them from their local community and limit their choice of residence [s12- the right to choose where to live];
• Restrictive practices in shared supported accommodation: issues where the quality of life of residents of shared supported accommodation were impacted by restrictions such as locked doors or locked fridges to manage a co-resident’s behaviours of concern [s12 freedom of movement including the freedom to choose where to live and 21(1) right to security and liberty of the person];

• Requirement for a person to leave their home to access supports: issues where a person had to leave her home and pet for periods in order to receive necessary support in respite care, due to deficiencies in the level of available in-home support [s12 the right to choose where to live];

• Shared bedrooms in supported accommodation: issues where residents were denied the right of privacy, sense of safety and choice through having to share a bedroom in a shared supported accommodation or supported residential service [s12- freedom of movement, 21 (1)- right to liberty and security of person and s13-right to privacy];

• Restrictions on a family’s communication with direct care staff: issues where a service provider restricted direct communication between parents and staff of their adult child’s shared supported accommodation in order to manage the perceived negative impact on the service [s17- right of protection of families];

• Restrictions on family visits: restrictions placed on family visits to a child in respite care [s17 – right to protection of families];

• Protection of a person’s privacy and possessions: disputes between family members and the service provider about access to a service user’s room and personal items [s13- right to privacy and s20- property rights];

• Access to Auslan support workers: issues where a deaf person was not able to access sufficient support from carers competent in Auslan [s8(2)- the right to be free from discrimination and s19-right to use his or own language];

• Access to Auslan interpreters and justice: concerns that a person with an intellectual disability who communicates in Auslan was not being interviewed as part of an investigation into alleged abuse [s8- right to be free from discrimination & s19- right to equality before the law and to use own language]

• Use of anti-libido medication: concerns about use of anti-libido medication to control behaviours of concern [s10- right not to be treated in a cruel, inhuman or degrading way or subjected to medical treatment without consent];
Right to privacy whilst bathing: conflict between a person’s right to privacy whilst having a bath and an OH&S view of the application of a duty of care to protect the person from risks [s13- right to privacy];

Threats of relinquishment of children: issues where parents have threatened to leave children in respite in order to access support or accommodation [s17- protection of families and children];

Alleged abuse and exploitation in private accommodation: concerns around alleged abuse/exploitation of people in private rental accommodation [s10- Protection from torture, cruel, inhuman or degrading treatment and 21(1) right to security and liberty of person];

Alleged mistreatment of students with a disability: alleged mistreatment of a child by integration aid at a school [s10- right not to be treated in a cruel, inhuman or degrading way];

Confidentiality about an incident: disputes over the right of a person with an intellectual disability to request that his parents not to be informed of an incident [s13- right to privacy and reputation];

Right to sexual expression: disputes over the right of a person with an intellectual disability to be assisted with planning and support in relation to sexual expression and relationships [s15-right to freedom of expression];

Assistance for independent living: issues where a provider refused to provide assistance with meal preparation on the basis that meals on wheels was available which the person felt to be degrading and not appropriate to their needs and wishes [s10- right not to be treated in a cruel, inhuman or degrading way];

Choice in living situation: concerns regarding the negative impact on a person’s mental health as a consequence of lack of choice of living situation [s12- freedom to choose where want to live].

In summary, the Charter’s impact on DSC’s approach to complaint resolution has developed over time. We have witnessed increased awareness and receptivity by disability service providers to understanding specific complaint issues within broader human rights considerations such as those outlined above.

DSC has sought to enhance the disability sector’s understanding of the Charter through complaint resolution, education and capacity development activities, particularly in terms of what human rights compliance means in practice for all aspects of disability service provision. As part of DSC’s role in ensuring registered disability service providers have effective person centred complaint management systems and
cultures in place, a Good practice guide and self audit tool\(^2\) was developed as a resource for providers. Specific attention was given to the Charter in the guide. This included a checklist for providers to use in considering how a proposed resolution to a complaint could be assessed in relation to Charter requirements.

The work of the Office of the Senior Practitioner\(^3\) has also drawn particular attention to the engagement of human rights in respect to restrictive practices in the disability sector, which has served to increase the sector’s general awareness and understanding of the Charter. In response to referrals from DSC, the Senior Practitioner has conducted service reviews which have included an assessment of particular human rights issues in the Charter. These assessments have contributed to engaging service providers to resolve complaints in a way which pays attention to the human rights of the person receiving the service.

The impact of the Charter has been influential in terms of creating cultural change and greater awareness of the need for considerations of human rights to underpin the practices and decisions within disability service provision. Human rights are now becoming part of the language of disability service provision in a way that was not previously evident. Over the past four years, human rights have received increased attention by service providers, peak bodies and professional associations in the disability services sector, as indicated by the focus on human rights at this year’s DPV/NDS conference\(^4\) (Disability Professionals Victoria/National Disability Services). This conference included panel discussions and workshops on ways of ensuring that human rights are upheld in disability service provision, and a human rights approach is embedded into day to day practice and service delivery. Disability self-advocacy groups have also highlighted the Charter in training and advocacy for people with a disability to understand and assert their rights. Examples include the ‘My Rights Training Program’ developed and delivered by VALID which features the Charter throughout the program and aims to:

"support people with a disability:
-To understand their rights as human beings and citizens with dignity and worth
-To understand their rights under the Disability Act 2006".\(^5\)

This program draws on the United Nations Convention of the Rights of People with Disabilities 2006 and the Charter to support people with a disability to understand their rights as human beings and citizens.

### 3.2 Response to question 6 in the Terms of Reference:


\(^4\) [www.strengthtostrengthconference.com/](http://www.strengthtostrengthconference.com/)

\(^5\) Victorian Advocacy League for Individuals with Disability Inc (VALID) ‘MY RIGHTS Training Program’ Developed by VALID and funded by the Office of Senior Practitioner 2009 [www.valid.org.au](http://www.valid.org.au)

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6. What if any, have been the overall benefits and costs of the Charter?

We have observed the following benefits for people with a disability and
disability service provision:

I. The Charter strengthens the specific rights set out in the
Disability Act by locating these within the broader human
rights context for all Victorians:

As the specific rights set out in section 5 of the Disability Act cannot cover
all the potential infringements of rights experienced by a person receiving
disability services, the Charter provides additional strength to the
objectives and principles of this Act by setting out key human rights which
should be upheld and promoted in the provision of disability services. Our
office has found it beneficial to draw attention to the impacts on the
broader human rights in the Charter in order to engage service providers
to resolve complaints in a way which pays attention to the person’s rights
as both a service user and a citizen.

II. The Charter promotes cultural change, education and
increased awareness of human rights:

The existence of the Charter as a statute has been an impetus for cultural
change and increased community awareness of human rights. Our office
has witnessed increased awareness and consideration of human rights
within disability service provision since the Charter has been in existence.

III. The Charter provides a clear framework to inform policies
and practice:

Our office has found it beneficial to refer disability service providers to the
Charter as a key consideration in developing an effective complaints
management system. Specific attention is given to the Charter in the
Good practice guide and self audit tool\textsuperscript{6} which was produced as a resource
for disability service providers for developing effective approaches to
complaint resolution. This guide includes a checklist for providers to use in
considering how a proposed resolution to a complaint could be assessed in
relation to human rights impacts. As mentioned above, service providers,
peak bodies and professional associations in the disability services sector
have looked increasingly towards the Charter to inform policies and
practices, as evidenced by workshops and presentations at this year’s
DPV/NDS conference\textsuperscript{7} (Disability Professionals Victoria/National Disability
Services).

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\textsuperscript{6} See Chapter 5 Good practice guide and self audit tool: Developing an effective person
centred complaints management culture and system’ Office of the Disability Services

\textsuperscript{7} www.strengthtonstrengthconference.com/

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IV. The reporting requirements of the Charter promotes the identification of systemic issues within a human rights framework:

DSC has responded to reporting requirements of the Charter by requiring officers to consider and record any human rights identified in complaints made to DSC. This data is analysed and considered as part of the Disability Services Commissioner's function of identifying systemic causes of complaints, and the Charter has been beneficial in promoting the identification of systemic issues within a human rights framework.

4. Conclusion/Recommendations

In conclusion, DSC commends the Committee's consideration to the effects and benefits of the Charter that this office has observed for people with a disability and disability service provision.

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Mr Laurie Harkin
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Victorian Disability Services Commissioner – June 2011

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Victorian disability service providers readily contribute to DSC’s growing body of knowledge by reporting each year on the number and types of complaints they receive and how they were resolved. This information is used to identify systemic issues and inform the ongoing development of the disability service system.

Informing our submission to this review of the Charter of Human Rights and Responsibilities Act 2006 (the Charter) are both the themes and conclusions DSC has drawn from disability service provider’s complaint reporting data and our own experience of complaints brought to this office. DSC has also drawn from the experience of reporting each year to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) on the impact of the Charter on the work of this office and our analysis of the human rights issues identified in DSC complaint data.

The following comments and areas for further consideration are provided with the aim of promoting and protecting the rights of people with a disability and achieving improved outcomes.

2. Key questions addressed by this submission

We note the breadth of the Terms of Reference of this review and the important considerations in each of the questions posed by the review. We have focused on aspects related to the work and experiences of this office, and limited our comments to the following questions:
Q5. What have been the effects of the Charter Act on –

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Q6. What if any, have been the overall benefits and costs of the Charter?

3. Response to specific Terms of Reference of this review:

The following comments and examples have been drawn from experience in dealing with enquiries and complaints about disability services.

3.1 Response to question 5(c) in the Terms of Reference:

5. What have been the effects of the Charter Act on –

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The purpose of the Disability Act as set out in section 1 was to enact a new legislative scheme for persons with a disability which reaffirms their rights and responsibilities. This legislation includes a specific objective at section 4(d) to promote and protect the rights of people accessing disability services and sets out key rights for people with a disability in the principles at section 5. As DSC was established and operates under this legislation the performance of DSC functions has reflected this focus on the rights of people with a disability. Section 5(5) of the Disability Act also sets out the intention that the principles specified in this section should wherever possible be given effect in the administration of this Act and in the provision of disability services.

There is an alignment between the purpose in section 1(2) of the Charter to protect and promote human rights and the purpose, objectives and principles of the Disability Act. As a public authority, DSC is obliged to act in a way that is compatible with human rights and to interpret statutory provisions in a way that is compatible with human rights as far as is possible. The Charter was used as a reference in the development of DSC’s values and principles, which guide the approach taken to all aspects of the work of the office. These values and principles are ‘consistent with the principles contained within the Disability Act 2006, the State Disability Plan 2002-2012, the Charter of Human Rights and Responsibilities Act 2006 and UN Convention on the Rights of Persons with Disabilities’. The Charter has informed and influenced the approaches developed for the performance of the functions of DSC.

DSC seeks to promote human rights through complaint resolution, education and capacity development activities with people with a disability, service providers and other stakeholder groups. In reviewing and reporting on the operation of the Charter over the past four years, our office has identified ways in which the Charter has provided additional strength to the objectives and

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1 Disability Services Commissioner Strategic Plan 2008-2012.
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principles of the Disability Act. The Charter does this by setting out key human rights which should be upheld and promoted in the provision of services to people with a disability and by locating the specific rights set out in the Act within the broader human rights that apply to all Victorians.

In carrying out the functions of assessing and attempting to resolve complaints, DSC considers whether there are potential breaches of Charter or incompatibility of service practices with charter rights. These matters often deal with issues relating to choice, security and liberty of people with a disability who experience limitations in autonomy and decision making.

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The human rights issues that have been identified in DSC complaints have included the following rights set out in the Charter:

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- Cultural rights, including right to use his or her own language [s19]
- Property rights [s20]
- Humane treatment when deprived of liberty [s22]

Specific examples of human rights issues that have been identified in complaints to DSC have included:

- **Safety in shared supported accommodation**: issues where the well being and safety of residents of shared supported accommodation were compromised through the impact of behaviours, alleged assault or abuse by co-residents or staff [s21 (1) - right to liberty and security of person & s10- protection from torture, and cruel, inhuman or degrading treatment ];

- **Decisions to relocate residents**: decisions made to relocate residents of shared supported accommodation which could effectively dislocate them from their local community and limit their choice of residence [s12- the right to choose where to live];
- **Restrictive practices in shared supported accommodation**: issues where the quality of life of residents of shared supported accommodation were impacted by restrictions such as locked doors or locked fridges to manage a co-resident’s behaviours of concern [s12 freedom of movement including the freedom to choose where to live and 21(1) right to security and liberty of the person];

- **Requirement for a person to leave their home to access supports**: issues where a person had to leave her home and pet for periods in order to receive necessary support in respite care, due to deficiencies in the level of available in-home support [s12 the right to choose where to live];

- **Shared bedrooms in supported accommodation**: issues where residents were denied the right of privacy, sense of safety and choice through having to share a bedroom in a shared supported accommodation or supported residential service [s12- freedom of movement, 21 (1)- right to liberty and security of person and s13- right to privacy];

- **Restrictions on a family’s communication with direct care staff**: issues where a service provider restricted direct communication between parents and staff of their adult child’s shared supported accommodation in order to manage the perceived negative impact on the service [s17-right of protection of families];

- **Restrictions on family visits**: restrictions placed on family visits to a child in respite care [s17 – right to protection of families];

- **Protection of a person’s privacy and possessions**: disputes between family members and the service provider about access to a service user’s room and personal items [s13- right to privacy and s20- property rights];

- **Access to Auslan support workers**: issues where a deaf person was not able to access sufficient support from carers competent in Auslan [s8(2)- the right to be free from discrimination and s19- right to use his or own language];

- **Access to Auslan interpreters and justice**: concerns that a person with an intellectual disability who communicates in Auslan was not being interviewed as part of an investigation into alleged abuse [s8- right to be free from discrimination & s19- right to equality before the law and to use own language]

- **Use of anti-libido medication**: concerns about use of anti-libido medication to control behaviours of concern [s10- right not to be treated in a cruel, inhuman or degrading way or subjected to medical treatment without consent];

- **Right to privacy whilst bathing**: conflict between a person’s right to privacy whilst having a bath and an OH&S view of the application of a duty of care to protect the person from risks [s13- right to privacy];
• **Threats of relinquishment of children**: Issues where parents have threatened to leave children in respite in order to access support or accommodation [s17 - protection of families and children];

• **Alleged abuse and exploitation in private accommodation**: Concerns around alleged abuse/exploitation of people in private rental accommodation [s10 - Protection from torture, cruel, inhuman or degrading treatment and 21(1) right to security and liberty of person];

• **Alleged mistreatment of students with a disability**: Alleged mistreatment of a child by integration aid at a school [s10 - right not to be treated in a cruel, inhuman or degrading way];

• **Confidentiality about an incident**: Disputes over the right of a person with an intellectual disability to request that his parents not to be informed of an incident [s13 - right to privacy and reputation];

• **Right to sexual expression**: Disputes over the right of a person with an intellectual disability to be assisted with planning and support in relation to sexual expression and relationships [s15 - right to freedom of expression];

• **Assistance for independent living**: Issues where a provider refused to provide assistance with meal preparation on the basis that meals on wheels was available which the person felt to be degrading and not appropriate to their needs and wishes [s10 - right not to be treated in a cruel, inhuman or degrading way];

• **Choice in living situation**: Concerns regarding the negative impact on a person's mental health as a consequence of lack of choice of living situation [s12 - freedom to choose where want to live].

In summary, the Charter’s impact on DSC’s approach to complaint resolution has developed over time. We have witnessed increased awareness and receptivity by disability service providers to understanding specific complaint issues within broader human rights considerations such as those outlined above.

DSC has sought to enhance the disability sector’s understanding of the Charter through complaint resolution, education and capacity development activities, particularly in terms of what human rights compliance means in practice for all aspects of disability service provision. As part of DSC’s role in ensuring registered disability service providers have effective person-centred complaint management systems and cultures in place, a *Good practice guide and self audit tool* was developed as a resource for providers. Specific attention was given to the Charter in the guide. This included a checklist for providers to use

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2 *Good practice guide and self audit tool*: Developing an effective person centred complaints management culture and system; Office of the Disability Services Commissioner 2009
in considering how a proposed resolution to a complaint could be assessed in relation to Charter requirements.

The work of the Office of the Senior Practitioner\(^3\) has also drawn particular attention to the engagement of human rights in respect to restrictive practices in the disability sector, which has served to increase the sector’s general awareness and understanding of the Charter. In response to referrals from DSC, the Senior Practitioner has conducted service reviews which have included an assessment of particular human rights issues in the Charter. These assessments have contributed to engaging service providers to resolve complaints in a way which pays attention to the human rights of the person receiving the service.

The impact of the Charter has been influential in terms of creating cultural change and greater awareness of the need for considerations of human rights to underpin the practices and decisions within disability service provision. Human rights are now becoming part of the language of disability service provision in a way that was not previously evident. Over the past four years, human rights have received increased attention by service providers, peak bodies and professional associations in the disability services sector, as indicated by the focus on human rights at this year’s DPV/NDIS conference\(^4\) (Disability Professionals Victoria/National Disability Services). This conference included panel discussions and workshops on ways of ensuring that human rights are upheld in disability service provision, and a human rights approach is embedded into day to day practice and service delivery. Disability self-advocacy groups have also highlighted the Charter in training and advocacy for people with a disability to understand and assert their rights. Examples include the ‘My Rights Training Program’ developed and delivered by VALID which features the Charter throughout the program and aims to:

"support people with a disability:
-To understand their rights as human beings and citizens with dignity and worth
-To understand their rights under the Disability Act 2006".\(^5\)

This program draws on the United Nations Convention of the Rights of People with Disabilities 2006 and the Charter to support people with a disability to understand their rights as human beings and citizens.

3.2 Response to question 6 in the Terms of Reference:

6. What if any, have been the overall benefits and costs of the Charter?
We have observed the following benefits for people with a disability and disability service provision:

I. The Charter strengthens the specific rights set out in the Disability Act by locating these within the broader human rights context for all Victorians:

\(^3\) www.dhs.vic.gov.au/disability/about_the_division/office_of_the_senior_practitioner
\(^4\) www.strengthtofstrengthconference.com/
\(^5\) Victorian Advocacy League for Individuals with Disability Inc (VALID) ‘MY RIGHTS Training Program’ Developed by VALID and funded by the Office of Senior Practitioner 2009 www.valid.org.au

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As the specific rights set out in section 5 of the Disability Act cannot cover all the potential infringements of rights experienced by a person receiving disability services, the Charter provides additional strength to the objectives and principles of this Act by setting out key human rights which should be upheld and promoted in the provision of disability services. Our office has found it beneficial to draw attention to the impacts on the broader human rights in the Charter in order to engage service providers to resolve complaints in a way which pays attention to the person’s rights as both a service user and a citizen.

II. The Charter promotes cultural change, education and increased awareness of human rights:

The existence of the Charter as a statute has been an impetus for cultural change and increased community awareness of human rights. Our office has witnessed increased awareness and consideration of human rights within disability service provision since the Charter has been in existence.

III. The Charter provides a clear framework to inform policies and practice:

Our office has found it beneficial to refer disability service providers to the Charter as a key consideration in developing an effective complaints management system. Specific attention is given to the Charter in the Good practice guide and self audit tool\(^6\) which was produced as a resource for disability service providers for developing effective approaches to complaint resolution. This guide includes a checklist for providers to use in considering how a proposed resolution to a complaint could be assessed in relation to human rights impacts. As mentioned above, service providers, peak bodies and professional associations in the disability services sector have looked increasingly towards the Charter to inform policies and practices, as evidenced by workshops and presentations at this year’s DPV/NDS conference\(^7\) (Disability Professionals Victoria/National Disability Services).

IV. The reporting requirements of the Charter promotes the identification of systemic issues within a human rights framework:

DSC has responded to reporting requirements of the Charter by requiring officers to consider and record any human rights identified in complaints made to DSC. This data is analysed and considered as part of the Disability Services Commissioner’s function of identifying systemic causes of complaints, and the Charter has been beneficial in promoting the identification of systemic issues within a human rights framework.

4. Conclusion/ Recommendations

In conclusion, DSC commends the Committee’s consideration to the effects and benefits of the Charter that this office has observed for people with a disability and disability service provision.

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\(^7\) www.strengthtostrengthconference.com/

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