

Inclusive Democracy

This essay includes words that are no longer acceptable to use and which some readers may find offensive or confronting.

“Until the concept of disability disappears and is replaced by a society that is structured to support everyone’s life relatedness and contribution—until that day, my life and opportunities and the lives of every other person who carries the label ‘disabled’ depends on the goodwill of people in the human service system. Goodwill is no substitute for freedom.”ⁱ

(2009 National Disability Strategy Consultation Report)

With the 1788 British colonisation of Australia came the introduction of asylums, hospitals and prisons to accommodate those convicts that had varying degrees of mental or physical impairmentⁱⁱ that made them unfit to work or ‘too unstable to be left at large.’ⁱⁱⁱ Many of these people, unable to make a living, were heavily reliant on community charity.^{iv}

In the 1820s and 30s disabled convicts, such as James Burnett, were exposed to hard labour and harsh punishment, often leading to permanent health implications.^v Burnett was dealt twenty-five lashes despite having a disabled right arm.^{vi} In 1915, Nichols Bayly described the horrific conditions faced by prisoners which led to the impaired use of ‘limbs and faculties by confinement of bread and water’ and ‘perfectly mad’ prisoners, ‘chained to the wall’.^{vii}

Until 1868, persons with a disability who had committed petty crimes to survive, often because they were unemployed, were brought to Australia.^{viii} By this time, the country had turned to a medical model which viewed disability as a health condition that was considered ‘the problem of the individual’, stating that disability is a tragedy, and people with disabilities are to be pitied.^{ix} This ideal also supported the removal of people consigned the labels of idiot, lunatic and crippled, from the colonies to overcrowded^x correctional gaol houses^{xi}, hospitals and asylums^{xii} under the Dangerous Lunatic Acts^{xiii}. The policy sanctioned the compulsory detainment^{xiv} of these people to these institutions to protect the welfare of themselves and others.^{xv} Many such asylums were designed by medical superintendents and alienists such as Thoman Kirkbride and Dr John Connolly, who developed Callan Park in Sydney and the Adelaide Lunatic Asylum respectively, believing that these conditions could be cured.^{xvi}

During the decade from 1910 to 1920, people with a disability became an object of ‘public distain’, and the compulsory, permanent segregation of the mentally deficient was consistently encouraged by professionals.^{xvii} In a 1923 Royal Commission, it was highlighted that Australia, “a young partially developed country” needed “virile stock to propagate the generations to come”, finding that “unless steps were taken to ensure the perpetuation of the healthy and normal population...we will be inviting an inevitable shipwreck as a people.”^{xviii} From 1913, this segregation became customary in schools. Those children considered ‘ineducable’ were put into ‘opportunity classes’, ‘special schools’ or excluded from government schooling altogether.^{xix} At the time, the ‘ineducable’ were those with mental disabilities ‘the crippled, the cerebral palsied, the deaf’ and the ‘partially sighted’.^{xx}

In 1952, parent groups that were unwilling or unable to institutionalise their children formed the Australian Council of Mentally Retarded Children. As a result, disabled people gradually became objects of sympathy rather than revulsion: “Not so long ago, the mentally handicapped children amongst us were looked upon almost as though they were a race apart... that day is gone.” (a parent in a 1956 newsletter).^{xxi}

During the 1970s, people with a disability began to advocate for their own rights more prominently, which significantly increased the momentum of the disability rights movement. Joan Hume OAM and Genni Batterham OAM, who both faced forms of paralysis, were key activists in the disruption of the inaccessible Eastern Suburbs Railway opening at Bondi Junction in 1979^{xxii}; and twenty-one-year-old Geoff Bell who was forced to live in a nursing home because of his quadriplegia and who subsequently wrote to the Minister for Social Security suggesting the creation of alternate services for young people with a disability, raised

important issues that the public at the time were not otherwise conscious of.^{xxiii} Australia became a signatory to the United Nations (UN) Declaration on the Rights of Mentally Disabled Persons in 1971, and the Rights of Disabled Persons in 1975. This gave people with disabilities the right to “human dignity”, where they may become as “self-reliant as possible” and give them access to services to “enable them to develop their capacities and skills to the maximum and hasten the process of their social integration.” More importantly, it gave them “protection against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.”^{xxiv}

It was, however, during the 1980s after the 1981 International Year of the Disabled^{xxv}, when disability activism transitioned from largely individual or regional issues, to demands for widespread social and system transformation, that perhaps the most meaningful and positive changes were catalysed. In particular, this period marked the beginning of the rejection of the medical model of disability in favour of the social model in Australia. This social model defined disability as the result of interactions between individuals and their environment, stating that people with disabilities are only prevented from living a full life because of unsuitable infrastructure, negative attitudes, and miscommunication.^{xxvi} The model seeks to change society to accommodate people living with impairment and supports the view that people with disability have a right to be fully participating citizens on an equal basis with others.^{xxvii} The activism and advocacy of Lesley Hall, Martin Stewart and Elizabeth Hastings were of particular importance during this period.

In 1981, 26-year-old Lesley Hall OAM, protested against the Miss Australia Quest as part of the Women With Disabilities Feminist Collective (see Image 1).^{xxviii} After the protest, Lesley wrote an article about why she opposed the quest. She had experienced discrimination by doctors who said she was “ugly” and “would get uglier as [her] disability progressed.” Furthermore, she expressed her rejection of the quest’s “notion of beauty” and “charity ethic” which does disabled people a “disservice”, by preventing them from achieving “integration into society”, promoting the negative perceptions of this demographic as “poor unfortunates” who are “inferior” and “different”, putting them on the “receiving end of prejudice and discrimination”.^{xxix} Lesley’s protest encouraged a shift in the way society and governments perceived Australian’s with disabilities. Inevitably, her work as a member of ‘Women with Disabilities in Victoria’^{xxx}, and as the CEO for the Australian Federation of Disability Organisations^{xxxi}, led to her becoming a major contributor to the development of the National Disability Insurance Scheme (NDIS)^{xxxii}.



Image 1 – Lesley Hall OAM protests against the 1981 Miss Australia Quest. She stands beside newly crowned Miss Australia. Her sign reads: Spastic Society oppresses women with the ‘S’ written in the style of the Nazi German Schutzstaffel.



Image 2 – Martin Stewart is arrested by police at the Miss Victoria Pageant protest. His guide dog tries to stay close.

Martin Stewart, 2018 Blind Australian of the Year, has also been instrumental in disability rights advocacy. Throughout the 1980s, he worked for the Royal Victorian Institute for the Blind (RVIB) where he led the movement to promote equitable wages and treatment for people with disabilities working in sheltered workshops.^{xxxiii} In 1986, Martin protested the Miss Victoria Pageant, which led to his subsequent arrest (see image 2). He was also an activist for transport accessibility, advocating for the use of guards and platform attendants for train stations, even before he lost his right arm and part of his right leg as a result of an incident in 2002, when he was dragged 200 meters by a train after mistaking the gap between carriages for a doorway and falling onto the tracks. Martin says that, as a result: “there are gap fillers being produced on Victoria’s train system to prevent accidents like [his]”, and as an Advocacy Officer for Blind Citizens Australia, he has persuaded the NSW Transport Minister not to remove train guards from intercity trains, by posing the question, “are our lives dispensable?”.^{xxxiv} Stewart’s advocacy for transport and workplace accessibility inevitably contributed to Australia’s significant transition from the medical to social model of disability policies and rights.^{xxxv}

After the introduction of Australia’s new Disability Discrimination Act in 1992^{xxxvi}, designed to provide protection for everyone in Australia against disability-based discrimination, Elizabeth Hastings became Australia’s first Disability Discrimination Commissioner^{xxxvii}, using her platform to promote disabled rights as human rights and launch a campaign against the forced sterilisation of people with a disability. Elizabeth contracted polio during the 1948 epidemic, resulting in arm, trunk and leg paralysis.^{xxxviii} She played an important role in conveying that “the presence and absence of disability is a matter of time and chance,”^{xxxix} and that “certainly disability is not always convenient, attractive or desirable, but it is an ordinary attribute of being human”. She expressed that, despite this, disabled people “do not wish to be altered, cured or transformed”, and rather wish that their “equipment would work reliably, and that education, transport, shopping... and other services...were accessible to [them].”^{xl} Elizabeth consistently appealed for the right of people with disabilities to have access to equitable services. Phillip Adams (who organised the successful International Year of the Disabled Person media campaign, using the assertive slogan ‘Break Down the Barriers’) said that: “no one taught me more about human rights than Elizabeth...they were missing here every time our bigotry, our buildings or our institutions placed a barrier in a disabled person’s path.”^{xli}

In 2007, the UN Convention for the Rights of Persons with Disabilities was adopted and ratified by the Australian Government, which served as a framework to protect the human rights of people with disabilities.^{xlii} In addition to the acceptance of the social model of disability, it endorses the concept that people with disabilities be accepted as ‘part of human diversity and humanity’.^{xliii}

A 2015 Senate Inquiry into institutional violence against people with a disability recognised the need for a Royal Commission was ‘absolutely necessary’, however it was denied by the Government at the time.^{xliv} A 2017 petition, signed by more than 120 Australian academics, together with a Civil Society Statement^{xlv}, coordinated by Disabled People’s Organisations Australia, endorsed by over 500 civil societies and individuals, calling for a Disability Royal Commission ultimately reinforced the wider community’s support. The Royal Commission, established in April 2019, has already found that a large portion of people with a disability have faced recent¹ violence, abuse, neglect, or exploitation.^{xlvi} The final report of the 2019 Disability Royal Commission will be delivered to the Australian Government on the 29th of September this year, recommending the appropriate improvements to law, policy, structure, and practices to ‘ensure a more inclusive and just society’.^{xlvii}

¹ Since 2010.

Despite the positive reform for disability policy and rights in Australia, people with a disability continue to face discrimination and their human rights are not being consistently upheld. Disabled people in Australia are still demanding to be respected and valued as members of society. Fighting for accessible transport, the abolition of 'outdated stereotypes'^{xlviii} and, most importantly, the democratic right of all people to civic engagement and participation.^{xlix}

In accordance with the 2002 amended Disability Discrimination Act, 2022 was the national target for the upgrading of transport accessibility.ⁱ This year, only 50% of Australia's public transport is compliant with these standards, and 73% of Victoria's tram stops are not accessible^{li}. Furthermore, disabled Australians face marginalisation as a result of "confronting negative attitudes"^{lii} and disability stigmas. The 2009 National Disability Strategy Consultation Report found that many people with a disability simply wish to live in a "dignified" manner in a society with "the opportunities that everyone has."^{liii} The requests of people with a disability to be valued and considered in the development of public infrastructure are still being made today, because Australia has not yet achieved this equality for disabled people.

Strong activism in Australia has successfully challenged and dismantled the medical model of disability which historically marginalised and treated those with a disability as people needing to be cured. Australia has seen a positive shift to the social disability model, together with acknowledgement of disability rights as human rights. Disappointingly, despite a continuity in the disability movement's calls for equity, freedom and fairness, current information and data suggests that significant reform is still required. Our disabled community and their supporters have a long history of using their voice to demand change. It would appear now that any further positive change will require our government, law and policy makers and wider society, to listen.

Appendix:

Image 1:

Hall-Bentick, F., Cornelius, P. (2013) The Age. Tireless advocate of rights for the disabled and champion of the arts. Accessed from: <https://www.theage.com.au/national/tireless-advocate-of-rights-for-the-disabled-and-champion-of-the-arts-20131107-2x4e1.html> Last accessed: 22 Aug 2023.

Image 2:

Ludbey, W. (1996). The Age. Accessible from: <http://drc.org.au/wp-content/uploads/2020/02/martin-stewart-final.pdf> Last accessed: 22 Aug 2023.

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This 2021 report from the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with a disability is a socio-cultural history of disability in Australia that explores the early treatment of people with a disability since British colonisation and the gradual transition from the medical model to the social model. It clearly highlights the importance of activism for these changes and aims to make Australian's aware of the challenges faced by people with a disability.

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