

## **Queenslanders with Disability Network Queensland State Election Platform 2017**

Queenslanders with Disability Networks' (QDN) state election platform focuses on the responsibility of the Queensland Government in delivering and funding essential accessible, affordable and quality Government and community mainstream services to people with disability, and its critical role in fostering full inclusion and participation of people with disability in the economic, social, civic and cultural life of Queensland.

QDN calls on the future Queensland Government to commit to advancing a shared vision for Queensland, to listen, act and work together with people who experience disadvantage in our community, including people with disability and their families and carers. QDN along with Queensland Peak organisations, our allies and supporters and the broader community call on the incoming Queensland Government to work together with us all to design systemic change that will meet the needs of Queenslanders.

The platform identifies QDN's six areas for priority commitment from candidates in the Queensland election. These are informed from our 2017 statewide member survey with QDN members providing feedback that these are their key priority policy areas and critical issues impacting upon their lives.

Almost 1 in every 5 Queenslanders have a disability, that's almost 900,000 people, and only approximately 91,000 of these people are expected to enter the National Disability Insurance Scheme (NDIS) as participants in Queensland by July 2019. ([ABS 2012](#))

The Queensland State Disability Plan 2017-2020 "[All Abilities Queensland: Opportunities for all](#)" outlines key goals and strategies for building a fairer and more inclusive Queensland, where people with disability and their families and carers are able to access opportunities on the same basis as everyone else.

QDN calls on the future Queensland Government to develop a detailed action and implementation plan for the Queensland State Disability Plan outlining how these aspirations are going to be achieved. It is a time of transformational change as we transition to the NDIS and operate in an ever changing policy environment. The recently released Productivity Commission Report – NDIS Costs provides a range of recommendations, particularly around participant readiness and market stewardship, scheme supports, benefits and eligibility and the boundary interface issues with mainstream services.

All Queenslanders with disability want to access quality services and support, and participate and live in an inclusive and accessible community as equal citizens.

All Queenslanders with disability access services and infrastructure that sits within the responsibility of the Queensland Government. People with disability continue to access mainstream government services like health, housing, transport, disability and community services, police, courts, domestic and family violence services, sports, arts, recreation, tourism, the digital world, schools, training and education, and employment.

People with disability will need continued support and advocacy to be able to continue to access mainstream services.

It is essential that the Queensland Government continue to engage people with disability to deliver citizen-led policy development. Engagement with people with disability in the planning, design, delivery and evaluation of all State Government portfolio areas will deliver inclusive and accessible policy, services and systems and better outcomes for Government and Queenslanders. It is also essential that Government invest in the leadership and capacity of people with disability to be able to engage and represent as consumers of services.

QDN is a statewide network of, for, and by people with disability, with over 1800 members and supporters across Queensland, and delivering on a range of projects to inform policy and deliver better outcomes for people with disability. Our motto is “nothing about us without us.”

QDN calls upon candidates to adopt the recommendations in the platform, to lead with vision, to listen and act together and, if successful, to begin the job of implementing them immediately after the election.

# 1. National Disability Insurance Scheme (NDIS)

QDN calls on candidates to:

1. **Commit to re-negotiation of existing bilateral arrangements with the Commonwealth around NDIS implementation in Queensland**
2. **commit to further investment in a range of participant and sector readiness initiatives, independent advocacy support and marketplace stewardship.**

**These are vital to ensure the scheme delivers improved outcomes for Queenslanders with disability and families/carers.**

## Queensland now

The NDIS offers great opportunity and gives people with disability and their families/carers choice and control over how, when and where they receive supports. However, some people with disability and their families are experiencing a range of challenges around their NDIS planning and their subsequent plan activation, plan utilization and plan reviews.

The *National Disability Strategy 2010-2020* provides the overarching policy framework to create an inclusive society that enables people with disability to fulfil their potential as equal citizens. The NDIS is a key component of this which includes reasonable and necessary support for individuals, as well as Information, Linkages and Capacity Building (ILC).

ILC is a critical part of the successful implementation of the NDIS, and core to achieving the goals of the *National Disability Strategy*, the Queensland State disability plan 2017-2020 “All Abilities Queensland: Opportunities for all”.

**Up to 91,000 Queensland people with disability will access the NDIS in Queensland, and of this, approximately 45,000 are currently without funded services and support. As such, they will be new to the service system.**

The 50% of people without current services have been waiting a long time to access support they need to live their lives. Many are in critical and urgent need of essential supports or in inappropriate living arrangements, not of their choosing, because they have no funded supports.

### Year 1 Transition Data for Queensland highlights:

- Overall, the numbers of participants entering the scheme are lower than estimated.
- Existing funded clients have been quicker to enter the scheme whereas unfunded new participants are entering at a much slower rate.

(Reference Queensland Government – The NDIS in Queensland Rollout Data and trends)

The recently released Productivity Commission Report – NDIS Costs, provides a range of recommendations about the on-going rollout of the scheme. In particular it has recommendations around roll-out timeframes, participant readiness and market stewardship, scheme supports, benefits and eligibility and boundary interface issues with state mainstream services.

Successful NDIS implementation relies on people with disability having appropriate information, in user-friendly formats, to explain the NDIS and ‘what’s in it for participants’ in signing up for the

scheme. As such, people need planning and participant readiness opportunities, as well as appropriate pathways to meet their diverse engagement and access requirements. This is critical for 'harder to reach' groups - people with disability who experience additional disadvantage as they are socially isolated, homeless, living in caravan parks, supported accommodation facilities, and/or exiting the child safety and criminal justice systems. This includes people with cognitive impairment, psychosocial disability and people with disability from Culturally and Linguistically Diverse and Aboriginal and Torres Strait Islander backgrounds.

Data indicates that over 29,000 of the current 45,000 existing disability funded clients and/or their families have participated in pre-readiness participant activities delivered by 11 organisations funded to undertake this work, additionally to that done by disability service providers. This has facilitated timely, smooth transition to the scheme by this group. However, people with disability who have no funded disability services have not been a focus of this work and this group has been slower to enter the scheme.

People with disability who currently do not receive disability services and support and are new to the scheme need proactive and targeted engagement strategies to facilitate access to the scheme, development of their plans and capacity to engage with the National Disability Insurance Agency or independent advocacy to support engagement.

Many Queenslanders with disability have been waiting decades for disability services and support and this should not be delayed. People with disability who are new to the scheme should have equal and timely access to supports they need through the NDIS.

NDIS participants will also need to be able to access a viable and sustainable marketplace and a workforce that meets supply and demand and delivers quality staff.

NDIS participants will continue to need services that are not part of the reasonable and necessary services and support funded through the NDIS. Currently, there is confusion around a number of critical areas of the interface between NDIS and mainstream services that need resolution including the taxi subsidy scheme, wound care and the medical aids subsidy scheme.

NDIS participants will need to access quality, affordable and integrated supports across mainstream, community and specialist services.

Queensland has committed to the National Disability Strategy, which includes areas of action that will not be met by the NDIS. However, implementation has been slow at both the national and state level. This strategy compliments the outcomes of the NDIS by building the capacity of mainstream and community services, as well as the broader community, to be more inclusive of people with disability so they can socially and economically participate as equal citizens. Queensland Advocacy Incorporated's (QAI) report on the NDS ["Walk the Talk: Realising the National Disability Strategy and Our Human Rights Promises"](#) outlines a range of issues and key strategies to drive this and work going forward.

## **QDN calls on a future Queensland Government to:**

1. **Re-negotiate components of the bilateral arrangements around the planning and implementation of the NDIS to deliver improved outcomes for Queenslanders with disability**, in line with lessons learnt in the first year of roll out and the recommendations of the Productivity Commission's Report – NDIS Costs October 2017.
2. **Negotiate Queensland's early access to Queensland ILC funding to assist in delivery of activities** to build capacity of people with disability, families and carers. and community and mainstream services to transition well to the NDIS market and ensure adequate stewardship.
3. **Investment in targeted strategies for the 45,000 people with disability and their families/carers who currently do not get any funded services** and will be new participants to the scheme.
4. **Ensure that any re-negotiations around Queensland NDIS implementation timeframes, in line with recommendations of the Productivity Commission Report – NDIS Costs**, have safeguards in place for:
  - people nearly 65 years of age who may miss out on the scheme if the current roll-out schedule is delayed; and new unfunded people with disability who may miss out within the current schedule, as they need more time to understand the NDIS and decide to be part of it..
5. **Continue the Queensland Transition Advisory Group** that represents diverse stakeholders including people with disability, families and carers, and small and large service providers to advise the Minister and State Government on critical NDIS implementation issues and recommended solutions.
6. **Invest and commit to NDIS Participant Readiness activities to ensure that Queenslanders with disability are adequately prepared to enter the scheme**, particularly those people with disability who experience additional disadvantage including people from hard to reach populations. This will also assist pre-planning so that Queenslanders get a better deal and redress the current issues and are not forced into Plan Reviews and Appeals at the end of the process.
7. **Invest and fund independent individual and systemic advocacy for people with disability in line with the "Advocacy Matters" community sector campaign.**
8. **Commit to continued state funding for community care and support services for people with disability who are ineligible for NDIS** and still require services and supports to be able to live their life.
9. Have an increased focus and commitment on the implementation of the **National Disability Strategy** required to ensure timely delivery on its outcomes and activities by all jurisdictions.

## **2. Leadership and participation**

**QDN calls on candidates to invest and prioritise the leadership, inclusion and participation of people with disability in the economic, social and civic life of Queensland.**

### **Queensland now**

#### **Leadership and development**

People with disability need opportunities to develop skills, knowledge and confidence to influence their own lives and inclusion in communities. QDN has long recognised the need for investment in leadership development specifically for people with disability, which will support informed policy advice, co-design of accessible services and products, self-leadership and community leadership.

#### **Consumer representation and advocacy**

As individuals, people with disability offer diverse benefits to Government, business, non-government organisations and the community in their role as consumer representatives, bringing their lived experience and knowledge to inform policy and decision making.

As a collective group, people with disability can deliver systemic advocacy and advice to Government and business to deliver better outcomes, services, and policy.

Access to independent individual and systemic advocacy is at risk as the scheme design and implementation of the NDIS will not cover this, and State Governments as part of bi-lateral arrangements has cashed out their disability budget to the Commonwealth leaving this and many other gaps and unintended consequences for people with disability and their families.

#### **Life long learning and employment**

People with disability experience significantly worse employment outcomes than others in their community. People with disability are 'willing to work' and improve their individual economic and social participation, and routinely experience significant barriers to employment.

Employment outcomes for Australians with disability remain drastically below outcomes for the general population (around 52.9 per cent compared to 82.5 per cent for people without disability in 2012) and are near the lowest level in the OECD. The All Abilities Queensland Plan recognises this and contains a commitment to increasing participation in the workforce for people with disability across our state, including increasing the number of people with disability employed in the Queensland public sector.

Lack of inclusive skilling opportunities and workplaces contribute significantly to low employment participation rates for people with disability in Queensland.

#### **Essential Services – Energy and Digital Inclusion**

The cost of energy has considerably increased for all Queensland consumers, and this is amplified for people with disability. People with disability have additional challenges in being able

to accommodate increases in price due to low income, high consumption due to additional equipment, inefficient housing and/or appliances. People with disability also experience high level of challenges to understand the energy sector and its pricing, a lack of access to the solar market due to a high percentage in rentals, and lack of awareness of the assistance available to them through their retailer or concessions/rebates.

Digital inclusion is a significant issue for people with disability in being able to access mainstream services, and participate in community. People experience exclusion from many everyday services and experiences such as accessing government services, through to making doctors' appointments or using social media. Affordability and accessibility are major barriers for people with disability in their use of information and communication technologies. Lack of access to ICT education and training, lack of digital literacy, incompatible devices and technologies, poorly designed websites are some of the issues exacerbating these barriers. Network connection in rural and remote areas further isolates people with disability. Many people with disability do not own a computer, cannot afford data and have difficulty maintaining digital skills. Many struggle to get their basic daily needs met and have very limited access to the internet. Many people with disability have poor or no literacy and therefore much of the digital divide is exacerbated by the material that they are presented with. A range of different media to allow participation such as short videos produced by and for people with disability will ensure that illiterate people with disability will have greater understanding and awareness of the information they need.

## **QDN calls on a future Queensland Government to:**

### **Leadership and development**

1. **Fund a Queensland based Leadership Institute** focused on building the skills knowledge and confidence of people with disability in leadership. Developmental activities may include capacity building in peer leadership, co-design, policy advice, self-leadership and community and systems leadership.
2. **Invest in skilling and leadership opportunities that are well-resourced, inclusive of and focused on people with disability.**

### **Consumer representation and advocacy**

3. **Maintain funding for consumer representation and systemic advocacy.** The State Government to continue to fund a state-wide organisation that represents the voice of people with disability to inform the planning, design, development and evaluation of policy, services and systems delivered within State Government portfolios.
4. **Maintain funding for independent individual advocacy post 1 July 2019** at a state based level so that the 900,000 Queenslanders with disability can access the support and advocacy they need to resolve issues of access to mainstream services and systems.

### **Lifelong learning and employment**

5. **State Government Department employment ratio targets of 10-13% to be set for people with disability** and a commitment to inclusive workplaces. State Government to promote this with Local Councils, the community and for profit sectors, business, non-government sectors and private sectors.
6. **Require Government Departments and procurement contractors to develop 'disability impact statements'** when introducing changes to policy, regulations,

infrastructure and programs that highlight benefits, mitigate risks and unintended consequences with regards to people with disability.

## Essential Services – Energy and Digital Inclusion

1. **Invest in specific strategies to engage with Queensland energy consumers with disability** to increase their knowledge and understanding of the energy tariffs, getting the best deal for their consumption needs and understanding concessions available.
2. **Deliver energy Reforms to include a review of the existing opt-in concessions process and investigation of an-opt out system** for eligible people on low incomes with power companies to ensure that people with disability and other disadvantaged people can access options of concessions available to them.
3. **Adopt new Australian Standard: AS EN 301549-2016 Accessibility requirements suitable for public procurement of ICT products and services** as a procurement process designed to ensure that the software and hardware procured by government for both its public and internal digital platforms is accessible to people with disabilities.
4. **Ensure Government services and programs to have Digital Equity policies** in place that recognise disadvantage in digital technology and strategies to minimise this disadvantage to people with disability.
5. **Invest in strategies** which build the skills and training to **people with disability to be digitally included**, and strategies to increase their **access to digital technology**.



### 3. Housing

#### QDN calls on candidates to:

- **commit to funding accessible, affordable, well-located housing solutions for people with a disability; and**
- **to adopt QDN's 4 guiding principles and recommendations to guide decisions relating to housing policy and practice**

#### QDN's Principles:

**Rights:** People with disability have the same rights to housing assistance as other people and should be supported to exercise those rights.

**Choice:** People with disability choose where, how and with whom they live.

**Inclusion:** Housing enhances the independence and social and economic participation of people in family and community life.

**Control:** The provision and management of housing is separate from the provision and management of paid support.

### Queensland now

QDN's 2017 Housing Position Paper, ["Going for Gold: Accessible, Affordable Housing Now"](#) contains four key principles, 11 major recommendations and a number of strategic actions that can be taken now by Government, private and community sector stakeholders to address this fundamental human need and human right - to have a place to call home.

People with disability are disproportionately affected by the lack of accessible and affordable housing in Queensland. The private sector is the largest source of housing for people with disability; however those wishing to buy or rent their home often face discrimination, shortage of accessible properties and no information about where to find accessible housing.

Affordable housing is often poorly located outside metropolitan areas, with limited accessible public transport, local services and employment opportunities. Consequently, people with disability have relied on public and social housing with 51% of public housing households have at least one person with disability.

The present stock of accessible social housing is grossly inadequate in Queensland, resulting in people with disability living in inappropriate places such as retirement homes, nursing homes, supported accommodation facilities, or becoming homeless or at risk of homelessness. Additionally people with high support needs have often been forced to live with people they do not know, in congregated settings not of their choosing to access the services they need.

The nature of the housing market is also changing, and for the first time in Queensland's history, the percentage of people renting their homes will be higher than the number of people purchasing a home.

People with disability living in regional and remote areas often need to leave their communities to find housing to meet their needs. The Queensland Housing Strategy Action Plan is a 10-year framework which aims to provide all Queenslanders with a better pathway to safe, secure and affordable housing. Actions in the Plan require a vision, engagement and firmer commitments, including community based and informed activities, advocacy for people with disability in housing, and decision making for percentages of designated social and affordable housing.

## **QDN calls on a future Queensland Government to:**

- 1. Adopt QDN's principles of rights, inclusion, choice and control detailed in QDN's Housing Position Paper "Going for Gold: Affordable, Accessible Housing Now" to guide decisions relating to housing policy and practices.**
- 2. Adopt universal housing design to at least Livable Housing Design Gold Standard** to ensure all public and private housing stock is accessible. This assists older people, young children in strollers as well as people with disability.
- 3. Improve home ownership for people with disability through introduction and stimulus of innovative financing options and shared equity approaches and partnerships**
- 4. Commit to housing that delivers alternatives to congregate care arrangements** and ensures people with disability are included in their local communities. This involves commitments to policies that separates the provision of supports from the provision of housing, increased provision of accessible social housing stock, limiting construction of new congregate care facilities and supporting inclusionary zoning approaches.
- 5. Deliver accessible social housing and increase the provision, availability and mechanisms to identify vacancies**
- 6. Legislate for fair rental arrangements and policies for all Queenslanders:** Supporting Tenants Queensland campaign for tenants rights and ensuring tenancy laws do not discriminate against people with disability.
- 7. Invest in the establishment of a community based Housing Hub that delivers information,** advice to Government, promotes accessible housing, explores innovative housing options and brings people together around co-design and partnerships, offers leadership development and principled housing action and research into innovative responses.

- 8. Lead with vision, listen and act together with community to implement a whole of government strategic and legislative direction for housing** within the context of the National Disability Insurance Scheme.

## **4. Transport**

### **QDN calls on all candidates to**

- commit to fund and provide accessible and affordable public and community transport for people with disability in Queensland**
- create a culture of meaningful engagement and consultation with people with disability within Transport and Main Roads (TMR) and QRail that goes beyond information provision**

### **Queensland now**

Inadequate provision of accessible, affordable public and community transport remains a significant barrier for people with disability in Queensland. Buses and trains are inaccessible, train stations do not always have lifts, and mobility parking spaces remain limited. There are limited passenger loading zones and taxi ranks that have curb ramps for maxi taxi users. People with disability living in remote, rural and regional Queensland are increasingly isolated and cannot access essential services due to the lack of regular and reliable public and community transport.

Good engagement and citizen led policy development and co-design of solutions is the cornerstone of achieving good policy and positive outcomes. In recent times, there has been limited meaningful engagement with people with disability within TMR and QRail resulting in decision making that has delivered poorly conceived products or schemes that have impacted upon the customer experience of people with disability, delivered inaccessible options and expensive issues to be rectified for Government. This has included goCard which was inaccessible to people with dexterity issues, the NGR train, impacts of the removal of Taxi Subsidy Scheme for NDIS participants, design and infrastructure which does not include lifts.

The Taxi Subsidy Scheme (TSS) subsidizes the cost of using private taxis where public transport is not accessible and protects the State Government from issues of access and anti-discrimination. The TSS has only been reinstated in Queensland during NDIS transition phase until 30 June 2019. As such, the current issue remains and the TSS remains a critical piece in the puzzle for people with disability to access and participate in the economic, social and cultural life of Queensland.

Next generation Rolling Stock trains have significant accessibility issues. Government has made some concessions to improve the accessibility of NGR trains, but serious issues remain, including no guard cab mid-train to ensure successful assisted boarding, and trains without accessible toilets. TMR is now approaching the Australian Human Rights Commission seeking a temporary exemption from prosecution under the Disability Discrimination Act for the NGR train due to the fundamental flaws in design that mean it is discriminatory for passengers with disability and mobility needs during the Commonwealth Games.

## **QDN calls on a future Queensland Government to:**

- 1. Commit to continued funding of the Taxi Subsidy Scheme** beyond June 30 2019 for all Queenslanders with disability who are eligible and the scheme be kept separate to the NDIS as it is not a reasonable and necessary support, rather an essential service to ensure human rights accessible transport services across the state.
- 2. Amend the design of NGR trains** to include a mid-train guards cab and two accessible toilets per train.
- 3. Commitment to an effective regional and rural transport strategy** integrating multiple transport options, including community transport options, to combat transport disadvantage suffered by people with disability in rural and regional Queensland. This includes integrating existing community infrastructure, such as buses operated by local community groups and clubs.
- 4. Commit to meaningful engagement and citizen-led policy development for policy and significant projects while these are still in their formative stages** and well before budgets are developed and procurements begun.

## 5. Health

**QDN calls on candidates to commit to addressing the significantly poorer health outcomes of people with disability.**

### **Queensland now**

People with disability are likely to have poorer health than the rest of the community. People with disability often have more complex health needs and a higher mortality rate, and face many barriers accessing appropriate health care, and a narrower margin of health, than the general population.

People with intellectual disability are twice as likely to suffer a potentially avoidable death compared to the general population. People with intellectual disability experience a large range of potential risk factors for early death, including heart problems, high blood pressure and obesity, and experience challenges accessing health care in part due to capacity and communication issues and active discrimination. People with mental health and psychosocial disability also experience poorer health outcomes and additional challenges with accessing the right care, at the right time in the right place.

A health system that delivers integrated care across acute, sub-acute and primary health care, and greater integration and connected care across disability services is essential in delivering quality health care for people with disability. People with disability need to be included in the design, implementation and evaluation of integrated health services.

Deaths in care are frequent, unexpected and potentially avoidable. The report by the Public Advocate of Queensland 'Upholding the right to life and health: A review of the deaths in care of people with disability in Queensland' noted that more than half of the deaths reviewed were unexpected; of those, two thirds were also considered to be potentially avoidable. Important recommendations from this report have not been implemented, including requirements that the State Corner report on all deaths of people with disability in care.

Health is presenting as a significant area for challenges with NDIS interface issues with regards to essential health services including mental health, wound care, and medical aids subsidy scheme. It is critical that Governments set clearer boundaries and ensure that there are continuity of care arrangements in place to ensure that people can access these essential services.

### **QDN calls on a future Queensland Government to:**

- 1. Develop an overarching Framework to improve the healthcare of people with disability, with particular focus on people with intellectual disability.**
- 2. Redesign of Queensland Health data collection system to be able to generate service usage and patient safety data about people with disability.**

3. **Commit to implementation of strategies and recommendations of the Office of the Public Advocate Report** ‘Upholding the right to life and health: A review of the deaths in care of people with disability in Queensland’.
4. **Require hospital and health services to develop a policy which requires health services to make reasonable adjustments** to standard care in order to accommodate the needs of people with disability and information in easy to read formats. Require hospital and health services to also provide funding for people with disability who need support while they are in hospital to deliver their care needs related to their disability.
5. **Expand Telehealth services, especially in rural and remote areas, to include people with disability** who may experience mobility issues, emotional distress, complex behaviours, fatigue and financial difficulties when accessing medical services.

## 6. Justice

**QDN calls on candidates to**

- **Developing and implementing a Human Rights Act for Queensland and:**
- **Commit to ending violence, abuse and neglect of people with disability and to ensuring that people with disability can achieve their rights through the justice system.**

### **Queensland now**

Queensland does not have a Human Rights Act. A Human Rights Act for Queensland will enable individuals to challenge ongoing systemic barriers in accessing justice and services. Many of the issues that people with disability face in relation to access to justice and services are not currently covered by other complaints mechanisms, or even by other pieces of legislation (which would enable consideration of a claim). Enabling individual claims to be made under the Act would ensure that systemic issues which are often obscured, could be addressed by individual complainants.

People with disability face many barriers to accessing justice, both as victims and perpetrators of crime. People with disability are over-represented in prison populations. Many risks are heightened for people with disability because the barriers to justice that they face mean that they are 'safe' targets for perpetrators of violence and other crimes, in the sense that perpetrators are unlikely to face investigation, prosecution or conviction. Many of these failures to realise the human rights of people with disability, then, enable violence and exploitation to continue, and mean that when it occurs the response is inadequate.

People with disability experience violence at alarmingly higher rates from multiple methods compared to the rest of the population and by a higher number of perpetrators and in more varied and complex living environments. Many people with disability experience social isolation as both a risk factor for, and a consequence of, violence. Some perpetrators use social isolation as a form of controlling behaviour in itself. Isolation can be compounded for people with disability living rurally or remotely, women who are culturally isolated and for older women.

Like other women, women with disabilities usually are abused by someone they know, such as a partner or family member. In addition, women with disabilities face the risk of abuse by health care providers or caregivers. Caregivers can withhold medicine and assistive devices, such as wheelchairs or braces. They can also refuse to help with daily needs like bathing, dressing, or eating.

People with disability experience challenges across all areas of the justice continuum from police, courts and correctional services, either as victims or perpetrators. This also includes accessing support services.

The “Not Now, Not Ever” report by former Queensland Governor General Quentin Bryce contained one recommendation that related to people with disability, recommendation number 10. The Department of Communities, Child Safety and Disability Services commenced work and a review of the current issues for people has been completed. It is critical that the next steps of action are undertaken, and this is in consultation and partnership with people with disability.

Outdated legislation impinges on the human rights of people with disability. Section 216 of the Criminal Code makes it a crime to engage in sexual behaviour with a person with an impairment of the mind. The definition includes disability that is attributable to an intellectual, psychiatric, cognitive or neurological impairment or a combination. This definition has the potential to encompass many people with disability who, despite the presence of disability, have the capacity to make the decision to engage in a consensual sexual relationship. QAI’s work around [disAbled Justice](#) includes key issues and recommendations around this issue.

## **QDN calls on a future Queensland Government to:**

- 1. Undertake further work with regards to Not Now Not Ever Report Recommendation 10** to address the impacts and experiences of people with disability with regards to domestic and family violence.
- 2. Increase capacity of mainstream services** such as police, courts, and Family and Domestic Violence services to respond to the significant issue of violence against people with disability, and to be accessible to those experiencing violence.
- 3. Establish specialist Domestic and Family Violence Centres** that provide appropriate and accessible support, resources and information, and collect data and conduct research into disability-specific experiences of and responses to violence.
- 4. Commit to development and legislating of a Human Rights Act in Queensland and that the proposed legislation and its supporting systems** recognise legal capacity and substantive human rights, clarifies obligations and legal duties of State of Queensland and State owned entities and addresses societal barriers that impact upon the human rights of people with disability.
- 5. Amend Section 216 of the Criminal Code** to ensure that people with intellectual, psychiatric, cognitive or neurological impairments who have the capacity for this matter to make a decision to engage in a consensual sexual relationship are not criminalized under the law.