



First Peoples
Disability Network
Australia

13 November 2023

Australian Government
Productivity Commission

Re: Review of the National Agreement on Closing the Gap

First Peoples Disability Network (FPDN) welcomes the opportunity to make a submission to the Review of the National Agreement on Closing the Gap. This submission provides key points for the Australian Government to consider.

About FPDN

The First Peoples Disability Network (FPDN) is the national peak organisation of and for Australia's First Peoples with disability, their families and communities. We actively engage with communities around Australia and represent Aboriginal and Torres Strait Islander people with disability in Australia and internationally. Our goal is to influence public policy within a human rights framework established by the United Nations Convention on the Rights of Persons with Disability and the United Nations Declaration on the Rights of Indigenous Peoples. Consistent with our principle of community control, our organisation is governed by First Peoples with lived experience of disability.

FPDN is the community-controlled disability peak and a member of the Coalition of Peaks, a partner to all Australian governments to the Closing the Gap National Agreement. We are also the First Nations Disability Representative Organisation actively representing the voices of First Nations peoples within Australia's Disability Strategy governance structures. For millennia, First Nations peoples, communities, and cultures have practiced models of

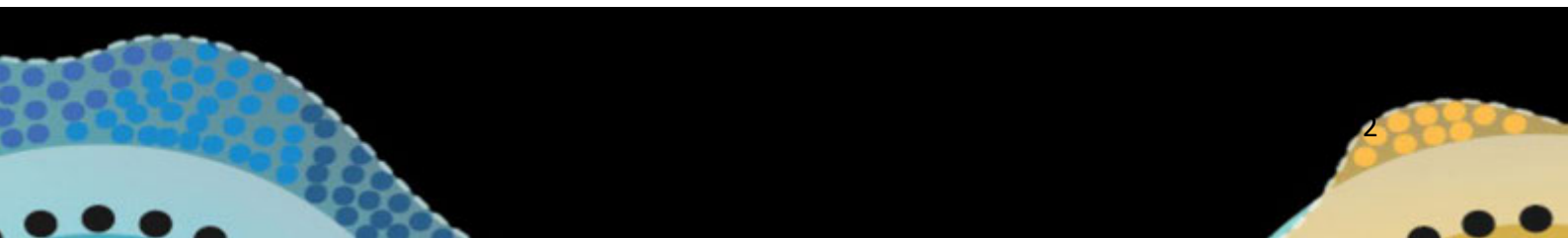
inclusion. However, despite this, since colonisation, First Peoples with disability and their families have been and continue to be amongst the most seriously disadvantaged and disempowered members of the Australian community. FPDN gives voice to their aspirations, needs and concerns and shares their narratives of lived experience. Our purpose is to promote recognition, respect, protection, and fulfilment of human rights, secure social justice, and empower First Peoples with disability to participate in Australian society on an equal basis with others. To do this, we proactively engage with communities around the country, influence public policy and advocate for the interests of First Peoples with disability in Australia and internationally.

Our extensive national work includes community engagement, capacity building and rights education; systemic advocacy, policy, research, evaluation and data; the development and delivery of evidence-informed training and resources with community for community and to a range of sectors including the Community Controlled sector and mainstream disability sector, Commonwealth and state/territory government policy and service delivery agencies and departments. FPDN also has an international presence and networks, including with the United Nations, and provides consultancy and support to international regions.

We follow the human rights framework established by the United Nations Convention on the Rights of Persons with Disabilities (CRPD), to which Australia is a signatory, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

We are also guided by both the social and cultural models of disability. The social model views disability to be the result of barriers to equal participation in the social and physical environment. These barriers can and must be dismantled. However, FPDN recognises the critical need to move beyond a social model to ensure the cultural determinants of what keeps First Nations people with disability strong is centred when working with and in designing policies and programs to improve outcomes for First Nations people. We call this a cultural model of inclusion.

A cultural model of inclusion recognises the diversity of cultures, languages, knowledge systems and beliefs of First Nations people and the importance of valuing and enabling



participation in society in ways that are meaningful to First Peoples.¹ A First Nations cultural model of inclusion includes the human rights framework and the social model of disability to ensure that enablers, approaches, services and supports are culturally safe and inclusive, and disability rights informed. It is the only disability model that seeks to improve the human condition through focussing on what keeps people strong, as distinct to merely negating the adverse impact of difference.

Our community has to operate in multiple worlds – First Nations, disability, and mainstream society. The disability sector reflects this and is a complex and interconnected web of approaches to enable First Nations people with disabilities to realise their rights to participate in all aspects of their life. These enablers, approaches, services and supports need to exist across the entire life-course, including the Aboriginal and Torres Strait Islander Community Controlled Sector and mainstream disability sector, as well as mainstream organisations and services. This includes in the early childhood development and care, education, health, social and emotional wellbeing, employment, housing and justice sectors.

We recognise the current unique opportunity both the Closing the Gap National Agreement and Australia's Disability Strategy could offer in ensuring the legislation, policies, programs and service delivery is accessible, inclusive and equitable for First Nations people with disability. However, we are concerned of the lack of coordination and systemic accountability frameworks between the two strategies, as well as under each of the frameworks, to ensure the Closing the Gap National Agreement is embedded into all Australia's Disability Strategy approaches.

Recommendations

1. Establish shared decision-making policy partnership or forum, led by First Peoples Disability Network. The partnership to be resourced appropriately to enable equal participation in the partnership by FPDN and other participants with government.
2. Embed a Culture Model of Inclusion Framework across all Priority Reforms, and require all Closing the Gap National Agreement Partners to report on actions in annual and implementation reports.
3. All jurisdictions increase implementation and specific reporting on the implementation of the Disability Sector Strengthening Plan, including supporting the presence of First Peoples Disability Network at a jurisdictional level.
4. Without losing its integrity on prioritising and investing in the disability Community Controlled Sector, expand the Disability SSP to develop specific actions to address Priority Reform 3 for the non-Indigenous disability sector, to ensure both the community controlled and non-Indigenous disability sector apply a cultural model of inclusion, and as a result are culturally safe, accessible and inclusive, and disability right informed.
5. Develop National Disability Insurance Scheme target by June 2024.
6. Develop targets for each socio-economic target and outcome. Where data infrastructure does not exist to identify a target, develop data plan with clear timeframes to align Closing the Gap and Australia's Disability Strategy, and National Disability Data Asset.
7. Commit to the implementation of a First Nations Disability Data Infrastructure.

8. Pending review of the Disability Royal Commission, embed recommendations in line with Closing the Gap National Agreement and a Cultural Model of Inclusion workforce and organisational accountability framework.
9. Pending review of the NDIS Review, embed recommendations in line with Closing the Gap National Agreement and a Cultural Model of Inclusion workforce and organisational accountability framework.

First Nations Inclusion and Disability

For millennia, First Nations peoples, communities, and cultures have practiced models of inclusion. This embracing of diversity and inclusion “is derived from a belief system and worldview of humanity in which biological, physical and intellectual differences are accepted as part of the fabric of society.”² Drawing on nation-wide available data, First Nations people with disability are included in their own communities across social, cultural and community events on average more than other Australians with disability.

However, despite this strength, since colonisation First Nations people with disability experience significant levels of inequality across all other life areas compared to other Australians, including in areas of health, education and social inequality.³ Whilst population prevalence data is limited, First Nations people are twice as likely to experience disability than the rest of the Australian population.⁴ Using the statistical definitions of ‘severe and profound disability’ in the Australian Bureau of Statistics (ABS) datasets, including the *ABS Survey of Disability, Ageing and Carers (SDAC)*, 2018,⁵ it is estimated that over 60,000 Aboriginal and Torres Strait Islander people live with severe or profound disability in Australia today.⁶

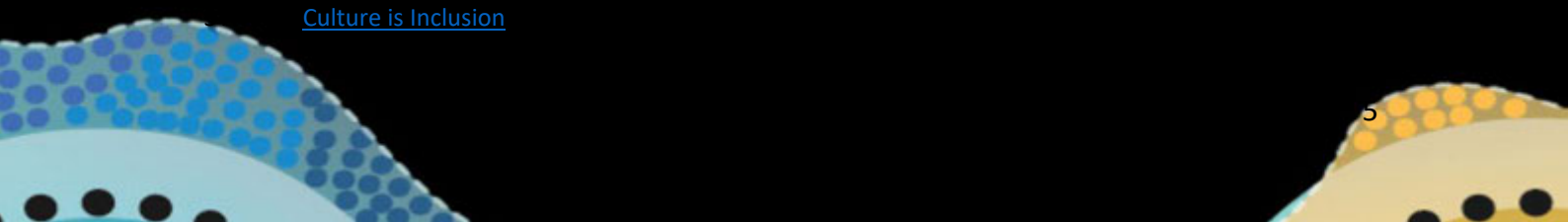
² S Avery, ‘[Culture is Inclusion](#),’ 2018, First Peoples Disability Network.

³ S Avery, ‘[Culture is Inclusion](#),’ 2018, First Peoples Disability Network: Australian Bureau of Statistics (ABS) (2016) *National Aboriginal and Torres Strait Islander Social Survey*, (NATSISS) 2014-15 (Release 4714.0).

⁴ Australian Bureau of Statistics (ABS) (2016) *National Aboriginal and Torres Strait Islander Social Survey*, (NATSISS) 2014-15 (Release 4714.0).

⁵ ABS, ‘[Disability, Ageing and Carers, Australia: Summary of Findings](#)’ 2018, accessed 29 August 2023.

[Culture is Inclusion](#)



First Nations people with disability experience many intersectional forms of discrimination, including discrimination based on age, gender, sexuality and geographic location. These intersecting forms of discrimination are institutionalised and embedded in how policies and programs have been designed, including the NDIS. We recognise that Aboriginal and Torres Strait Islander people are disproportionately affected by poor outcomes. This impact is widespread and has social, emotional, physical, economic and cultural impacts.

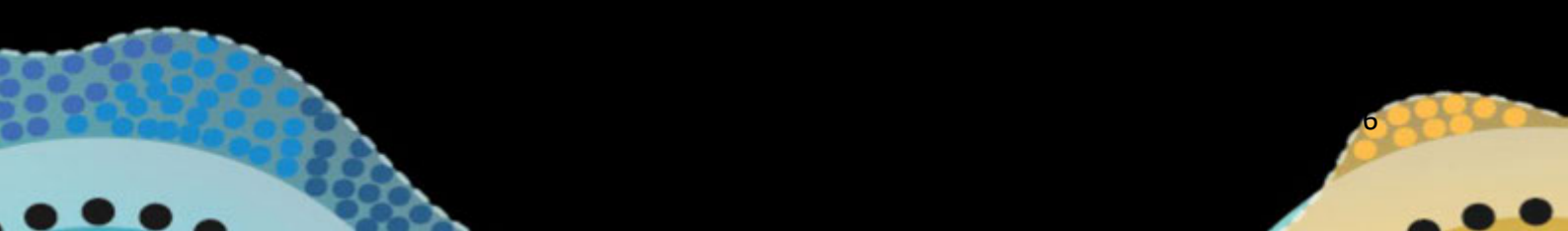
The First Nation Disability Policy Context

The Closing the Gap National Agreement Policy Context

Under the Closing the Gap (CtG) National Agreement, disability is a cross-cutting outcome. FPDN views this to be cross-cutting across all socio-economic targets, priority reforms, and other aspects of CtG including Sector Strengthening Plans, to ensure all actions are accessible, inclusive and equitable for First Nations people with disability. Whilst there is merit in the cross-cutting outcome approach, such an approach requires dedicated systemic change, resources, and advocacy. Without this, access, inclusion and disability become nobody's responsibility, rather than everybody's responsibility.

FPDN welcomes and recognises an increased focus on the Priority Reforms across government, however, we recommend applying a cultural model of inclusion framework across all the Priority Reforms. This will offer a structure to government to ensure First Nations peoples with disability have:

- a greater say in how policies and programs are designed and delivered;
- have access to community controlled services and sectors that delivers culturally safe, accessible and inclusive, and disability right informed services;
- have access to mainstream organisations and services, such as NDIS services, hospitals, schools and government agencies, that are culturally safe, accessible and inclusive, and disability right informed; and
- have access to, and the capability to use, locally relevant, First Nations disability informed, data and information.



Disability Sector Strengthening Plan

The Disability Sector Strengthening Plan (Disability SSP) has been developed to support achievement of Priority Reform Two of the National Agreement on Closing the Gap (CtG) to build the community-controlled disability sector, however it also relies on all other priority reforms. The Disability SSP outlines 31 high-level priorities and actions at a national level, which all Parties, through the Joint Council on Closing the Gap (the Joint Council), agreed to in July 2023.

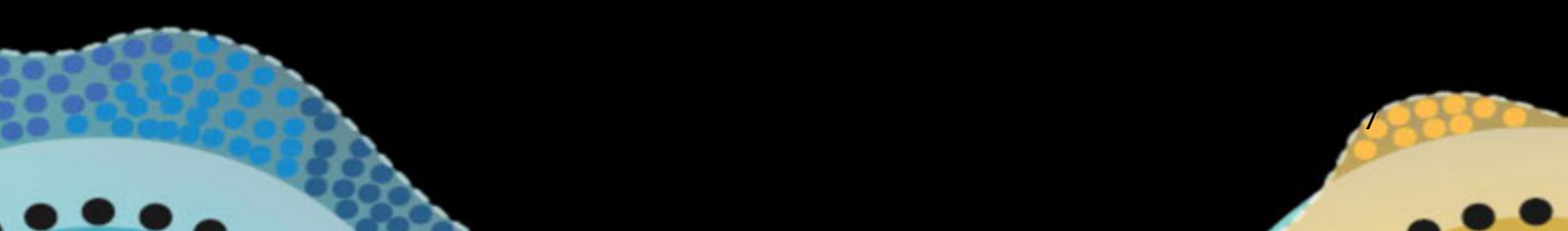
The Disability SSP's overall objectives are to strengthen the community-controlled disability sector, both within the discrete disability service system and across all service systems, as well as improving outcomes with, for and the rights of First Nations people with disability. The Disability SSP also recognised the importance and need for the non-Indigenous disability service system across all sectors to be culturally responsive and address institutional racism.

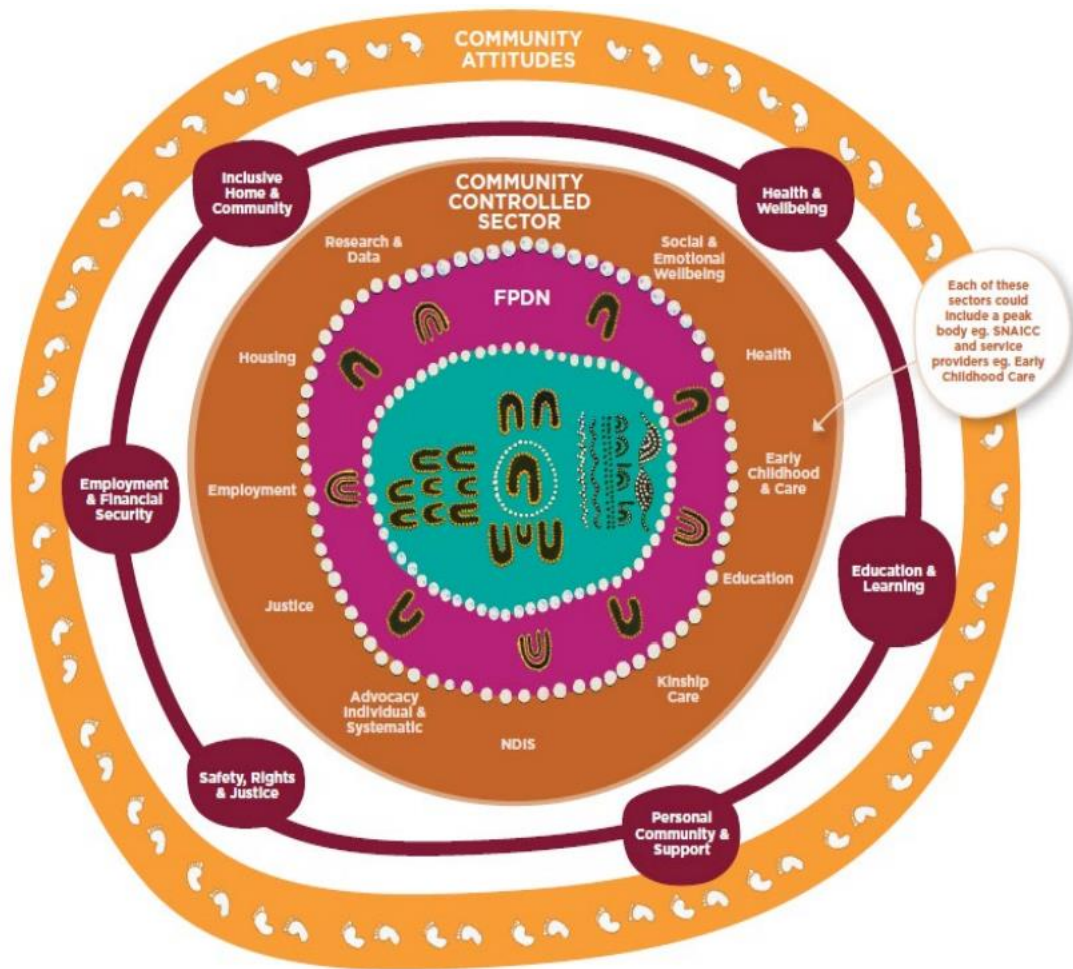
The Disability SSP identifies 31 Action and Outcome areas under workforce, capital infrastructure, service delivery, governance, consistent funding model, and peak, that is needed to strengthen the community-controlled sector. The Disability SSP is a resource for governments and the Coalition of Peaks to be used over the next three years to prioritise, partner and negotiate beneficial sector-strengthening strategies.

The engagement and application of the Disability SSP at all levels of government, across all agencies is not consistent, with some agencies still having no awareness of the Disability SSP.

Disability Sector

It's important to understand how the disability sector has been defined within the Disability SSP, because this also supports the approach of disability being a cross-cutting outcome.





This artwork depicts the community-controlled sector for First Nations People with disability. In the centre is the 'U' shaped used to represent the shape a person leaves in the sand. This shape is shorter on one side, and represents a person with disability, illustrating that they leave a different mark metaphorically (and sometimes physically) in the sand than a person without disability. Closest surrounding them is their families, communities, their connection to Country, culture and songlines. The next layer represents FPDN and the work that is done walking alongside First Nations people with disability and centres the person as the expert on their aspirations and need. The next layer represents the community-controlled sector, which includes disability specific services, as well as key systems and supports which provide the necessary inclusive and holistic support for First Nations people with disability. The next layer provides an overarching support for the community-controlled sector and First Nations people with disability through six of the seven Outcome Areas of the Strategy. The final layer is the seventh Outcome Area, which focuses on community attitudes. This layer represents the importance of supportive, inclusive and culturally safe attitudes for building a robust and

resilient culturally safe and inclusive, disability rights informed community-controlled disability sector.

Whilst this artwork reflects the community controlled sector, it is applicable to the non-Indigenous disability sector, and the 'mainstream' non-Indigenous and non-disability sector (as per Priority Reform 3). It also includes policy and government as part of the sector.

Guiding Principles

The Disability SSP included Guiding Principles to reflect the unique experiences of First Nations people with disability and their specific social and cultural rights and needs. These principles were developed in line with both the Closing the Gap Agreement and Australia's Disability Strategy and were endorsed by all levels of government. The Guiding Principles set a minimum standard for all existing and future work with First Nations Peoples with disability and further developing jurisdiction led sector strengthening actions in Implementation Plans. They also align with both the Australia's Disability Strategy Guiding Principles and CtG.

The Disability Sector Strengthening Plan Guiding Principles⁷ focus on the following:

- Human rights
- Self-determination
- Cultural integrity
- Cultural safety
- Partnership
- Place based
- Innovation
- Empowerment
- Equity
- Sustainability
- Knowledge

- Nationally consistent approach.

Implementing the Disability SSP

Despite entering the second year of the Disability SSP, there is a continued lack of visibility on implementing the Disability SPP from all jurisdictions, including the Commonwealth.

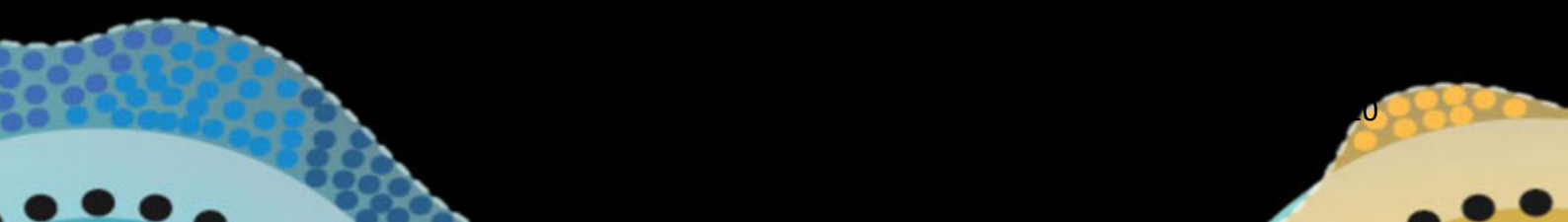
As a result FPDN continues to play a critical role in raising awareness, educating, and informing government agencies of their accountabilities under CtG and Disability SSP whilst also focussing on action and its implementation.

FPDN attributes this in the main due to the absence of a Policy Partnership and dedicated forum for First Nations Disability Policy. On the completion of the Disability SSP Working Group, unlike other Sector Strengthening Plan Working Groups, there was no cross community, peaks and jurisdiction group to monitor its implementation and the working group was disbanded. Attempts have been made to re-establish the group, however, with no authorising environment to require or enable this to happen, coupled with high turn-over of public service staff, it remains the responsibility of FPDN to re-educate and attempt to establish this working group. The absence of a Policy Partnership also means there is no secretariat or dedicated resource within the Commonwealth to raise awareness, embed disability as cross-cutting and hold other agencies to account.

As noted in the Disability SSP under governance of the plan:

“Noting the importance of the governance structure which underpins the Strategy, in future, the Disability SSP governance structure will be considered within the broader context of the Strategy governance structure. This approach will ensure ongoing alignment, efficiency and coherence of the Disability SSP governance.”

Further, the lack of an authorising environment and accountability structure continues to send a message of the secondary priority placed on the importance on access, inclusion and disability – rather than centring as a cross-cutting outcome. This could be addressed through the immediate establishment of a Policy Partnership as well as ensuring all



jurisdictions report on their approaches to disability and inclusion across all socio-economic targets, priority reforms and dedicated section to the Disability SSP in annual reports and implementation plans, and expenditure reviews.

Australia's Disability Strategy

Australia's Disability Strategy (2021-2030) (ADS) is Australia's national disability policy framework and plays a role in protecting, promoting and realising the human rights of people with disability, in line with Australia's commitments under the *United Nations Convention on the Rights of Persons with Disabilities* (UN CRPD). All levels of government developed and committed to the Strategy, which sets out priorities and plans for governments to work with the community, businesses, and peoples with disability to deliver the needed changes identified by the sector. The Strategy recognises the importance of making sure actions taken to deliver on its policy priorities are implemented with an intersectional and diversity lens.

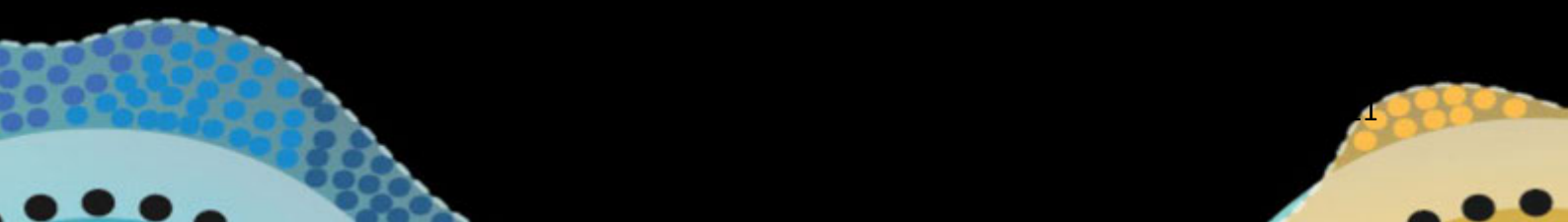
The Australia's Disability Strategy, alongside CtG also offers an authorising environment, and an accountability and reporting framework, however, CtG, the socio-economic targets and priority reforms needs to be better incorporated into all its approaches. For example, the implementation of Clause 55B needs to be better incorporated into the disability sectors programs.

The establishment of a First Nations Disability Policy Partnership or forum should also be aligned to Australia's Disability Strategy governance structures.

Disability Royal Commission into abuse, neglect and exploitation

After 4 and a half years, the Disability Royal Commission tabled its final report on 28 September 2023, with over 220 recommendations. Key areas of the report and recommendations included elevating the voices of people with disability; the nature and extent of violence, abuse, neglect and exploitation; realising the human rights of people with disability; inclusion; enabling autonomy and access; inclusive education, employment and housing; criminal justice; disability services; and oversight and complaint mechanisms.

Whilst there are recommendations throughout the report, there is also a dedicated First



Nations people with disability. The DRC's work revealed the deep impact of intersectional discrimination and institutional neglect and abuse. This has been felt across the disability community and particularly affected First Nations people with disability and people with an intellectual disability or complex support needs.

Both FPDN and the government are in a review stage of the recommendations. FPDN will present definitive comments on the recommendations and further actions in due time.

NDIS and the NDIS Review

The National Disability Insurance Scheme (NDIS) provides individualised funding to eligible NDIS participants for supports and services that help them in their daily life, to participate in the community and reach their goals. Individuals purchase supports from a provider of their choice (within relevant provider registration requirements, which may vary). Control and choice of an individual is central to the NDIS. The NDIS does not directly fund organisations. It has been recognised that the NDIS has not met the needs of First Nations people with disability and FPDN have been advocating for a renewed focus since its inception.

Using the statistical definitions of 'severe and profound disability' in the Australian Bureau of Statistics (ABS) datasets, including the ABS Survey of Disability, Ageing and Carers (SDAC),⁸ 2018, it is estimated that over 60,000 Aboriginal and Torres Strait Islander people live with severe or profound disability in Australia today.⁹ We note that this includes some categories/cohorts that may not be the same as NDIS cohorts, however, as a starting point, reviewing this figure and then using this as a baseline, a NDIS target could be developed, and included as a new target for Closing the Gap. FPDN notes however, this is a NDIS target not a holistic disability target, which should be embedded across all socio-economic targets.

FPDN does acknowledge an increased focus on First Nations priorities by the National Disability Insurance Agency (NDIA), through the establishment of a formal partnership between FPDN and the NDIA, and the First Nations Advisory Group and the commitment to

⁸ Australian Bureau of Statistics, '[Disability, Ageing and Carers, Australia: Summary of Findings](#),' 2019, accessed 13 November 2023.

establish a NDIS First Nations Strategy and action plan that reflects the goals and aspirations of First Nations experiences and voices.

The Partnership was signed in March 2023, and two face to face meetings have been had with the FNAC. However, FPDN note that FNAC is still not considered a shared decision making platform by the NDIA, and are committed to ensure that CtG, in particular its priority reforms, inform the ongoing Terms of Reference of the FNAC. In addition, FPDN to date is not resourced to be an equal partner on this partnership. In considering the policy partnership, FNAC will need to be considered, however, there is still a need for a dedicated focus on the NDIA and the NDIS.

NDIS Review

Another key review that has been undertaken during 2023 is the National Disability Insurance Scheme (NDIS) review, which looked into the design, operations and sustainability of the NDIS.¹⁰ The review was conducted in two sections where the first examined the current NDIS and the second examined methods to build a more sustainable and supportive market and workforce. The Review is yet to be publicly released. FPDN will present definitive comments on the recommendations and further actions in due time.

In summary, Closing the Gap and Australia's Disability Strategy, alongside the recommendations of the Disability Royal Commission and NDIS Review, offer a real opportunity to coordinate a dedicated approach to prioritising the rights, needs and aspirations of First Nations people with disability through joined up approaches, investment, data, reporting, rather than in two individual siloed policy frameworks. A dedicated Policy Partnership, alongside the implementation of the Cultural Model of Inclusion Framework to guides this alignment and accountability will strengthen outcomes for First Nations people with disability and enable targets current and new socio-economic and priority reform targets to be met.

First Nations Disability Data Gap

As noted in the Disability Sector Strengthening Plan, First Nations people with disability sit on the periphery of both national disability policies, frameworks, data infrastructure or research agendas. In effect, this means data about and evidence by First Nations people with disability are often not captured in its own right. This has key implications for how data and evidence obtained in relation to First Nations people with disability and their unique experiences of interaction with the service systems and all other aspects of life, including what living well looks like for a First Nation person with disability. Existing data and research are often limited in scope, and often do not provide sufficient focus to all experiences of disability in regional, remote or urban contexts. As part of the Disability SSP, and with support from Commonwealth Footprints program, FPDN is working in partnership with Dr Scott Avery to develop a national First Nations - Disability Data Strategy. Stage 1 includes Reconcile definitions and methodologies across disability & First Nations data sets; Identify gaps in data due to under-reporting; Investigate specific data issues in remote areas; Validation of data, needs and gaps: population, administrative and community level; and Interpretive guide for ACCOs & policy makers for translation of outcomes into policy, practice and service provision. This will then inform a First Nations-Disability Data Infrastructure Strategy that is yet to be committed to by government.

Despite the data gap, we do know that First Nations people are 1.9 times more likely to be living with disability, and 2.5 times more likely to be living with severe or profound disability when compared to non-Indigenous Australians.¹¹ The following provides further examples of the experiences of First Nations people with disability based on current data¹²:

- One in nine (11.0%) children aged 0-14 years had a profound or severe limitation (SDAC 2018)
- Women are more likely to experience disability overall (SDAC 2018)
- Girls and women with disability more likely to experience violence (Avery 2020)

¹¹ AIHW, '[Specialised support and informal care for First Nations people with disability](#),' 07 September 2023, accessed 21 September 2023.

- Stolen Generation survivors are 1.4 times as likely to have a disability compared to other First Nations people (same age) (Australian Institute of Health and Welfare (AIHW) / Healing Foundation May 2021)
- 15.8% of those living with disability had completed year 11 or 12 (SDAC 2018). Less than half (44.3%) had completed Year 10 or below (SDAC 2018)
- 56.2% of people with disability were not in the labour force (SDAC 2018)
- 34.4% of people with disability lived in households with an equivalised weekly gross income in the lowest quintile (SDAC 2018)
- 27% of those living with severe & profound disability had difficulty in accessing health services (AIHW 2017)
- In NSW, 23.8% of young Aboriginal and Torres Strait Islander peoples in juvenile detention were indicative of having severe intellectual disability (2015 Young People in Custody Health Survey (Justice Health and Forensic Mental Health Network NSW, 2017)
- In a WA youth detention study, 47% of the Aboriginal youth incarcerated was diagnosed with Fetal alcohol spectrum disorder (Bower, Watkins, Mutch, et. al. 2018).

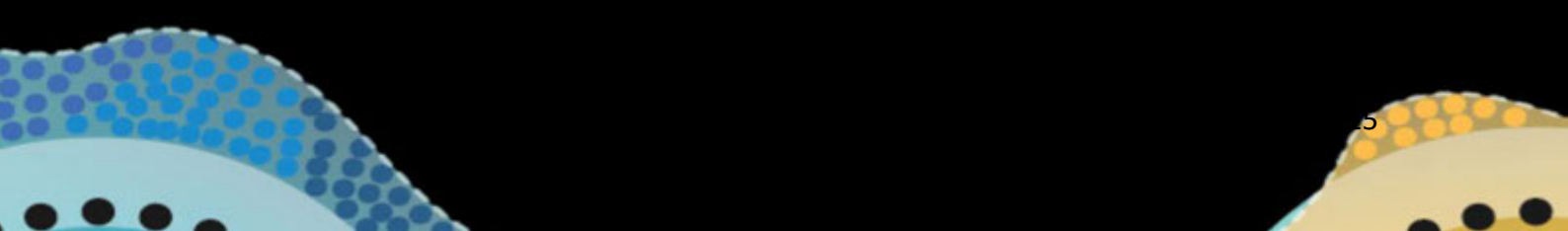
Cultural Model of Inclusion Framework

FPDN is currently developing an evidence-informed Cultural Model of Inclusion Framework, Organisational Tool (self-assessment organisational monitoring tool), workforce capabilities and training and capability development activities. It's application and implementation across the public service, non-Indigenous and community-controlled disability sectors will increase cultural safety, accessibility and inclusion and disability rights informed policy, programs, services, and evaluations.

Productivity Commission Report

In the following section, FPDN highlights issues in relation to the Productivity Commission's Review of the National Closing the Gap Agreement (referred to CtG).

1. Disability



Within CtG, disability is only mentioned 8 times. The mentions are cursory and do not reflect the lived experience of First Nations people with disability and their families. First Nations people are 1.9 times more likely to be living with disability, and 2.5 times more likely to be living with severe or profound disability when compared to non-Indigenous Australians.¹³ Without specific and intentional reference to disability, this continues to silence the critical need for a dedicated focus and application of resources to ensuring that as the CtG National Agreement progresses, First Nations people with disability are its impacts on social, emotional, physical wellbeing go unacknowledged for First Nations people.

2. Intersectionality

The impact of intersectionality was not referenced within CtG. Intersectionality is where two or more areas of marginalisation combine to create a “double disadvantage.”¹⁴ Intersectionality can include race, remote geographical location, disability, LGBTQIA+ status, and other factors.

More widely, as noted previously there is limited data around intersectionality for First Nations people, specifically for First Nations and disability. Without definitive and reliable data, there is no measure of the significant impacts on First Nations people and limited ways to move forward with bespoke solutions.

3. Ableism

Within CtG, ableism was not mentioned. Ableism is prejudice or discrimination toward people with disability.¹⁵ This discrimination is systemic, public and on an individual level.¹⁶ Ableism is another aspect of intersectional disadvantage for First Nations people with disability where opinions and attitudes from people without disability are projected onto people with disability creating barriers to inclusion.

¹³ AIHW, '[Specialised support and informal care for First Nations people with disability](#),' 07 September 2023, accessed 21 September 2023.

¹⁴ L Bostock, 'The Meares Oration: Access and Equity for People with a Double Disadvantage,' 1991, internal document.

¹⁵ State Government of Victoria, '[Ableism](#),' 2022, accessed 21 September, 2023.

¹⁶ American Psychiatric Association, 'Stigma, prejudice and discrimination against people with mental illness,' <https://www.psychiatry.org/patients-families/stigma-and-discrimination>

4. Other concerns

Other concerns within CtG included:

- Unmet priority reforms;
- Unmet timelines or time frames that are not set;
- Insufficient time or funding to allow Aboriginal and Torres Strait Islander organisation to work with community to inform priorities and policies;
- No mechanism to hold government to account, including no consequences for government or public service failure to adhere to the CtG;
- Limited evaluation on the reforms and their progress – significant reporting gaps;
- No independent oversight to monitor the CtG Agreement and its implementation; and
- Discrepancy in data collection – how it is collected, stored, interpreted and transmitted – as data sovereignty not explicit within the CtG Agreement.

The Review of CtG recognised that timeframes for First Nations organisations were short, as was funding in which to do consultations with First Nations people. Government needs to recognise that cultural ways of doing consultations and engagement takes time and has its own method. For First Nations people with disability, accessible, culturally safe and inclusive practices, and disability rights informed consultations and engagements requires further considerations, including resources and time, to enable the voices of First Nations people with disability to have equitable access and participation in consultations and engagement.

FPDN recognises that all government departments need to be held accountable for the Closing the Gap (CtG) outcomes across all levels of government. Accountability is supported when people in government departments have full knowledge of the responsibilities and obligations under both Australia's Disability Strategy and the role of disability in Closing the Gap – across priority reforms and socio-economic targets. Both CtG and the ADS needs to be included in APS capabilities, however, there also needs to be an increased focus on intersectionality – to remove the ongoing siloed approach to having priority groups being

‘First Nations people’ and ‘people with disability’ to ensure that First Nations people with disability become a priority in their own right. Without an awareness of how of CtG and ADS work together, responsibility is not likely to be claimed by either the Indigenous Affairs portfolio or the disability portfolio, or their Ministries.

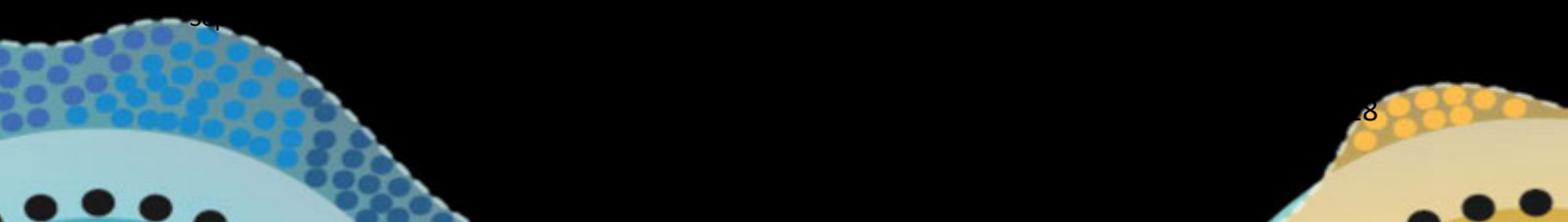
This then needs to be supported with a more rigorous, systematic reporting on access, inclusion and disability across CtG reports, including annual reports, implementation plans and expenditure reviews. It also requires dedicated resources within government agencies, particularly Department of Social Services and National Indigenous Australian Agencies to champion and build capacity across the public service on embedding disability into CtG, and embedding First Nations priorities into the ADS. Similar to a previous dedicated First Nations Disability unit in DSS. Figure 1 shows how CtG and ADS align.

Closing the Gap	Australia's Disability Strategy
First Closing the Gap 2008-2018	First National Disability Strategy – 2010-2020
Population centered	Population centered
Mainstreaming - focus on outcomes for Aboriginal and Torres Strait Islander people within every portfolio	Mainstreaming – focus on outcomes for people with disability within every portfolio
Reliant on Commonwealth – State relations	Reliant on Commonwealth – State relations
Outcomes focused – socio-economic outcomes and priority reforms as process and outcomes	Outcomes focused – outcomes framework, Targeted Action Plans
Strong focus on data, evidence, evaluations and policy and community engagement	Strong focus on data, evidence, evaluations and policy and community engagement
Rights Based approach – Self Determination Challenging deficit assumptions	Rights based approach – Self Determination Challenging deficit assumptions
Transformative reforms for how the APS should work differently through the Priority Reforms	Shared leadership model
Jurisdictional Implementation Plans Partnership Disability Sector Strengthening Plans	Commonwealth-State Target Actions Plans and Associated Plans

Figure 1: CtG and ADS

For example, the National Disability Employment Strategy, which advocates for inclusive workplace cultures where people with disability thrive,¹⁷ aligns with Priority Reform 1 – Formal Partnerships and Shared Decision Making – where disability employment is prioritised for First Nations people with disability in partnership with existing disability employment services and agencies. Likewise, the National Disability Employment Strategy aligns with Priority Reform 2 – Building the Community-Controlled Sector – where First Nations services can receive direct funding and support to implement employment services

¹⁷ Australian Government, Department of Social Services, ‘[Disability Employment Strategy](#)’, 2022, accessed 26



for First Nations people with disability. Yet there is no mention in the Strategy about Closing the Gap.

FDPN puts forward the following recommendations.

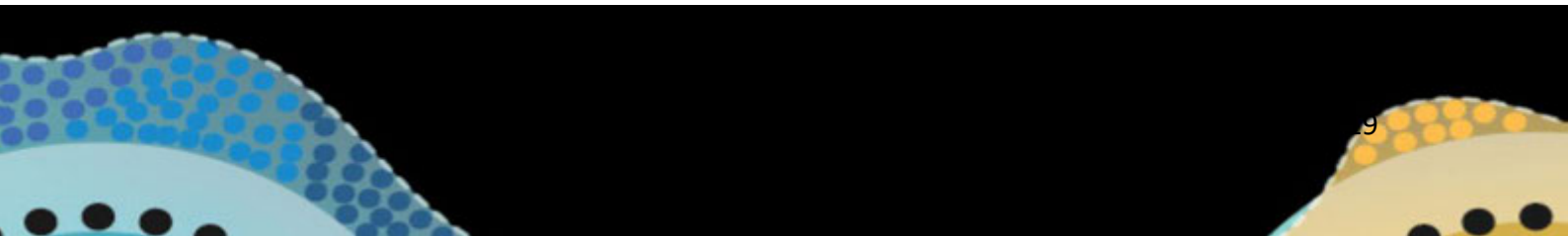
Recommendations

1. Establish shared decision-making policy partnership or forum, led by First Peoples Disability Network as the national peak. The partnership to be resourced appropriately to enable equal participation in the partnership by FDPN and other First Nations people or organisations with government.
2. Embed a Culture Model of Inclusion Framework across all Priority Reforms, and require all Closing the Gap National Agreement Partners to report on actions in annual and implementation reports. We recommend at a minimum, the following offers key questions to determine the extent policies and programs have applied an inclusive, equitable and accessible approach to the Priority Reforms for First Nations people with disability.

Priority Reform 1: How have shared decision making processes been inclusive, equitable and accessible for First Nations people with disability in policy partnerships and place based partnerships.

Priority Reform 2: How has the Disability Sector Strengthening Plan actions been addressed? How can other has the implementation of 55B also accounted for , such as meaningful proportion for

Priority Reform 3: How has the intersectional experiences of systemic discrimination such as ableism and racism (and other forms of discrimination) been addressed in cultural safety and inclusion frameworks across the Australian Public Service (and jurisdictions), and their mainstream funded services?



Priority Reform 4: How have a disability data sovereignty approach been incorporated into data processes?

Further to this, additional recommendations within the Priority Reforms are listed below.

Priority Reform 1 Formal Partnerships and Shared Decision Making

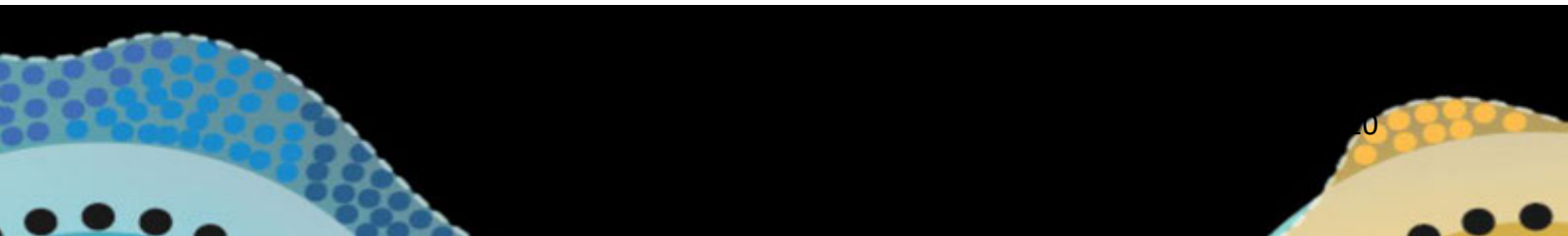
- A First Nations Disability Policy Partnership or Forum that aligns with both the Closing the Gap and Australia's Disability Strategy needs to be established as a priority. This requires adequate resourcing to FPDN to establish a secretariat as per other policy partnerships.
- Disability must also be an increased priority area of focus within the existing areas of justice, social and emotional wellbeing, housing, early childhood care and development, and Aboriginal and Torres Strait Islander languages.
- Place based partnerships should also ensure a dedicated focus on access, inclusion and disability priorities for the communities.

Priority Reform 2 Building the Community-Controlled Sector

- Sufficient ongoing funding must be provided to FPDN across the life of the Closing the Gap Agreement.
- The Disability Sector Strengthening Plan needs to be implemented across jurisdictions and reported more clearly in both annual reports, implementation plans.
- Expenditure Reviews should align with required reporting under the Australia's Disability Strategy.

Priority Reform 3 Transforming Government Organisations

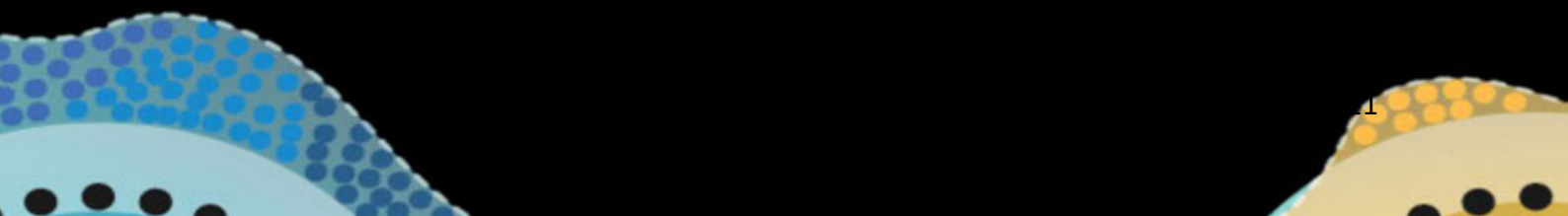
- Government representatives are to fully understand the content and the significance of CtG and their responsibilities to addressing access, inclusion and disability in line with Australia's Disability Strategy and the Convention on the Rights of Persons with Disability.



- Continue to integrate CtG with existing strategies and declarations such as the Australia's Disability Strategy, Disability Sector Strengthening Plan the Convention on the Rights of Persons with Disabilities, and the United Nations Declaration on the Rights of Indigenous Peoples. The integration will contribute to address gaps in addressing intersectionality.
- Government representatives attending meetings with community-controlled organisations and First Nations groups are to have the required authority to enact changes that are recommended within the meetings.
- Across each level of government and departments, workforce capability frameworks and standards to include the Cultural Model of Inclusion – specifically capabilities centring culturally safe, accessible and inclusive, and disability right informed policies, programs, services and evaluations.
- Embed Cultural Model of Inclusion Framework in key agencies at multiple levels (training, resources, senior staff).

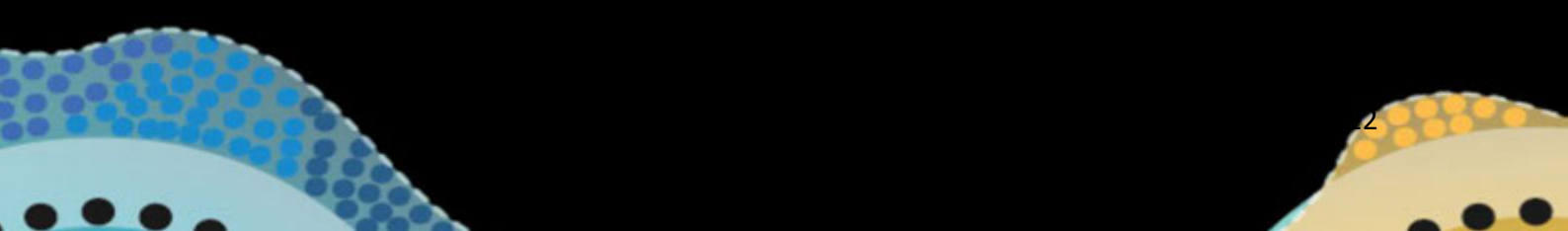
Priority Reform 4 Shared Access to Data and Information at a Regional Level

- From a First Nations Disability Data Sovereign principle, intersectional data and the impact of intersectionality to be prioritised.
- Disability data not to be reduced to disaggregation across the targets given the limitations of the data sets
- Data sovereignty is to be made explicit: the data gathered in a community is owned by that First Nations community, including disability communities.
- Data interpretation and dissemination is controlled by the First Nations community that the data is gathered in, this includes the disability communities.
- Data is not to be used to monitor or disadvantage First Nations people, including disability communities.
- Government policies and decisions based on data gathered must be co-designed by First Nations people, with the inclusion of First Nations people with disability.



3. All jurisdictions increase implementation and specific reporting on the implementation of the Disability Sector Strengthening Plan, including supporting the presence of First Peoples Disability Network at a jurisdictional level.
4. Without losing its integrity on prioritising and investing in the disability Community Controlled Sector, expand the Disability SSP to develop specific actions to address Priority Reform 3 for the non-Indigenous disability sector, to ensure both the community controlled and non-Indigenous disability sector are culturally safe, accessible and inclusive, and disability right informed.
5. Develop First Nations National Disability Insurance Scheme target by June 2024.
6. Develop targets for each socio-economic target and outcome. Where data infrastructure does not exist to identify a target, develop data plan with clear timeframes to align Closing the Gap and Australia's Disability Strategy, and NDDA.
7. Commit to the implementation of a First Nations Disability Data Infrastructure.
8. Pending review of the Disability Royal Commission, embed recommendations in line with Closing the Gap National Agreement and a Cultural Model of Inclusion workforce and organisational accountability framework.
9. Pending review of the NDIS Review, embed recommendations in line with Closing the Gap National Agreement and a Cultural Model of Inclusion workforce and organisational accountability framework.

FPDN thank the Australian Government for the opportunity to provide feedback to the Productivity Commission's Review of the Closing the Gap Agreement, and FPDN would be happy to discuss any of these points further with you.



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