



Communication Rights Australia

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Response to NDIS Code of Conduct

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Communication Rights Australia (“Communication Rights”) is a human rights information and advocacy organisation that works in partnership with people who have communication or speech difficulties. People request our service when they experience discrimination, isolation or exclusion.

Communication Rights uses the United Nations Convention on the Rights of People with Disabilities (“UNCRPD”), Victorian Charter of Human Rights and Responsibilities Act (“The Charter”), disability discrimination legislation and government policies to ensure people can enjoy their human rights. Our activities promote change and facilitate inclusion into community activities.

Thank you for giving Communication Rights the opportunity to comment on the proposed NDIS Code of Conduct.

This Code of Conduct, although a valuable document, contains positive guiding principles, and motherhood statements but these in themselves will not ensure ‘safe and high-quality outcomes for people with disability who are receiving NDIS support services.’ In our experience, people who want to take advantage of/ abuse people with disabilities are not necessarily registered with the police and will target those people who are unable to complain.

Further, assumptions are made that if there are ‘National Standards’ that people with disabilities have the ability to make a complaint against the set standards. This is an assumption, in our experience, which has already been proven incorrect as can be seen from the reports from the public inquiries into abuse. The complaint processes are not easy for many, especially those who are disempowered and disadvantaged.

The question that needs to be considered alongside the Code of Conduct is ‘what are extra supports required for people who cannot easily make complaints?’

Under the heading ‘How will the NDIS Code of Conduct be applied,’ it states that people should make contact with the relevant service provider to make a complaint. For many people with speech difficulties, who cannot easily pick up the telephone and talk to someone, their options to contact the relevant service provider to make a complaint are reliant on the support of others. Potentially the only person available is the perpetrator.

The Code of Conduct states that the NDIS Commissioner will operate with a 'no wrong door' policy, but if you cannot access the door, the telephone or use the internet; the door is not accessible.

Promoting an individual's right to freedom of expression is a wonderful motherhood statement but not always achievable if people have their means to communicate removed, or they are so intimidated that they fear the perpetrator and therefore are unable to formalise a complaint. We see the same scenarios played out in other areas of the community such as violence against women. Disempowered people require more than is being proposed. They need a direct, independent path to support so that they can make a complaint.

Overall there is nothing wrong with the Code of Conduct document except it lacks details and clear independent paths for isolated groups in the community:

- Who is going to monitor the environment for vulnerable and marginalised people to ensure they are not being abused?
- Who is going to assist disempowered people in making complaints, or raise with a service provider their concerns, or lodge their concerns with the Commission any wrongdoings? The status quo shows that this does not work, and it will not become easier for people in a market driven environment.
- The belief that service providers, in a market environment, will put participant's financial interest in front of their business is not realistic.

Communication Rights believe that there is enough evidence in the Aged Care and Health areas that market environments do not protect the rights and financial interest of people who are vulnerable.

We believe that much more thought needs to go into the detail of how these principles will be achieved and that the sector should be invited to have strong input into such detail