

6 November 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100, Parliament House
Canberra ACT 2600

Delivered by email to legcon.sen@aph.gov.au

Dear Committee Secretariat

Response to question on notice

Thank you for the opportunity to provide further information to the Inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024 [Provisions].

People with Disability Australia is Australia's peak national cross-disability Disability Representative Organisation and Disabled People's Organisation and is funded by the Australian Government to represent the 1 in 6 Australians with disability nationally.

At the Public Hearing on 2 December 2024, PWDA's Deputy-CEO, Megan Spindler-Smith, informed the Committee that people with disability have experienced threats to damage or remove their disability aids and other supports in the context of hatred and abuse.

As requested by Senator Scarr, please find below further information, including two case studies, concerning this form of violence.

1. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission)

In its final report, the Disability Royal Commission stated that people with disability may experience 'disability-specific abuse', which includes:

...removing, denying or withholding necessary equipment or devices, such as a wheelchair or communication aids; and withholding necessary assistance and care.

The Disability Royal Commission also noted that disability-specific abuse can occur in the context of domestic and family violence:

For women and girls with disability, forms of family and domestic violence may include threatening to or actually withholding supports or assistive devices; use of restrictive practices and restraints; and non-consensual medical interventions such as contraception and sterilisation.

The following two case studies are taken from the Disability Royal Commission's final report:¹

- A man with cerebral palsy grew up with an abusive mother. One day, when he was in year 12, his mother took his wheelchair away and said, 'Why don't you go into the big wide world, and you know, see what it's really like?' She then took his wheelchair and locked it in the back of the car. Later, when he moved in with his older brother, his mother wouldn't let him have his equipment, including a modified vehicle that had been provided as part of his disability support package.²
- A woman with disability who has worked as a support worker, recalled that in some group homes support workers have threatened residents saying 'if you don't behave yourself you'll have no staff and you'll have no-one.'³

2. Other sources

An Australian researcher has stated that perpetrators of domestic violence against Deaf women may 'damage, destroy or withhold communication equipment such as cochlear implant magnets, hearing aids and Bluetooth systems to further isolate and control ...'⁴

¹ Please note the authors of the case studies were not witnesses.

² Disability Royal Commission (2023) *Final Report, Volume 1, Book 1: Voices of people with disability*, accessed 6 December 2024, 567.

³ Disability Royal Commission (2023) *Final Report, Volume 1, Book 2: Voices of people with disability*, accessed 6 December 2024, 716.

⁴ Dr Vanessa Letico (2024) *Deaf women are twice as likely to experience domestic violence. How perpetrators weaponize disability*, accessed 6 December 2024.

To ensure that the Criminal Code Amendment (Hate Crimes) Bill 2024 captures disability-specific hate speech, we reiterate recommendation 3 of our submission, that the Bill is amended to define what constitutes 'force' and 'violence' against people with disability, through co-design with people with disability and our representative organisations.

Thank you again for the opportunity to provide further information. If you would like to discuss our evidence further, please contact Lisa Ira, Senior Policy Officer, via email at

Yours sincerely

Megan Spindler-Smith
Deputy Chief Executive Officer
People with Disability Australia