15. \_org\_ DisabilityatDeakin

**Subject:** Online submission to IP44: DisabilityatDeakin

This submission is on behalf of: Disability@Deakin

Question 1:

**a. Provision for supported and substituted decision-making arrangements:**

The Commonwealth needs to respond to the point correctly identified by the Committee on the Rights of Persons with Disabilities that the Article 12 Interpretative Declaration is inconsistent with the Convention as a whole in that it purports to validate substituted decision-making arrangements.

It is well accepted in international law that any Interpretative Declaration made by a State Party must be consistent with the provisions of the Convention to which it attaches.

As the Committee noted, extensive training will need to be provided across the sector with respect to the primacy of supported decision-making.

In this connection, the answer to the question posed in para 70 is “No.” If elements 1 and 2 are of a substituted character, as set out in para 67, then a so-called ‘subjective’ focus in a decision taken on behalf of another person, cannot transform that decision-making into supported decision-making.

There is no legal basis for the ‘subjective/objective’ distinction (as made at paras 70-72).

Question 2:

Question 3:

“Inclusion and Participation” must be understood to cover voluntary participation in collective arrangements and projects based on self-ascribed disability identities eg participation in the hearing-impaired community, just as persons without a disability are free to associate in identity, cultural or affiliation-based groupings.

Question 4:

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Question 41:

Other comments?:

File 1:

File 2: