

Executive Summary

In 2012, Craig McDonnell reported an incident of sexual misconduct by a carer towards a fellow resident in the Yooralla-run disability services house where he lived. Mr McDonnell had himself been a victim of sexual misconduct years earlier by another Yooralla carer, who had taken indecent photos of him without his permission. In his own case, Mr McDonnell reported the abuse but the carer was simply moved to another Yooralla-run residence.

Mr McDonnell was determined that this time, he would make sure his fellow residents and others were protected. He reported the abuse. The carer resigned from his position. And then the victims spoke out...¹

THIS ALLEGATION
OF SEXUAL ASSAULT WAS
RECORDED BY STAFF AS A
SEXUAL HARASSMENT CLAIM

Those poor souls.
And to think that they weren't believed.

He told me to turn off the lights so no-one can see
HE TOLD ME HE WANTED TO BEND HER OVER,
AND DO ALL THESE THINGS TO HER

If she did what he wanted, he would take her to the shops later to buy lollies or treats

...SO THAT CONSTITUTES
QUITE SERIOUS RAPE AT
had been sexually abusing the disabled woman under his care at a local motel and other locations

she was fearful, she thought she was in trouble

I think he was abusing the female client in the room and he didn't want me to see that

...ample opportunity to prey on women whose bodies would not allow them to fend off his advances

When they were at their most vulnerable, that is time that he sexually abused them

1 Richard Baker and Nick McKenzie, 'Love of life affirmed in the blessing of the fisherman', *The Age*, 16 August 2013, and Richard Baker and Nick McKenzie, 'Yooralla senior executives accused of ignoring warning signs on rape claims', *The Age*, 21 November 2013.

The committee finds that violence, abuse and neglect of people with disability is both widespread and takes many forms. This inquiry has not shied away from the fact that the causes, the impacts and the solutions to this issue are complex and there is no easy fix. As one submitter wrote, these issues make people feel uncomfortable and most would prefer to take the easy option and pretend that nothing is wrong. But the reality is far different - the situation for people with disability is unacceptable.

Throughout this inquiry, the evidence presented from people with disability, their families and advocates, showed that a root cause of violence, abuse and neglect of people with disability begins with the de-valuing of people with disability. This de-valuing permeates the attitudes of individual disability workers, service delivery organisations and most disturbingly, government systems designed to protect the rights of individuals.

This de-valuing takes many forms. People with disability are often communicated about, not communicated to and are frequently denied the right to make the most basic of decisions about their lives. They miss out on fundamental learning experiences at school and throughout life, often through a patronising prism of 'protection.' Their choices about day to day living are taken away: sometimes in more benign ways by people trying to 'help', sometimes by service providers in the guise of efficiency, but all too often by people exerting malicious control.

In many cases people with disability have their legal capacity taken away, the very status in law that defines the rights of individuals. From this legal disregard of them as a person in their own right can flow serious and far-reaching repercussions. They lose the right to make decisions about their life, where they live, who they live with, what they eat, who they can see, and even decisions about their own bodies.

Under the guise of 'therapeutic treatment', people with disability can be subjected to forcible actions that could be considered assault in any other context. They are often detained arbitrarily and indefinitely, sometimes being held in prisons without being convicted of any offence.

This inquiry heard highly distressing personal accounts from many people with disability. The inquiry also heard from dedicated family members and advocates speaking on behalf of loved ones, some of whom died as a result of violence or neglect. Much of the evidence was received *in camera*, largely due to the personal nature of the evidence, but in some cases because of the possibility of repercussions for speaking out. Witnesses told of their fear of speaking out about abusers who had continued daily access to their homes as disability service workers. Evidence was also presented that showed a propensity for reports to service providers about violence and abuse to be ignored, swept under the carpet or treated as a 'workplace issue' rather than a crime.

In fixing the disability service sector, and the legal frameworks that should protect all people regardless of disability status, people with disability must be put at the centre. This entails going beyond considering the rights of people with disability, it means putting people with disability at the centre of decision making not just in their own lives, but also in amending policies and laws.

In the conduct of this inquiry, the voices, lives and choices of people with disability have been paramount. Indeed, the catalyst for the groundswell of public calls for an inquiry into violence, abuse and neglect of people with disability started with individuals who spoke out about the violence, abuse or neglect they experienced or saw, and started a snowballing of voices that no longer would be silenced.

