

18 January 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

COVID-19 Royal Commission Terms of Reference

People with Disability Australia welcomes the opportunity to provide input into the appropriate terms of reference for a COVID-19 Royal Commission.

People With Disability Australia (PWDA) is Australia's national peak disability organisation, representing the 1 in 6 Australians with disability. We are the leading disability rights advocacy and representative organisation and the only national cross-disability organisation representing the interests of people with all kinds of disability. We are a not-for-profit and non-government organisation, and our membership is comprised of people with disability and organisations primarily constituted by people with disability, including the **PWDA Board** and many members of **our staff**.

The experiences of people with disability during the COVID-19 pandemic include anxiety over constantly changing messages, feeling confused and abandoned by governments, increased levels of violence and abuse,¹ and feeling unsafe and forgotten as COVID-19 infection control measures reduced.^{2 3}

¹ PWDA, [Pandemic Research Project](#), undated, last accessed 1 January 2024.

² PWDA, [COVID-19: Where to from here? Summary report](#), September 2023, last accessed 1 January 2023.

³ PWDA, [COVID-19 Position Statement](#), 21 September 2023, last accessed 3 January 2024.

People with disability also raised issues with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), including reduced or no access to vital health, mental health, rehabilitation services and medications including COVID-19 related screening, masks, personal protective equipment, hand sanitizer, vaccination and treatment, as well as lifesaving treatment due to unconscious bias.⁴ In particular, Public Hearing 5, raised:

- the failure to consult with people with disability and their representative organisations early in the pandemic
- the lack of clarity about whether disability support services were ‘essential’
- the application of pandemic restrictions to people who did not understand them, or were unable to comply
- the impact restrictions had on reducing oversight by family, friends and formal mechanisms to safeguard against the risk of violence, abuse, neglect and exploitation.⁵

In addition, the COVID-19 Senate Inquiry detailed the failure of the vaccine rollout plan to prioritise people with disability, to communicate with them that they had been deprioritised, and to ensure adequate levels of immunisation before the lifting of restrictions.⁶

COVID-19 remains a concern for people with disability. PWDA researched the impact of COVID-19 on people with disability and engaged extensively with our members to understand what measures are important to protecting the health and wellbeing of the disability community.

We report our findings in our [Pandemic Project Report](#), [COVID-19 Position Statement](#) and [Summary Report](#), and [Telehealth Submission](#) and have continued to call for the retention and expansion of Medicare Benefits Scheme telehealth appointments, and enhanced home visits, to enable people with disability to avoid COVID-19 infection. Therefore, we recommend the following areas of inquiry, based on our research and engagement with our members. These areas of inquiry are consistent with evidence heard by the Disability Royal Commission and the Senate Select Committee on COVID-19.

As a signatory to the United Nations [Convention on the Rights of Persons with Disabilities \(CRPD\)](#), Australia is obliged to take ‘all necessary measures to ensure the

⁴ Disability Royal Commission, [Statement of Concern: The response to the COVID-19 pandemic for people with disability](#), 26 March 2020, last accessed 2 January 2024.

⁵ Disability Royal Commission, [Report - Public hearing 5 – Experiences of people with disability during the ongoing COVID-19 Pandemic](#), 18-21 August 2020, last accessed 3 January 2023.

⁶ Australian Government, [Select Committee on COVID-19, Final Report](#), April 2022, last accessed 2 January 2024.

protection and safety’ of people with disability in situations of risk and disaster.⁷ Therefore, it is important to examine ‘lessons’ learned from the COVID-19 pandemic to ensure this obligation is upheld in the event of any future pandemics.

We propose the following proposed areas of inquiry for the proposed Royal Commission. Firstly, we recommend examining how people with disability experienced public health measures during the COVID-19 pandemic. Secondly, we recommend investigating what needs to be done to ensure the ongoing health and wellbeing of the disability community – especially given that for many people the pandemic is not over.

Proposed areas of inquiry

How people with disability experienced COVID-19 public health measures

1. The provision of accessible information at all stages.
2. Infection prevention and control.
3. The workforce that provided support for people with disability.
4. The cost impacts for people with disability, and those who supported them, including but not limited to Personal Protective Equipment (PPE), extra personal consumables, and private transport to avoid infection on public transport.
5. Accessing COVID-19 tests including Polymerase chain reaction (PCR) and Rapid antigen tests, and accessing COVID-19 testing infrastructure.
6. Consultation with people with disability, and how governments and other relevant stakeholders worked with the Australian Department of Health’s Advisory Committee on Health Emergency Response to Coronavirus (COVID-19) for People with Disability and other relevant government agencies or bodies.
7. Vaccination planning and rollout.
8. Reporting, monitoring and transparency of data, including but not limited to deaths attributable to COVID-19.
9. Impact on access to education and learning support from pre-school to further education during the pandemic and in what is understood to be the “post-pandemic” era.
10. The impact of intersectional issues for people with disability, including but not limited to gender, experiencing domestic and family violence, poverty, living in a

⁷ See Article 11, United Nations, [Convention on the Rights of Persons with Disabilities](#), 12 December 2006, last accessed 3 January 2024.

rural or regional area, being from a culturally and linguistically diverse or Aboriginal and Torres Strait Islander background.

11. Funding for, and capacity of, disability organisations, to deliver individual and/or systemic advocacy.

Ensuring the ongoing health and wellbeing of people with disability

1. Ways to implement targeted disability supports for those who continue to be at higher risk of contracting COVID-19.
2. Vaccination requirements for high-risk settings such as hospitals, medical services, disability services, aged care homes, and other settings where workers support people with disability.
3. National indoor air quality standards, especially for high-risk settings, including hospitals, medical services, disability group homes, aged care homes, schools and workplaces.
4. Mask wearing requirements for all health and hospital settings.
5. Bulk billed telehealth appointments for people with disability and/or those who are immunocompromised, whether or not a pre-existing relationship with a medical practitioner exists or whether they have attended in the previous 12 months.
6. Options to communicate the current level of COVID-19 risk in the community in each state and territory, including the potential implementation of a traffic light advice mechanism.
7. Options for the tertiary education sector to ensure that people who have disability and/or are immunocompromised can choose to attend their course online, in-person or by a combination of both delivery modes.

PWDA believes considering the above items will enable the forthcoming COVID-19 Royal Commission is responsive to the experiences and issues experienced by people with disability. If you wish to discuss this letter, please contact my Senior Manager of Policy, Mx Giancarlo de Vera, at giancarlod@pwd.org.au or via telephone on 0413 135 731.

Yours sincerely

Carolyn Hodge

Acting Chief Executive Officer

People with Disability Australia