



29 April 2013

Senator Rachel Siewert  
Chair, Senate Community Affairs References Committee  
Senate Suite SG-113  
Parliament House  
Canberra ACT 2600

Emailed to Senator Rachel Siewert

Dear Senator

**Question on notice: Senate Community Affairs References Committee,  
*Involuntary or coerced sterilisation of people with disabilities in Australia,*  
Wednesday 27 March 2013, Sydney**

When I appeared before the Committee on 27 March I took the following questions on notice:

**CHAIR:** Have you had a chance to look at the draft rules for the NDIS and at whether you think those rules adequately cover the sorts of issues we are talking about in terms of supports to enable someone to manage menstruation and their sexuality?

**Mr Innes:** I have looked at the rules for a number of purposes. I have not had the opportunity to become sufficiently familiar with them to answer that question. I would be happy to take it on notice.

**CHAIR:** If you could, because we have had it raised with us that the rules do not cover those issues, so I would be interested in your opinion.

**Mr Innes:** Was there a specific area of the rules to which you refer?

**Senator MOORE:** It was the general issues of support around sexuality, menstruation and also parenting—because there is nothing in the rules that talks about support for parenting.

**Mr Innes:** I am happy to take that on notice.

My response is that I do not believe the NDIS Rules *Supports for Participants* adequately cover the supports necessary to enable someone to manage menstruation and their sexuality and that it would be useful and appropriate for references to these to be explicitly included where appropriate. There is no explicit mention or reference to menstruation or menstrual management. Nor is there explicit mention or reference to sex, sexuality or intimate relationships. Given the level of other detail and examples included in the Rules (for example, 7.6 (e) *the delivery of routine, non-clinical care to enable activities of daily living (eg routine bowel care and oral suctioning)*) and the importance of menstruation and sexuality in the lives of people with disability, and attitudinal barriers which currently exist, explicit reference would be helpful.

In relation to parenting, the examples provided in 7.16 (a) could be interpreted as broad enough to include supports for parents with disability but further clarification in

the guiding principles in 7.14 - 7.15 and examples in 7.16 would be also useful. In 7.16 (a) there is a reference to disability-specific intensive family supports for parents with disability. However, for parenting education and support it is ambiguous, when read with the guiding principles, whether 7.16 (b) extends to parents with disability – it seems to be intended for parents of children with disability (“*disability-specific parenting education and training programs*”).

I will also write to David Bowen, CEO, National Disability Insurance Transition Agency, to express my concerns and raise the same issues in relation to the NDIS Rules *Supports for Participants* that I have expressed to the Committee.

Yours sincerely

Graeme Innes AM  
**Disability Discrimination Commissioner**

CC

- (i) Dr Ian Holland, Committee Secretary, Senate Community Affairs References Committee - [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)
- (ii) Michael Cook, Human Rights Adviser AGO
- (iii) David Fredericks, Deputy Secretary, Civil Justice & Legal Services Group  
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- (iv) Greg Manning, First Assistant Secretary, International Law and Human Rights Division AGD
- (v) Dan Abraham, Acting Assistant Secretary, Human Rights Policy Branch AGD