



JOINT POSITION STATEMENT

A call for a rights-based framework for sexuality in the NDIS

The UN Convention on the Rights of Persons with Disabilities (CRPD) was ratified by Australia in 2008, stating that governments have an obligation to ensure that people with disability can enjoy rich and fulfilling lives equal to others in society.

The National Disability Insurance Scheme (NDIS) is underpinned by the rights enshrined in the CRPD, using a person-centred approach. It is designed to provide access to supports that are deemed “reasonable and necessary” to ensure people with disability are fully supported to live “ordinary” lives, equal to the rest of the community.

When launched, it was widely declared that “no person would be worse off.” The Australian Government promised that state and territory funded supports for people with disability would be maintained as people transitioned into the NDIS.

Our history

DPO Australia is an alliance of four national peak organisations made up of, led and governed by people with disability. The alliance members are People with Disability Australia (PWDA), Women With Disabilities Australia (WWDA), National Ethnic Disability Alliance (NEDA) and First Peoples Disability Network (Australia) (FPDN).

People with Disability Australia (PWDA) and Touching Base Inc. (Touching Base) have a long history working together with the aim of realising the sexual rights of people with disability.

PWDA is a leading disability rights, advocacy and representative organisation of and for all people with disability. We are the only national, cross-disability peak organisation and we represent the interests of people with all kinds of disability.

Touching Base developed out of the need to assist people with disability and sex workers to connect with each other, focusing on access, discrimination, human rights and legal issues and attitudinal barriers. Touching Base has brought the disability sector and the sex industry together in respectful and meaningful ways, through



education, policy development and training workshops for disability workers and sex workers. They have been active since October 2000, and have been formally recognised in the NSW Parliament for their work in this area over the last 20 years.

Our issue

Historically people with disability have been subjected to societal beliefs that we are either asexual or hypersexual, while constantly being denied full autonomy over our own bodies.

The NDIS have further perpetuated this stigma by failing to develop or produce a clear and comprehensive sexuality policy for NDIS participants that encompasses and supports individual sexual needs and goals at all life and development stages.

A sexuality policy should be positively framed and place sex, sexuality and relationships within the context of disability supports. The policy should include a broad range of goals an NDIS participant may seek to include in their NDIS plan. These goals might include: appropriate disability-inclusive sexuality and relationships education; information and resources to support individual learning needs; support for dating and social sexual engagements; access to adaptive sex toys; access to sex therapy or utilising sexual services from sex workers.

Our concern

We are concerned about the absence of a comprehensive policy framework on sexuality. A comprehensive NDIS policy recognises, encompasses and supports the types and range of professional support some people with disability may need to use to express their sexuality, and to have the opportunity for fulfilling sexual experiences in life.

The benefits of sexual expression for people with disability

People with disability choose to date, have casual sexual partners, enjoy loving partnerships, choose celibacy, marry, and decide to be parents or not, just like others in the community. There are also a myriad ways people with disability can enjoy sexual expression.

The benefits of fulfilling sexual needs and goals can positively contribute to the overall quality of life and self-esteem for individuals, as well as meeting a range of other emotional, psychological, physical and social needs.



Additionally, some people with disability are in need of specific support to learn about their sexuality and sexual capacity after a significant injury, illness or sexual assault, increase their experience, knowledge and acceptance about changes in their own bodies and abilities, and to gain confidence and social skills to enjoy a positive sexuality.

Why support is needed

The professional services of a wide range of educators, including allied health professionals and sex therapists, can play an integral role in supporting an individual's capacity to develop life skills necessary to engage in healthy and consenting sexual and romantic relationships.

Professional¹ and ethical codes of conduct² clearly state that sex therapists³ are not allowed to touch their patients and clients in an intimate or sexual manner.⁴

This is in contrast to sex workers who can and do provide mutually consenting physical contact. While accessing services of sex workers may not be for everyone, this option should not be denied nor dismissed on the basis of disability, or the moral beliefs of third parties.

Sex workers, especially within Australia, have already been recognised as being able to provide professional sexual services for a wide range of people with disability. Their skill-set can complement sex education and sex therapy and allow an individual to practice, experience and enjoy a range of activities in a safe and supportive environment.⁵

Giving people with disability the right to exercise choice and control over the supports they need to achieve the goals they've identified is the primary objective the community expects the NDIS to deliver on.

Our call for change

The Commonwealth Government and the National Disability Insurance Agency (NDIA) are out of touch with current practices, and are unaware of the high levels of community support for people with disability to exercise choice and control over the supports we need to achieve the goals we identify.

Previously, state-based disability financial support systems allowed for people with disability to access sexual services according to their individual needs and goals.⁶ Our sexual autonomy was supported through clear policy and procedures.



We were not meant to be worse off under the NDIS but this is one area where we are.

We call on the NDIA to develop a comprehensive sexuality policy to continue reasonable and necessary support for sexual expression through NDIS funding.

The community supports the change

The community supports our call for change.

The undersigned endorse our position statement above, and expects the NDIS to support people with disability to develop to our full potential in all areas of our life - including supporting our sexual expression.

The undersigned want the NDIA to develop a comprehensive sexuality policy to allow for all levels of sexual education and support to be provided, according to our individual needs and goals.

Endorsements

Organisations

ACON (NSW)

ACT Council of Social Service

Advocacy for Inclusion

AIDS Action Council of the ACT

Australian Centre for Disability Law

Australian Federation of AIDS Organisations

Australian Society of Sex Educators, Researchers and Therapists NSW

Family Advocacy

Family Planning NSW

Migrant Women's Lobby Group (SA)

Multicultural Disability Advocacy Association of NSW

National Council of Single Mothers and their Children Inc.

National LGBTI Health Alliance

Northcott

Physical Disability Council of NSW

Public Health Association of Australia



Queensland Advocacy Inc.

Queensland AIDS Council

Queensland Voice for Mental Health Inc.

Respect Inc. (QLD)

Scarlet Alliance, Australian Sex Workers Association

Self Advocacy Sydney Inc.

Sex Work, Education, Advocacy & Rights Western Australia

Sex Workers Outreach Program, Northern Territory AIDS and Hepatitis Council

Sex Workers Outreach Project Inc. (NSW)

Sex Workers Reference Group, Northern Territory AIDS and Hepatitis Council

Sexual Health and Family Planning ACT Inc.

SHINE SA

SHQ and People First Program (WA)

SIN (SA)

Society of Australian Sexologists

Tasmanian Council on AIDS, Hepatitis and Related Diseases

Thorne Harbour Health (VIC)

True Relationships & Reproductive Health (QLD)

Vixen Collective (Victoria's peer only sex worker organisation)

WA Council of Social Service

Women in Adult and Vocational Education

Women with Disabilities ACT

Women's Electoral Lobby Inc. Australia

Working It Out (TAS)

YWCA Australia

Individuals

Basil Donovan, MD FAHMS, FAFPHM, FRCPI, FACHSHM, FRCP

Professor and Head, Sexual Health Program, The Kirby Institute, University of New South Wales; NHMRC Practitioner Fellow

Eva Cox AO

Adjunct Professor, University of Technology Sydney



Helen Meekosha

Associate Professor, School of Social Sciences, University of New South Wales

Emeritus Mayor Peter Woods OAM

Ambassador United Cities and Local Governments (Asia Pacific) and Patron Local Government NSW

Sue Salthouse

Disability Rights Advocate and 2015 ACT Citizen of the Year

ENDNOTES

¹ Society of Australian Sexologists (2014), *A Code of Ethics and Practice for Members and Accredited Members of the Society of Australian Sexologists Ltd*, retrieved from: <https://societyaustraliansexologists.org.au/wp-content/uploads/2018/10/SAS-Code-of-Ethics-and-Practice-2014.pdf>

² Australian Society of Sex Educators, Researchers and Therapists (2019), *Professional Code of Ethics and Conduct*, retrieved from: <http://www.assertnsw.org.au/code-of-ethics.htm>

³ Psychotherapy and Counselling Federation of Australia (2017), *PAFCA Code of Ethics*, retrieved from: <https://www.pacfa.org.au/wp-content/uploads/2017/11/PACFA-Code-of-Ethics-2017.pdf>

⁴ Australian Counselling Association (2014), *Code of Ethics and Practice of the Association for Counsellors in Australia*, retrieved from: <https://www.theaca.net.au/documents/ACA%20Code%20of%20Ethics%20and%20Practice%20Ver15.pdf>

⁵ Wotton, R. (2016), *Sex workers who provide services to clients with disability in New South Wales, Australia*. University of Sydney, Sydney, Australia, retrieved from: https://ses.library.usyd.edu.au/bitstream/2123/16875/1/Wotton_RW_thesis.pdf

⁶ See for example, NSW Department of Family and Community Services (2016), *Sexuality and Relationships Guidelines*, https://www.facs.nsw.gov.au/_data/assets/pdf_file/0008/590660/117-Sexuality_and_Relationship_Guidelines-accessible.pdf