**Q&A**

**WDV Disability Royal Commission webinar – 29 June 2021**

**Introduction:** WDV hosted a webinar on the Disability Royal Commission on the 29 of June 2021. Guests from the Disability Royal Commission and Your Story Disability Legal Service presented and then responded to questions that had been submitted during forum registration and via the forum chat.

Here we share the 19 Questions and Answers from the webinar.

**Q.1: What assistance is available to people with a cognitive or intellectual disability?**

**A:** There is assistance available through the counselling and support team at the DRC. You can contact us either by phone or by email about your experiences. The counselling and support team are there to make sure you are supported in the safest way possible. We can also assist you in connecting with advocacy services, if that is something that you would like to do.

As everyone’s situation is different, the counselling and support team tries to make sure the support is provided individually to you and your needs. t= That might also mean that the person who supports you needs some help, or your family members as well. The service can absolutely help everyone who makes contact.

Please remember you can change your mind about participating today as your wellbeing is more important than the discussion.

If you find that you would like to talk to someone about the information shared today you can call:

**DRC hotline** on **1800 517 199** or contact the DRC support team via email, at **drc.counsellingandsupportservices@royalcommission.gov.au** .

The service tries to help everyone individually to the best of their ability so please call or email with any questions and they will do our best to help you.

**Counselling services** are provided by:

[Blue Kno](https://www.blueknot.org.au/Training-Services/Counselling-and-Referral-Service%20/)t: **1800 421 468** (9am - 6pm AEDT Monday to Friday, 9am - 5pm AEDT Saturday, Sunday and public holidays).

**A full list of services is available**:

* [in this video](https://disability.royalcommission.gov.au/publications/sharing-your-experience-video)
* [in this Easy Read brochure](https://disability.royalcommission.gov.au/system/files/2020-07/Sharing%20your%20experience%20brochure-Easy%20read.pdf)

**This question was submitted in advance of the webinar and answered by DRC representatives.**

**A:** Your Story Disability Legal Support is committed to ensuring we are an accessible service for all people with disability including those with cognitive or intellectual disabilities.

We recognise some groups may face greater barriers to accessing our service. In response, we have been working on a series of strategies to reduce those barriers, including an approach for people with intellectual or cognitive disability. This includes:

* tailoring our service to the needs of the individual. During our intake process we invite clients to nominate their preferred form of communicating or any additional supports they need. This can include having a support person with them during their legal appointment
* providing our resources in various formats. For example, the messages in our short videos are also available in our fact sheets and we are currently working on expanding the number of Easy read factsheets.
* consulting with organisations like Inclusion Australia for ideas and recommendations

Your Story also works in partnership with funded advocates and where possible, will refer a client who has identified as having cognitive or intellectual disability to an advocate who has suitable experience/expertise.

**This question was submitted in advance of the webinar and answered by DRC and Your Story Disability Legal Support.**

**Q.2: Is it possible for people under guardianship orders to participate in the Royal Commission without the consent of their guardian?**

**A:** Yes, even if you are under guardianship, you can still contact the DRC and speak with us. The DRC support services treat people with autonomy. That means they work directly with you and will only do what you tell them it is ok to do.  The service does not seek additional information from carers, family members or medical professionals, unless you tell them that is okay.

A: If you are worried about participating in the Disability Royal Commission, you can contact [Your Story Disability Legal Service](https://yourstorydisabilitylegal.org.au/Contact-us) on **1800 771 800**. They can look at the guardianship orders and can advise you about your options.

Your Story Disability Legal Support can help people with a range of legal problems. So, if you feel there are general problems with orders that have been made, we may also be able to support you with some legal advice or make a referral to someone who can help. They will listen to you and try to find a way to support you.

**This question was submitted in advance of the webinar and answered by people from the DRC and Your Story.**

**Q.3: Will other people be able to read my story?**

**A:** Currently the law says if you do not want your identity to be shared with anyone outside of the Royal Commission your identity and information provided can be protected until the Royal Commission ends in September 2023.

When you share your story, you can say how you want your information used, sometimes that might be public on the website or other material like our reports.

There have requests to update some of the law around information sharing but please know, at the moment the law says that we can protect your information until September 2023.

(If confidentiality of information is of particular interest to you, please also see the answer to Question 11).

This question was submitted in advance of the webinar and answered by people from the DRC.

 **A:** Your Story Disability Legal Support can advise you about the different ways to share your story and keep it private. We can support you to decide the option that is safest for you.

**This question was submitted in advance of the webinar and answered by Your Story.**

**Q.4: I am worried that sharing my story could make me less safe.  How can I be protected?**

**A:** There are safe ways to share your story with the Disability Royal Commission. If you are worried about someone else finding out what you have said, or getting into trouble, you can contact Your Story Disability Legal Support to talk about your options.

There are other protections that can be given, but people sometimes decide not to tell their story after getting advice about their options.

One way to tell your story is in a private session, which is a confidential meeting with one of the Commissioners. Your Story can help you prepare for a private session and can make sure that you have support during your private session. Information shared during your private session will be kept confidential.

You might also be worried about your safety when you are talking to Your Story. When you contact us, we will ask you how you would like to be contacted and whether it is safe to contact you in certain ways. You will be asked if there is anything we need to know about your situation before we contact you.

Your Story Disability Legal Support can also talk to you about other ways to help keep you safe, such as intervention orders or making a report to police. We can also make referrals to non-legal supports that can help people who are in unsafe situations.

**This question was submitted in advance of the webinar and answered by people from Your Story.**

**Q.5: How can we make reporting abuse and neglect easier?**

**A:** The Royal Commission can examine what has not worked with the current reporting arrangements, for example: Why don’t women make reports of their experience of abuse and neglect? And, if they do make reports, why has it been so difficult?

So, the Commission ask those questions and examine what is presently happening so that they can then make some recommendations and the commissioners can say these are the changes we need to make in our laws, in our policies, in our practices. The commissioners can make recommendations that they hope the governments will respond to.

To make it easier and to make it appropriate in the sense that the way in which authorities like the police or health services or lawyers engage with people with disability and women with disability. The need to improve what is done so the DRC want to identify how they can look at improving those who provide relevant services so the Royal Commission is eager to hear your ideas and suggestions on what can be done to make those services better.

**This question was submitted in advance of the webinar and answered by people from the DRC.**

**Q.6: How do we get the authorities to believe us, and not just say, “how do we know it wasn't an accident?”**

**A:** There is a need to improve the methods of communication and we need to educate people to ensure that when people with disability report their circumstances they will be believed.

**This question was asked in the webinar chat and answered by people from the DRC.**

**Q.7: Does the upcoming hearing about women’s experiences include abuse from carers coming into the home?**

**A:** Yes, if that is an experience that you wish to share with the Royal Commission for the hearing then we would encourage and welcome you to share that experience with the Royal Commission.

**A:** If you have a story that you want to share at a hearing, you can let the Disability Royal Commission know that you would like to do this.  The Disability Royal Commission decides who gives evidence at a hearing and can invite you to be a witness. Not everyone who asks to be a witness will be invited by the Disability Royal Commission. If you are invited to be a witness at a public hearing, the Disability Royal Commission may ask questions about your experiences during the hearing. Your Story Disability Legal Support can talk to you about being a witness. We can also talk to you about the other ways to share your story. Our service is free and confidential.

The stories shared with the Disability Royal Commission can involve many different situations and circumstances, so there may be witnesses at the upcoming hearing who talk about experiences of abuse from carers in the home. Some people watching the hearings or reading news reports about the hearings may find these stories very upsetting, especially if they have had similar experiences. If you are distressed after hearing this kind of evidence, please contact [Your Story](https://yourstorydisabilitylegal.org.au/Contact-us) on 1800 77 1800 or [Blue Knot](https://www.blueknot.org.au/Training-Services/Counselling-and-Referral-Service) to talk about counselling and support options.

**This question was asked in the webinar chat and answered by people from the DRC and Your Story.**

**Q.8: Do you use people’s real names?**

**A:** If you want to identify and tell the Royal Commission who engaged in the violence and abuse, you can tell us the person's real name. That information will remain confidential. If you do not want your name to be used at a public hearing, we can discuss with you using a different name, sometimes called pseudonyms (pretend names).

This question was asked in the webinar chat and answered by people from the DRC.

**Q.9: Recently I have co-facilitated training for family violence and sexual assault practitioners on the NDIS on behalf of Domestic Violence Victoria. I am deeply concerned to find that the NDIA still does not have a definition of domestic and family violence, does not have a clear policy on responding to disclosure of violence by NDIS participants, does not provide training on violence in the home and does not have a protocol with domestic and family violence services.  So, my question to the commission is, what consideration have you given to the NDIA’s response to family violence and sexual assault?**

**A:** The simple answer to that question is ‘yes’, the longer answer is ‘definitely’. Third is, please come and tell us about your experiences, what you have done, and your suggestions for change.  One issue that has arisen already in preparation for the hearing is, there is not a consistent definition in the law across Australia about what is family and domestic violence.  Different states have different laws and different legal coverage, and we think there should be a consistent coverage across Australia so we want to explore how we might approach that.

If the NDIS is of particular interest to you, you might also like to see question 15.

**This question was asked in the webinar chat and answered by people from the DRC.**

**Q.10: Do you have engagement officers for culturally and linguistically diverse (CALD) communities? We have been struggling to engage CALD communities with the Royal Commission. Are there plans for a CALD issues public hearing?**

**A:** Yes, the DRC would like to do a hearing focussing on CALD communities in the life of the Royal Commission and there is currently some important work done by the Royal Commission engagement team with a very specific CALD engagement strategy.

The DRC has CALD engagement officers. If you'd like to email drc.counsellingandsupportservices@royalcommission.gov.au, a representative will ensure someone makes contact with you.

**A:** Your Story has resources for people with disability, carers and organisations. These can help answer FAQs about the Disability Royal Commission and legal issues that may arise from taking part. Our resources are available in different formats and languages, and can be downloaded and shared for free: <https://yourstorydisabilitylegal.org.au/Resources>

Your Story is interested in your ideas and suggestions on how we can engage and support CALD communities to share their story with the DRC, including invitations to community events. Contact Your Story on 1800 77 1800 or email us.

**This question was asked in the webinar chat and answered by people from the DRC and Your Story.**

**Q.11: That what happens to the information that people share with the Royal Commission after 2023 when the Commission finishes its work and provides the final report?**

**A:** There's been some concern about whether the information provided to the Royal Commission could be subpoenaed by a court or produced pursuant to a court order after the Royal Commission ends. There is currently some draft law before the Parliament that if passed will ensure that information provided to the Royal Commission in confidence will remain confidential after the Royal Commission's work has been completed.

We do not know when this law will pass, that is up to the politicians and the senators, but all expectations are that the law will pass and that will give everybody absolute certainty that that information that you provide to the Royal Commission on a confidential basis, whether in a submission or in a private session, will remain confidential after the life of the Royal Commission.

**This question was asked in the webinar chat and answered by people from the DRC.**

**Q.12: Is there any mandatory reporting of abuse where a person is under 18 or has an intellectual disability?**

**A:** The Royal Commission does not have those mandatory reporting obligations.  But if information involves a young person, then the Commission would want to make sure that the young person is properly supported and if there is an obligation for those supports around the young person to give a mandatory report then it would be made sure people got legal advice from **Your Story** about what needed to be done in relation to reporting.

The Royal Commission lawyers cannot give legal advice to individuals who engage with the Royal Commission, their job is to work as the lawyers in the Royal Commission.

**A:** This is an excellent example of a reason why someone should contact Your Story. The service would need to talk to them about their individual situation and their experiences.  It is important to remember while the legal advice is very important, there might be other responses to the situation that we could help with, and we can facilitate referrals to other organisations.

This question was asked in the webinar chat and answered by people from the DRC and Your Story.

**Q.13: Are there plans for a hearing focusing on LGBTIQ+ communities during the DRC?**

**A:** That's definitely an area the Royal Commission wants to explore. The Commission tries to incorporate the views of the LGBTIQA+ community as much as we can in hearings. For this hearing on women and girls, people have asked us “Does that include nonbinary people?” and the answer is “yes it does.”

The DRC are not in the business of excluding anyone. That does not necessarily mean everybody who wants to give evidence at a public hearing on a particular day will be able to do so, but we want to listen to everybody, and we will find the best way of telling their stories publicly if that is what they wish to do.

**This question was asked in the webinar chat and answered by people from the DRC.**

**Q.14: Do you accept stories from group homes?**

**A:** Yes. We want to hear from people who live in group homes and do accept submissions and stories from people who live or have in the past lived in group homes. It is not just individuals with stories. If there are groups, the DRC are keen to hear the group stories as well. It is certainly encouraged if you to come and share your group story.

This question was asked in the webinar chat and answered by people from the DRC.

**Q15: Does the Royal Commission want stories about the problems with the NDIS included or is it too current?**

**A:** Yes, but it is important to note it must be within the Royal Commission's terms of reference.  Our terms of reference require us to inquire into violence, abuse, neglect and exploitation of people with disability, and building inclusive societies. So, our terms of reference are not a Royal Commission in to the NDIS, or to look at every aspect of the NDIS.

However, the Royal Commission does look closely at the way in which the NDIS operates and the extent to which that may have an impact on people's experience of violence, abuse, neglect and exploitation, so you are very welcome to share your experiences.  But there may be some limitations on the sorts of things that can be examined with respect to the NDIS.

This question was asked in the webinar chat and answered by people from the DRC.

**Q16: Can we tell stories about past violence, abuse, neglect and exploitation? Even if it cannot be dealt with now, but as part of people's previous life experience?**

**A:** Absolutely, you can. There is a lot to learn from history and so the Royal Commission is interested to hear people's experiences, whenever those events have occurred.

And related to that, there has been feedback of people saying, “I don't think I can tell my story to the Royal Commission because what's happened to me isn't serious enough.”

In response to that, this is not a case of the Royal Commission only hearing the worst or what people think might be the most serious cases. The Royal Commission is keen to hear from everybody about their experience and their personal journeys and their personal experiences and no judgment is made on who is the worst or who is the best, so that includes past experiences as well.

**This question was asked in the webinar chat and answered by people from the DRC.**

**Q.17: If the issues we want to talk about have already been covered in previous hearings, is it worth putting in a submission?**

**A:** Yes absolutely. In fact, it is often the public hearing on the topic that will be the impetus for others to make their own submission.

**Q.18: Who is providing the counselling support, where they are based and what their background is re: disability literacy?**

**A:** Counselling services have been specifically funded to be free independent. The easiest way to find a local service is to contact [Your Story](https://yourstorydisabilitylegal.org.au/Contact-us) 1800 77 1800 or [Blue Knot](https://www.blueknot.org.au/Training-Services/Counselling-and-Referral-Service) and they will refer you.

**Q.19: Where is the hearing held?**

The hearing on the health and safety of women and girls with disability will be held 13 – 19 October 2021 in Hobart, Tasmania. Please see the upcoming schedule on the Royal Commissions website for all upcoming [Public Hearings](https://disability.royalcommission.gov.au/about-royal-commission/our-schedule).