



Safeguarding the rights and interests of people with disability

The Committee Manager  
Legislative Assembly Legal and Social Issues Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

via email [avp\\_inquiry@parliament.vic.gov.au](mailto:avp_inquiry@parliament.vic.gov.au)

20 December 2019

**RE: Inquiry into anti-vilification protections**

The Office of the Public Advocate's (OPA) mission is to protect and promote the rights, interests and dignity of people with a disability. It is a Victorian statutory office, independent of government and government services that works to safeguard the rights and interests of people with disability. The Public Advocate is appointed by the Governor in Council and is answerable to Parliament. OPA provides a range of services including the provision of guardianship, advocacy, and investigation services to people with cognitive impairment or mental illness. In 2018-19, OPA was involved in 1,823 guardianship matters (978 which were new), 404 investigations and 258 cases requiring advocacy.

Under the Guardianship and Administration Act 1986 (Vic), OPA is also required to arrange, coordinate and promote informed public awareness and understanding about issues affecting persons with disability. OPA does this by providing an Advice and Education Service that offers information and advice on a diverse range of topics affecting people with disability. Last financial year, the telephone advice service answered 13,344 calls, almost one in ten related to neglect and abuse. OPA's work is supported by more than 700 volunteers across four volunteer programs, including the Community Visitors Program. Community Visitors are empowered by law to visit Victorian accommodation facilities for people with disability or mental illness at any time, unannounced. They ensure that the human rights of residents or patients are being upheld and that residents are not subject to abuse, neglect or exploitation.

OPA welcomes the opportunity to address Terms of Reference number eight, that the Committee should consider possible extension of protections or expansion of protection to classes of people not currently protected under the existing *Racial and Religious Tolerance Act 2001* (Vic) (the Act).

There is significant evidence that people with a disability experience violence and abuse at a rate greater than the general population. Article 16 of the *Convention on the Rights of Persons with Disabilities* (CRPD) obliges State Parties to 'take all appropriate legislative [amongst other] ... measures to protect persons with disabilities ... from all forms of exploitation, violence and abuse', and 'to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted'.<sup>1</sup>

The protections under the Act, together with the substantial penalties that apply in the event that an offence is proven, would serve to protect and promote the rights of people with disability, particularly the right to be free from violence and abuse. OPA therefore supports an extension of the anti-vilification protections under the Act to protect people with disability.

Please contact me should you have any queries in relation to this correspondence.

Yours sincerely

Dr John Chesterman  
Acting Public Advocate

<sup>1</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, opened for signature on 30 March 2007, A/RES/61/106 (entered into force on 3 May 2008) art 16.