



6 November 2015

Ms Maree Edwards MP  
Chair  
Family and Community Development Committee  
Parliament House  
Spring Street  
East Melbourne VIC 3002

Dear Ms Edwards

**RE: Inquiry into abuse in disability services**

Thank you for the opportunity for the Victorian Equal Opportunity and Human Rights Commission (the Commission) to appear before the Family and Community Development Committee (the Committee) Inquiry into abuse in disability services on Monday 19 October 2015.

During the hearing I responded to several questions from the Committee's interim report, including:

*"How can the rights provided under the Charter of Human Rights in Victoria be maintained for people accessing disability services in the transition to the NDIS once it has been fully rolled out?"*

The Commission's recommendation is that the Victorian Government should ensure that human rights protections in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) are maintained for people in Victoria accessing disability services in the transition to the NDIS and once the NDIS has been fully rolled out. This could be achieved by ensuring that the NDIS national legislation:

- directly incorporates the legal rights and duties under the Convention on the Rights of Persons with Disabilities. This may, for example, include annexing the treaty in full as a schedule to NDIS legislation.
- ensure that the Victorian Charter of Human Rights and Responsibilities continues to apply in Victoria during and following the transition to the full roll out of the NDIS, so that the Charter continues to afford protection to people with a disability, continues to apply to the NDIA as decision makers, and to NDIS service providers in Victoria. The national quality and safeguarding framework should also ensure that existing Victorian protections are not weakened under the full Scheme.

Further detail about the strengths of these options is provided in the Commission's submission to the Federal Department of Social Services *Consultation Paper on the proposal for a NDIS Quality and Safeguarding Framework* earlier this year (see Attachment A).

At the hearing, I also committed to provide further information in response to two questions. These responses are at Attachment B.

If you require further information on these or other topics, please contact Aram Hosie, Manager Strategic Projects and Policy Unit on (03) 9032 3422 or at [Aram.Hosie@veohrc.vic.gov.au](mailto:Aram.Hosie@veohrc.vic.gov.au).

We look forward to seeing the final recommendations of your Committee's inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Dixon'.

Catherine Dixon  
Director, Commissioner's Office