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Submission in response to the Inquiry into General issues around the implementation and performance of the NDIS

Joint Standing Committee on the NDIS

Introduction

Thank you for considering my response to your inquiry into general issues around the implementation and performance of the National Disability Insurance Scheme (NDIS). This response focuses on better meeting the high volume and complex disability support needs of Aboriginal and Torres Strait Islander people (Indigenous Australians) currently not met. Critically, Indigenous Australians must be central in revamping the NDIS and determining and delivering disability support services to Indigenous people, with Aboriginal community-controlled organisations (ACCOs) spearheading service delivery. Formal partnerships and shared decision-making between federal, state and territory government and Indigenous experts and community representatives is critical.

About the author

Dr Adam Paul Heaton (PhD Anti-racism Studies, Aboriginal Affairs) is a Member of AIATSIS and has published over 80 peer-reviewed research articles and policy papers advocating for Aboriginal rights.

Genuine partnerships with Indigenous Australians is imperative

Initiatives for better supporting Indigenous Australians with a disability must be co-produced in genuine partnership between federal, state and territory governments and Indigenous community representatives and organisations, including ACCHOs and other ACCOs, as set out in the new National Agreement on Closing the Gap (Coalition of Peaks, 2020). It is essential there be improved shared decision-making between government and Indigenous Australians, strengthening of the Aboriginal community-controlled sector, systemic and structural transformation of government and increased access to important data for Indigenous communities (Coalition of Peaks, 2020). The NDIA, other government agencies and other key stakeholders must embed the Closing the Gap outcomes and priority reform areas across NDIS implementation and forecasting.

Currently, there is a large discrepancy between Indigenous Australians with disability and other Australians in regards to accessing NDIS and related disability support. Approximately 62,000 Indigenous Australians, or 7.2% of the Indigenous population, have a severe or profound disability (ABS, 2015), which is 1.8 times higher than for other Australians. More so, there is 2.0 times more Indigenous Australians compared to other Australians requiring disability supports. For Indigenous Australians, experiencing co-morbidity, multiple disabilities and shorter life expectancy makes the issues they face and disability support they require so much more complex as compared to other Australians. However, only 32,396 Indigenous Australians, or a tad over half of those with severe or profound disability, are NDIS participants. In Queensland, 14,500 Indigenous Australians were eligible for NDIS in 2019, but as of September 2020 there were only 7,151 Indigenous NDIS clients in the state, which is 49% compared to 86% for other Australians in the state. The implementation and forecasting of NDIS is in need of significant reform if better outcomes for Indigenous Australians are to be achieved.

Improving information sharing and coordinated service delivery

There are various barriers preventing Indigenous Australians from accessing NDIS, from socio-economic factors and disproportionate levels of low literacy and numeracy to a lack of coordination from service providers. Greater funding and better coordinated funding is required from the NDIA to ensure service

dr adam paul heaton

providers can better meet the needs of people with a disability. This must include significant funding for ACCHOs and other ACCOs delivering services to Indigenous Australians with a disability, so they may better coordinate their primary healthcare offerings and achieve holistic health and wellbeing outcomes. ACCHOs and ACCOs must be central in sharing information Indigenous Australians with disability and their families, and receive additional, allocated funding to do so. ACCHOs and ACCOs are well known and trusted by local Indigenous Australians and communities, and hence best placed to ensuring the accessibility of holistic, culturally safe and competent services.

Improving the ability to recognise and diagnose disabilities

Failure to recognise and diagnose a range of disabilities and barriers to accessing tests for diagnosing 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 Indigenous Australians reluctant to seek assistance from service providers. The criteria established 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 is a disproportionate number of Indigenous Australians experiencing mild intellectual disabilities, behavioural problems and learning difficulties not receiving disability support.

Providing appropriate equipment and support

There is often a lack of appropriate equipment for Indigenous Australians 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 Indigenous Australians with a disability. Also, practitioners need to be trained in the complexities and sensitivities of their task, but also be given cultural awareness training. A greater number of Indigenous Australians must be employed in the disability sectors and occupy key positions in decision-making processes in relation to disability support services for Indigenous Australians (Griffis, 2015). Indigenous workers require opportunities to progress their careers and access fair remuneration to increase their retention.

Tackling discrimination faced by Indigenous Australians with a disability

Indigenous Australians, whether with or without disability, continue to experience racial prejudice and discrimination (Australian Bureau of Statistics [ABS], 2016; Heaton, 2020). Indigenous Australians with disability experience discrimination almost twice as often as other Australians with disability (ABS, 2016). Over three-quarters (76.5%) of respondents to a 2019 study reported having experienced discrimination on the basis of their disability and, of the 3% of those surveyed who identified as being Aboriginal and/or Torres Strait Islander decent, 60% identified they were also discriminated against on the basis of their ethnicity (DPOA, 2019). Double discrimination, or discrimination based on ethnicity as well as disability, is a common experience of Indigenous Australians. Disability discrimination can stem from a lack of knowledge or consideration of 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 Indigenous Australians with a disability.

dr adam paul heaton

Improving housing standards

Consideration must also be given in implementing the DSP and related disability support services to increasing opportunities for Indigenous Australians 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 Indigenous Australians 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 Indigenous Australians with a disability currently living in inadequate housing.

Supporting educational aspirations of Indigenous Australians with a disability

Over half of Indigenous Australians with a disability report Year 11 or higher as being their highest level of education (ABS, 2015), Indigenous Australians with profound or severe disability were less likely than Indigenous Australians without disability to be studying (14% compared with 25%) (ABS, 2016). In addition, smaller proportions of those with profound or severe disability had attained a Certificate III or higher qualification (19% compared with 34%), Year 12 (11% and 15%) or Year 11 (7% compared with 12%). Indigenous Australians with profound or severe disability were more than twice as likely as those with no disability to have reported educational attainment below Year 10 (42% compared with 18%). Postschool, the level of employment of Indigenous Australians with a disability is 41.7%, with one in three living in households in the lowest income quintile (ABS, 2015). Almost one in four Indigenous Australians live with a disability, with approximately one in three having a profound or severe disability. Two in five Indigenous Australians with a disability live in major cities, and three in five (regardless of location) need assistance with at least one activity in their daily lives (ABS, 2016). A range of barriers to accessing education and achieving desired results are faced by Indigenous students with a disability.

Universities need to provide a greater range of educational and disability support services to Indigenous students with a disability and make these services, including assistive technologies, visible and accessible on their websites. An audit in 2016 of Australia's 40 universities' websites revealed that 35 of them provided disability support services but not specific support services for Indigenous students with a disability. Of the five universities that did, three merely linked the website user to general all student services and Indigenous student support — that is, there was no specific service or advice for Indigenous students with a disability. It is important that universities offer support to Indigenous students with a disability via various modalities. Whole-of-university efforts and responsibility is essential for achieving better outcomes for Indigenous university students with a disability, which includes ensuring all educators receive cultural awareness training (Behrendt, Larkin, Griew & Kelly, 2012). Cultural awareness training is essential for lecturers, tutors and service providers to learn how to teach Indigenous students with a disability sensitively and effectively, and ACCOs are well placed to deliver such training. Adequate, safe and affordable accommodation for Indigenous students with a disability on university campuses is also essential.

Recommendations

That, in genuine partnership with Indigenous community representatives and organisations, including Aboriginal community-controlled health organisations (ACCHOs) and other Aboriginal community-controlled organisations (ACCOs), the NDIA be reformed to achieve better outcomes for Indigenous Australians with disability and their families. This needs to include:

1. ensuring the NDIS operates within the agenda and framework of the National Agreement on Closing the Gap;
2. identifying and addressing the drivers of inequity facing Indigenous Australians with disability living in different parts of Australia;

dr adam paul heaton

3. doubling the number of Indigenous Australians with disability accessing NDIS and having their plans approved, on par with levels enjoyed by other Australians with disability;
4. increasing the number of ACCHOs, ACCOs and other Indigenous entities delivering NDIS and other disability support services;
5. ceasing 'one size fits all' approaches to disability support service delivery and implement tailored, targeted responses to meet the needs of Indigenous Australians with disability and their families;
6. expanding definitions of disability to extend NDIS and related disability supports to Indigenous Australians with disability that are currently not recognised and supported, including mild intellectual disabilities, behavioural problems and learning difficulties;
7. expanding opportunities and supports for Indigenous Australians with a disability to live on Country, including through greater opportunities to access Telehealth support;
8. better funding and coordinating the delivery of holistic and culturally competent disability support services that are accessible to Indigenous Australians with a disability;
9. extending additional funding to ACCOs to coordinate information sharing to Indigenous Australians with disability and their families, including in regards to where to access physical and digital materials and supports;
10. mandating cultural awareness training for all staff delivering services and developing policies that affect Indigenous Australians with a disability and their families; and
11. increasing access to data for ACCOs in the disability sector, to assist in the development of policy and delivery of services for improving health and wellbeing outcomes for Indigenous Australians with a disability.

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