

Joint Position Statement

NDIS and Sexuality

Thirty eight disability and allied health organisations and services across Australia have signed this position statement that strongly opposes any reform to the NDIS that allows the National Disability Insurance Agency (NDIA) to exclude services without consultation or following a process based on “reasonable and necessary” supports, particularly as they relate to sexuality supports for people with disability.

The Importance of Sexuality and Relationship Supports

The draft NDIS support lists published by DSS and the NDIA for public consultation explicitly exclude use of funding for sex work, sex toys, and dating or relationship services, under the proposed transitional rules if the NDIS Bill passes.

We are also aware that there has been a call to specifically exclude sexual services in the Bill without providing a definition of what sexual services includes.

The call to ban sexual services under the NDIS suggests that supporting disabled people in accessing healthy and safe sexual relationships is solely about engaging sex workers.

However, both sexuality and relationship supports and sex work services play equally vital roles in enabling people with disability to express their sexuality. Banning either form of support would undermine the rights of disabled people to have their full sexual needs and desires respected and supported. We insist that accessing sex work services and sexual supports must remain a funded support where reasonable and necessary.

Other complex experiences, needs and supports that NDIS participants access every day through professional Sexuality and Relationships Service include, but are not limited to:

- ▶ A teenager needing education resources like their peers to teach them age-appropriate and accessible information about consent, but that also includes information and advice that relates to the impact of their disability.
- ▶ Counselling and support for people with disability whose only experience of sex has been sexual assault.
- ▶ Support, advice and guidance for a middle-aged woman who has acquired a physical disability and wants to know how she can maintain a loving, intimate relationship with her partner.
- ▶ A person with intellectual disability being supported as they navigate their emerging sexual feelings and sexuality.
- ▶ A man with physical disability living in a group home wanting to invite their intimate partner to their home but needing support from the staff working in the house.
- ▶ Assistance with positioning for a person with physical disability or chronic pain who is in a relationship (including assistive devices and aides but also trained support workers).

NDIS and Sexuality

The NDIS is designed to improve the quality of life of disabled people in Australia. It provides funding for people with disability to access reasonable and necessary supports, to pursue their goals, live independently, and participate fully in the community.

The Impact of Excluding Sexuality Supports

The exclusion of sexuality and relationship services from the NDIS would undermine the fundamental human rights and the choice, control and access of people with disability to essential supports that enable full participation in all aspects of life, including sexual expression, health, education, reproduction and relationships. This would only compound the effects of many students with disabilities not being given the same sex, consent, and respectful relationships education as other students.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability reported that 55 in every 100 disabled people have experienced sexual and/or physical violence since the age of 15 (Final Report - Volume 3, 2023, pg. 87). Research and evidence from the community has shown that sexuality and relationship services delivered in safe and supportive settings can promote healing after sexual violence and trauma, and can lead to people with disabilities having improved confidence in negotiating healthy relationships, understanding consent and knowing their rights.

These rights include being supported where required to facilitate their sexual expression, explore touch and pleasure in safe and supportive ways, that may enhance their self-esteem and confidence. Getting rid of sexuality services would result in people with disability facing continued challenges, increased risks and neglect around this core aspect of their lives, especially for those who don't identify as heterosexual.

The Need for a Comprehensive Sexuality Policy

Sexual supports are critical to the well-being of people with disability. As confirmed by the Federal Court in 2020 they are reasonable and necessary supports that contribute to our holistic health and quality of life. The NDIS must continue to recognise sex, sexuality, and relationships within the context of disability and ensure access to a range of safe sexual supports and services that meet the diverse needs of NDIS participants.

We call on the Minister to consult with NDIS participants and people with disability to co-design a comprehensive sexuality policy that acknowledges and respects the diverse sexual and intimacy needs of people with disability. The disability community has long called for such a policy to ensure that sexual supports are accessible, reduce fear and stigma associated with seeking these supports, and provide clear, consistent guidelines for the approval and use of NDIS funding for these purposes.

NDIS and Sexuality

This statement is endorsed by SHQ and the following organisations::

- ▶ Touching Base Inc
- ▶ Northcott Disability Services
- ▶ People with Disability Australia
- ▶ Care Rehab
- ▶ Melba Support Services
- ▶ Sexual Health Quarters
- ▶ Scarlet Alliance, Australian Sex Workers Association
- ▶ Thrive Rehab
- ▶ We Are People Too
- ▶ Birds and Bees Pty Ltd
- ▶ Rosie's Place
- ▶ True Relationships & Reproductive Health
- ▶ Dementia Alliance International
- ▶ Sexual Health and Family Planning ACT Inc
- ▶ Bloom-Ed
- ▶ Full Stop Australia
- ▶ My Friend in Sex Ed
- ▶ Crush Therapy
- ▶ Beyond Barriers Intimacy and Dating
- ▶ The Family Planning Alliance Australia
- ▶ Society of Australian Sexologists
- ▶ Rubix Support
- ▶ Caddyshack Project
- ▶ Skyridge Occupational Therapy
- ▶ Frank Chats with Alicia
- ▶ Project Home Unity
- ▶ Sage Sexology
- ▶ Sens8 Support Services
- ▶ Laurel House
- ▶ Family Planning Australia
- ▶ Women's Health NSW
- ▶ SECCA
- ▶ Blue Mountains Women's Health & Resource Centre
- ▶ Shoalhaven Womens Health Centre
- ▶ Older Women's Network NSW Inc
- ▶ Consentability
- ▶ Bus Stop Films
- ▶ Signpedia