

National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021

Senate Community Affairs Legislation Committee

Introduction

I would like to thank you for this opportunity to make a submission in response to National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021. This submission looks at the various factors that impact on Aboriginal and Torres Strait Islander people with a disability, including location, income, access to services and appropriateness of current support arrangements, and puts forward suggestions for improvement. I welcome the opportunity to speak further with you about how outcomes for Aboriginal and Torres Strait Islander people with a disability can be optimised.

About the author

Dr Adam Paul Heaton was awarded a PhD in education in 2014 at Charles Darwin University. The focus of his PhD was in Aboriginal Studies and Aboriginal Affairs, with a key emphasis on achieving pro-social and anti-racism outcomes. Adam was awarded a Bachelor of Arts (BA) in Aboriginal Affairs Administration in 2000, and with Honours and a Merit Award in 2007. He also completed his BA in Education in 2007, and is currently completing the Graduate Diploma in Strategic Leadership. He has worked for over 20 years in the Aboriginal Affairs, broader social services and education sectors. Over his career he has worked at numerous NGOs and Australian Government Departments of Social Services, Education, Employment, Health, Veteran's Affairs and Aboriginal and Torres Strait Islander Services (ATSIS) serving the Commission (ATSIC). Adam has published ten peer reviewed research papers and over forty submissions into Australian Government inquiries, in which he advocates for the rights of Aboriginal people and better outcomes for them. Adam has also authored books based on his experiences spearheading projects that assist over 500 children in remote communities in Africa.

The need for genuine partnership

All initiatives for better supporting Aboriginal and Torres Strait Islander people with a disability must be co-produced in genuine partnership between Federal, State and Territory Governments and Aboriginal and Torres Strait Islander community representatives and organisations, including Aboriginal community controlled organisations (ACCOs) as set out in the new National Partnership Agreement (Coalition of Peaks, 2020). The four Priority Reforms set out in the Partnership Agreement include the need for: shared decision-making between these tiers of governments and Aboriginal and Torres Strait Islander people; strengthening the Aboriginal and Torres Strait Islander community controlled sector; systemic and structural transformation of mainstream government institutions; and ensuring Aboriginal and Torres Strait Islander people's access to and use of data (Coalition of Peaks, 2020). Federal, State and Territory Governments and other key stakeholders must embed the Closing the Gap Priority Reforms across the implementation of the Bill and related disability support services.

Improving coordination in service provision and information sharing

There are currently major barriers facing Aboriginal and Torres Strait Islander people accessing disability support services. Coordinated provision of disability support services is essential for meeting the needs of Aboriginal and Torres Strait Islander people with a disability, but in many locations and institutions it is lacking. Funding provision from Federal, State and Territory Government departments is also very fragmented and difficult to map.

Greater funding and better coordinated funding is required from Federal, State, Territory and also Local Governments to ensure service providers can better meet the needs of people with a disability. This must include significant funding for ACCOs delivering services to Aboriginal and Torres Strait Islander people with a disability, so they may better coordinate their primary healthcare offerings and achieve holistic health and wellbeing outcomes. ACCOs need to be central in information sharing initiatives to Aboriginal and Torres Strait Islander families, and receive additional, allocated funding to do so. ACCOs are well known and trusted by local Aboriginal and Torres Strait Islander people and communities, and are best placed to ensure holistic, culturally safe and competent services are made accessible to Aboriginal and Torres Strait Islander people with a disability.

Tackling discrimination faced by Aboriginal and Torres Strait Islander people with a disability

Aboriginal and Torres Strait Islander people continue to experience racial prejudice and discrimination (Heaton, 2019a; 2020). This includes Aboriginal and Torres Strait Islander people with a disability (Australian Bureau of Statistics [ABS], 2016). Aboriginal and Torres Strait Islander people with a disability experience discrimination relating to their disability almost twice as often as other Australians who have a disability (ABS, 2016). In a 2019 speech, the Disability Discrimination Commissioner Ben Gauntlett stated that current community attitudes towards people with a disability are 'not good', and it is presumed that people with a disability do not have a meaningful role in society. A 2019 study found that 76.5% of respondents reported having experienced discrimination on the basis of their disability and, of the 3% of those surveyed who identified as Aboriginal and Torres Strait Islander people, 60% identified they were discriminated against on the basis of their ethnicity (DPOA, 2019).

Aboriginal and Torres Strait Islander people, including those with a disability, report regularly experiencing direct or indirect, and conscious or unconscious discrimination (Heaton, 2019a; 2019b; 2020). Double discrimination is often experienced by Aboriginal and Torres Strait Islander people, comprising discrimination based on ethnicity as well as disability. Disability discrimination can be based on a lack of knowledge or concern about disability issues and inclusion practices. Individuals and institutions will continue to discriminate until the disability sector develops a greater knowledge of disability and its effects, and puts this knowledge into the delivery of services. Cultural awareness training for all practitioners in the disability sector would reduce experiences and impacts of discrimination faced by Aboriginal and Torres Strait Islander people with a disability.

Improving the ability to recognise and diagnose disabilities

Failure to recognise and diagnose a range of disabilities and barriers to accessing tests that will diagnose disabilities remains a significant problem. ACCOs have reported that there are often long waits on paediatric assessments and a lack of resources to support people trying to access services. Delays in diagnosing a disability and the ensuing problems caused can be exacerbated by additional barriers to accessing diagnosis assessments and disability services in relation to affordability, location and cultural appropriateness. Also, the legacy of colonisation and its ongoing trauma makes some Aboriginal and Torres Strait Islander people reluctant to seek assistance from service providers.

The criteria established by Federal, State and Territory Governments for funding people's disability support requirements does not correspond with the Disability Discrimination Act (DDA) definition of disability, including mild intellectual disabilities, behavioural problems and learning difficulties. There are a disproportionate number of Aboriginal and Torres Strait Islander people who experience mild intellectual disabilities, behavioural problems and learning difficulties and do not receive disability support.

Providing appropriate equipment and support

There is often a lack of appropriate equipment for Aboriginal and Torres Strait Islander people with a disability, including hearing and vision aids, electronically adapted mobility devices and walking frames. More so, there training of practitioners and professional supports is insufficient, which impedes health and wellbeing outcomes for Aboriginal and Torres Strait Islander people with a disability. Practitioners need to be trained in the complexities and sensitivities of their task, but also be given cultural awareness training. A greater number of Aboriginal and Torres Strait Islander people must be employed in the disability sectors and occupy key positions in decision-making processes in relation to disability support services for Aboriginal and Torres Strait Islander people (Griffis, 2015). Aboriginal and Torres Strait Islander workers require opportunities to progress their careers and access fair remuneration to increase their retention.

Increasing practitioners' understanding of laws and processes

There is a need to increase service providers' knowledge of what their legal obligations are under the DDA. Service providers are often aware of the existence of the legislation and have either some or a good concept of the overall requirements, but very few have a practical or detailed knowledge of what their obligations under the DDA are. Continual review of the Attorney-General's decision-making powers in allocating funding to services for people with a disability is essential, as they may make Disability Standards to specify rights and responsibilities about equal access and opportunity for people with a disability in more detail than the DDA itself provides. ACCOs and other Aboriginal and Torres Strait Islander community representatives in the disability sector must engage in shared-decision making with all levels of government, including with the Attorney-General, to the development of policies that affect Aboriginal and Torres Strait Islander people with a disability.

Improving housing standards

Consideration must also be given in implementing the Bill and related disability support services to increasing opportunities for Aboriginal and Torres Strait Islander people with a disability to access appropriate, safe and secure housing. Overcrowding, noise and interruptions to healthy home practices all too often has a detrimental impact on Aboriginal and Torres Strait Islander people with a disability. The Supreme Court recently raising remote housing standards in the Northern Territory is a most welcome development, as it will assist in achieving better health and wellbeing outcomes for Aboriginal and Torres Strait Islander people with a disability currently living in inadequate housing.

Increasing opportunities to remain on Country

Embedded in the Bill and related disability support services must be opportunities for Aboriginal and Torres Strait Islander people with a disability to remain on Country. Mobility and transportation issues for many Aboriginal and Torres Strait Islander people with a disability can be compounded due to remoteness. Even with access to transport, Aboriginal and Torres Strait Islander people with a disability may not want to leave their families and community to go and study. Internet connectivity issues are prevalent in remote areas, with most significant impacts seen recently during the nation's response to the coronavirus pandemic when people being required to work from home.

Combined with overcrowding and inadequate housing and income, Aboriginal and Torres Strait Islander people with a disability face considerable barriers to accessing services. Federal, State and Territory Governments, in genuine partnership and shared decision-making with Aboriginal and Torres Strait Islander people and communities, need to identify how best to increase access for Aboriginal and Torres Strait Islander people with a disability to services on Country. ACCOs are often well placed to connect Aboriginal and Torres Strait Islander people with a disability and their families with local programs and services to optimise health and wellbeing outcomes.

Conclusion and recommendations

It is only through genuine partnership and shared decision-making between Aboriginal and Torres Strait Islander community representatives and organisations, including ACCOs, and Federal, State and Territory Governments, that discrimination faced by Aboriginal and Torres Strait Islander people with a disability can be tackled and improvements to service provision be made. Through such genuine partnership and shared decision-making, the Bill and related disability support services must be enhanced to:

1. increase funding for disability support services for Aboriginal and Torres Strait Islander people with a disability, including increasing accessible and affordable accommodation options;
2. expand definitions of disability and funding to recognise and support Aboriginal and Torres Strait Islander people with a disability who are currently not supported, including mild intellectual disabilities, behavioural problems and learning difficulties;
3. expand opportunities for Aboriginal and Torres Strait Islander people with a disability to live on Country, including through expanding opportunities to access Telehealth support;
4. better fund and coordinate the delivery of services that are holistic, culturally safe and competent disability support services that are accessible to Aboriginal and Torres Strait Islander people with a disability;
5. extend additional, allocated funding to ACCOs to coordinate information sharing to Aboriginal and Torres Strait Islander people and their families, regarding where to access physical and digital materials and supports;
6. mandate cultural awareness training for all staff delivering services and developing policies that affect Aboriginal and Torres Strait Islander people with a disability and their families; and
7. increase access to data for ACCOs in the disability sector, to assist in the development of well-informed policy and services affecting Aboriginal and Torres Strait Islander people with a disability.

Reference list

- ABS, 2015, *2015 Survey of Disability, Ageing and Carers*. Retrieved on 22 June 2021 from <https://www.abs.gov.au/statistics/health/disability>
- ABS, 2016, *Social and Economic Wellbeing of Aboriginal and Torres Strait Islander People with a disability*. Retrieved on 22 June 2021 from [4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2014-15 \(abs.gov.au\)](https://www.abs.gov.au/4714.0)
- Behrendt, L., Larkin, S., Griew, R., & Kelly, P., 2012, *Review of higher education access and outcomes for Aboriginal and Torres Strait Islander people: Final report*. Canberra, ACT: Australian Government. Retrieved on 22 June 2021 from [Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People](https://www.austlii.edu.au/au/other/dfat/special/education/behrendt.html)
- Coalition of Peaks, 2020, *The New National Agreement on Closing the Gap*. Retrieved on 22 June 2021 from: [New National Agreement on Closing the Gap](https://www.closingthegap.gov.au/)
- DPOA, 2019, *Barriers Aboriginal and Torres Strait Islander people with a disability face a range of barriers to accessing supports for ensuring educational success*. CRPD Shadow Report consultation survey results 5. Disabled People's Organisations Australia. Retrieved on 22 June 2021 from [Home - Disabled People's Organisations Australia \(DPO Australia\)](https://www.dpo.org.au/)
- Griffis, D., 2015, *A call to action: Meeting the needs of Aboriginal people with a disabilities*. Keynote address presented at the ATEND Pathways 12 Conference: Navigating New Frontiers, Fremantle.

- Heaton, A. P., 2019a, Combatting racism to create a better Australia: the potential of the national cross-curriculum priority of teaching Aboriginal histories and cultures. *Australian Aboriginal Studies*, Issue 1, 2019. Retrieved on 8 June 2021 from [Combatting racism to create a better Australia](#)
- Heaton, A. P., 2019b, The Importance of Students Engaging in Anti-Racism Education: A Case Study. In *World Journal of Educational Research*, 6(2). Retrieved on 8 June 2021 from [The Importance of Students Engaging in Anti-Racism Education](#)
- Heaton, A. P., 2020. Reconciliation Education: A New Conceptual Framework for Interrupting Prejudices and Developing Positive Intergroup Perspectives. In *International Journal of Education Humanities and Social Science* ISSN: 2582-0745. Vol. 3, No. 02, page 223. Retrieved 8 June 2020 at [International Journal of Education Humanities and Social Science](#)
- Kerr, S., 2019, *Meeting the needs of our Indigenous people with a disability*, *Australian Disability Clearinghouse on Education and Training*. Retrieved on 22 June 2021 from [Video - ADCET Webinar: Meeting the needs of our Indigenous students with disability](#)