



15 February 2024

Productivity Commission

**FPDN Submission: "A path to universal early childhood education and care"
Productivity Commission Draft Report**

The First Peoples Disability Network (FPDN) welcomes the opportunity to make a submission to the Productivity Commission's draft report on Early Childhood Education and Care.

This submission is structured so that responses to the draft report are found on the initial pages, and further information about FPDN, First Nations people with disability, the policy context and data gaps can be found in [Appendix A](#).

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 First Nations' Disabled Peoples Organisation and Disability Representative Organisation, as well as the Aboriginal community-controlled disability peak, and member of the Coalition of Peaks, a partner to all Australian governments through the National Agreement on Closing the Gap (the National Agreement). FPDN led the development of the Closing the Gap (CtG) Disability Sector Strengthening Plan and in line with disability as a cross-cutting outcome area, we are actively involved in policies across the life-course and across all sectors; for example FPDN is a member of the CtG Housing Sector Strengthen agenda, the CtG Justice Policy Partnership and the CtG Early Childhood and Development Policy Partnership and Steering Committee National Plan Aboriginal and Torres Strait Islander Family Safety . FPDN is also a key Commonwealth partner dedicated to progressing implementation of *Australia's Disability Strategy 2021-2031 and all associated advisory groups*.

Feedback on the draft report

The Productivity Commission report has correctly noted that that First Nations people experience disadvantage when accessing early years education and care. The areas of disadvantage include:

- lack of culturally appropriate education and care;
- limited affordability;
- accessibility, particularly in remote and rural regions;
- varied quality of care depending on location;
- complexity of the education and care system, including lack of connection between services.

These areas impact equity and inclusion for First Nations people, particularly children and families of children with disability.

Additional information for the draft report

Rates of disability for First Nations people are higher than the general population. One in five (72,700) First Nations children aged under 18 have disability, compared with one in 12 children in the general population¹. As rates of disability for First Nations people are higher than non-Indigenous Australians, specific emphasis needs to be placed on supporting this vulnerable cohort. With this in mind, report, FPDN offer the following for your considerations:

Cultural safety of First Nations children with disability in early childhood education settings **requires confronting disability as a western construct** and proactively employing a cultural model of inclusion (see [Appendix A](#)), grounded in First Nations understandings of belonging, safety and support. Early childhood providers not only need specific training in cultural safety but also in cultural models of inclusion and disability rights. We call this a cultural model of inclusion.

In partnership with First Nations people, the Australian Government is invited to consider utilising a Cultural Model of Inclusion (FPDN Framework) which 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.⁷ 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.

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. Its application and implementation across the public service, non-Indigenous and

¹ Commonwealth of Australia, Department of the Prime Minister and Cabinet Working together to deliver the NDIS - Independent Review into the National Disability Insurance Scheme: Final Report, 2023, p. 244

community-controlled disability sectors will increase cultural safety, accessibility and inclusion and disability rights informed policy, programs, services, and evaluations.

Disability needs to be viewed through a strengths-based lens – not seen as a deficit.

Supports within the early childhood education and care setting **need to be flexible** and tailored based on individual, family and community need. The supports are to be integrated, not siloed, so that supports are timely and effective. Disability inclusion and support is often reliant on medical diagnosis of disability. This can be problematic for First Nations communities due to a number of factors such as affordability of assessments, geographical accessibility around assessments, and inherent mistrust of authority due to intergenerational trauma. Given, that disability is a western concept it does readily translate into First Nations languages², communities and help-seeking behaviours. This means that filtering supports through a disability diagnosis lens may be problematic, given that diagnosis is not always sought, understood or readily reported by First Nations families of children with disability.

Additionally, there needs to be a greater focus on recognising the strengths and inherent challenges of the disability community and those impacted by intersectionality – that is, the overlap of factors that contribute to disadvantage. In particular, First Nations children with disability are vulnerable to ongoing marginalisation, discrimination and disadvantage if their needs are not included in early childhood education and care. For example, a parent noted, ‘it’s not like she’s trying to be a bad child...often with disabilities, especially when it’s like cognitive or psychological, because we don’t actually see it, it’s an internal thing, it’s not treated the same as if she was in a wheelchair, which is really hard. Furthermore, the need for support for parents and carers is also vital. One parent said, ‘those disabilities don’t switch off from 9 to 5. They keep going.’³

² Dr Scott Avery, ‘[Disability Advocacy Resources Unit: Culture is Inclusion](#),’ 2019, accessed 6 February 2024.

³ FPDN, ‘[Yarning Disability](#),’ 2023, accessed 15 February 2024.

There is a real opportunity to align your recommendations for reforms across the disability and First Nations policy sectors to ensure that calls for a dedicated focus on First Nations children and families with disability is prioritised. We encourage you to take into consideration the following recommendations and actions taken from the NDIS Review and Royal Commission on Violence, Abuse, Neglect and Exploitation of People with Disability.

NDIS Review Recommendations

FPDN has closely engaged with the NDIS Review through community consultation, co-design groups, and through individual and joint submissions. FPDN has always advocated for a more inclusive NDIS and has welcomed the review of the NDIS.

This section outlines the relevant recommendations from the 2023 Independent NDIS Review⁴. These recommendations should be embedded in early childhood education and care settings to ensure that each child has equal access to quality education and inclusion.

- Recommendation 2.5: “All Australian governments should take steps to protect the right to inclusive education for children with disability and developmental concerns in early childhood education and care and schools.”⁵

Inclusive education needs to meet physical, social and education needs of children with disability. This requires additional training for early childhood staff to understand the support needs of the children in their care.

Likewise, inclusive education needs to meet physical, social and education needs of children with disability. This requires additional training for early childhood staff to understand the support needs of the children in their care.

⁴ Commonwealth of Australia, Department of the Prime Minister and Cabinet, [‘Working together to deliver the NDIS – Independent Review into the National Disability Insurance Scheme: Final Report,’](#) 2023, accessed 12 February 2024.

⁵ Commonwealth of Australia, Department of the Prime Minister and Cabinet, [‘Working together to deliver the NDIS – Independent Review into the National Disability Insurance Scheme: Final Report,’](#) 2023, p. 75, accessed 12 February 2024.

- Recommendation 3.5: “The National Disability Insurance Agency should allow greater flexibility in how participants can spend their budget, with minimal exceptions.”

This is important for First Nations families with children with disability, so that interventions and supports can be done in a culturally safe manner.

- Recommendation 6.2: “The National Disability Insurance Agency should reform the pathway for all children under the age of 9 to enter the NDIS under early intervention requirements.”

It should be noted that early intervention services should be based on best practice principles and supporting evidence, and needs to be endorsed by people with disability. However, not all evidence-based approaches are best practice. For example, within the autism community, applied behaviour analysis (ABA) is an evidenced-based product, but much of the autistic community is strongly against this system which coerces autistic people to not show autistic traits, leading to trauma and mental health conditions.⁶ The voices of people with disability need to be part of the co-design of interventions and supports so that the outcomes meet the needs of the people in the disability community.

- Recommendation 14.1: “The National Disability Insurance Agency, in partnership with First Nations representatives, communities, participants and relevant government agencies should progressively roll-out alternative commissioning arrangements for both First Nations communities and remote communities, starting as soon as possible.”

⁶ L Anderson, ‘[Autistic experiences of applied behavior analysis](#),’ *Autism*, 2023, 737-750.

This recommendation aligns with the Disability Sector Strengthening Plan⁷ which endorses cultural safety, partnership between First Nations communities and government, and empowerment. Any alternative commissioning should be co-designed and led by First Nations organisations.

Royal Commission on Violence, Abuse, Neglect and Exploitation of People with Disability (DRC) Recommendations

The DRC made 222 landmark recommendations in its final report on how to improve policies, structures, laws, and practices to be more inclusive and to support independence and inclusion for people with disability. FPDN was closely involved in the Royal Commission proceedings through consultation and submissions.

The following section outlines the relevant recommendations from the Royal Commission on Violence, Abuse, Neglect and Exploitation of People with Disability⁸ that are linked to early childhood education and care outcomes.

- Recommendation 6.2: “Increase the number of Auslan interpreters.”

Auslan is essential in early childhood education and care environments so that children who are d/Deaf or have hearing impairment can have the same developmental and communication opportunities as their hearing peers.

- Recommendation 7.3: “Improve policies and procedures on the provision of reasonable adjustments to students with disability.”

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⁸ Commonwealth of Australia, ‘Executive Summary, Our vision for an inclusive Australia and Recommendations,’ September 2023, accessed 12 February 2024.

Reasonable adjustments need to occur at all levels of schooling, including early childhood education. Reasonable adjustments take into account the specific educational, physical, emotional and social needs of students.

- Recommendation 7.6: “Student and parental communication and relationships.”

It was recommended that communication material for First Nations students with disability is designed in consultation with First Nations families, parents, students with disability and kinship carers. These resources need to be specific to the families that are involved, using words, symbols and artwork that is specific to the that geographical region.

- Recommendation 7.7: “Inclusive education units and First Nations expertise.”

First Nations individuals and communities are to provide advice to educational providers and staff on how to implement inclusive education with a First Nations focus.

- Recommendation 9.12 “Disability inclusive cultural safety standards.”

Cultural safety standards that are disability-inclusive should be developed in partnership with the Australian Government and the First Nations Disability Forum.

FPDN is supportive of recommendations that end segregation, facilitate inclusive education, and provide cultural safety in the early childhood education and care setting. Furthermore, cultural safety is vital for First Nations Australians, including First Nations children with disability. Cultural safety programs need to be informed and delivered by First Nations individuals and organisations. Likewise, inclusive education needs to includes appropriate accommodations such as Auslan and Braille teachers, as well as accommodations around physical access.

FPDN Proposed Recommendations:

- Australian Government to partner with Aboriginal Community Controlled Organisations to provide stable and long-term funding for First Nations-specific childcare centres and preschools. This aligns with the commitments made under the National Closing the Gap Agreement and the findings of the Productivity Commission's Review of the National Agreement on Closing the Gap: Final Report.
- Provide incentives and accredited programs to train existing and new early childhood educators and care staff around cultural models and inclusion through professional development activities. This can include webinars, workshops and accredited training sessions.
- Specifically address disability by providing reasonable adjustments and equal access for children with disability in early childhood settings. Ensure that early childhood settings adopt the cultural model of inclusion framework. This framework will ensure that First Nations children will be culturally safe, will be included, and will have their disability and accessibility rights actioned.
- Provide more opportunities for training and employment for First Nations education and care workers, recognising culture as a vital requirement in the role.
- Enlist First Nations liaisons from diverse communities to advise government on early childhood strategies and policies to ensure they are culturally safe, inclusive and disability rights informed.
- Ensure that policy makers receive training on the cultural models of inclusion so that these can be embedded into early childhood policies.

Conclusion

FPDN thank the Productivity Commission for the opportunity to make submission to this inquiry. FPDN welcomes further discussion on any inclusions in this submission, if needed.



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About FPDN

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.

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, including safe, affordable, accessible and inclusive housing. 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.

The policy context

FPDN recognises the unique opportunity both Closing the Gap and Australia’s Disability Strategy to ensure the legislation, policies, programs and service delivery are accessible, inclusive and equitable for First Nations people with disability.

FPDN discussion points and recommendations are in line with the Closing the Gap National Agreement Priority Reforms and the Disability Sector Strengthening Plan and its Guiding Principles. The Priority Reforms focus on changing the way governments work with Aboriginal and Torres Strait Islander peoples and the Disability Sector Strengthening Plan outlines high-level priorities and actions at a national level to strengthen and build a Community Controlled Disability Sector. The Commonwealth government, all State and Territory Governments and the Local Government Authority are signatories and partners to the National Agreement and also the Disability Sector Strengthening Plan. The Priority Reforms are:

1. Formal partnerships and shared decision-making

2. Building the community-controlled sector
3. Transforming government organisations
4. Shared access to data and information at a regional level

Applying the Closing the Gap approach to disability as a cross-cutting outcome through the Priority Reforms offer 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.

First Nations people with 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.”⁹ 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.¹⁰ Whilst population prevalence data is limited, First Nations people are twice as likely to experience disability

⁹ S Avery, [‘Culture is Inclusion,’](#) 2018, First Peoples Disability Network.

¹⁰ 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).

than the rest of the Australian population.¹¹ 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)*, 2018,¹² it is estimated that over 60,000 Aboriginal and Torres Strait Islander people live with severe or profound disability in Australia today.¹³

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.

Consistent with the social and cultural models of disability within which FPDN works, 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.

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 is captured 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 is often limited in scope, and often does not provide sufficient focus to all experiences of disability in regional, remote or urban contexts. FPDN is in the process of developing a broad First Nations disability data strategy, however, there is a need for dedicated First Nations Disability data project with specific intersectional data on autism.

¹¹ Australian Bureau of Statistics (ABS) (2016) *National Aboriginal and Torres Strait Islander Social Survey*, (NATSISS) 2014-15 (Release 4714.0).

¹² ABS, ‘[Disability, Ageing and Carers, Australia: Summary of Findings](#),’ 2018, accessed 29 August 2023.

¹³ S Avery, ‘[Culture is Inclusion](#),’ 2018, First Peoples Disability Network.

When the ADS and CTG are used in conjunction, effective outcomes are more likely to occur across the four Priority Reform areas of formal partnerships and shared decision making, building the community-controlled sector, transforming government organisations, and shared access to data and information. Without an awareness of how of CTG and ADS work together, responsibility is not likely to be claimed by any portfolio.

Human Rights and the Disability Sector Strengthening Plan

Other documents to integrate include the Disability Sector Strengthening Plan (DSSP), the Convention on the Rights of Persons with Disability, and the United Nations Declaration on the Rights of Indigenous Persons.

The Disability Sector Strengthening Plan Guiding Principles¹⁴ focus on the following:

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

The Convention on the Rights of Persons with Disabilities aligns with CTG through its general principles which focus on respect, non-discrimination, participation and inclusion, equality, and accessibility.¹⁵ These align with Priority Reforms 1 through 3.

¹⁴ Closing the Gap, '[Disability Sector Strengthening Plan](#),' accessed 5 October 2023.

¹⁵ United Nations, 'Convention on the Rights of Persons with Disabilities,' accessed 5 October 2023.

United Nations Declarations on the Rights of Indigenous Peoples¹⁶ centre around equality, freedom from discrimination, recognition of historic injustices, respect for Indigenous knowledge, cultures and practices, and acknowledging the right for Indigenous people to retain shared responsibility for sharing knowledge and exercising self-determination. These declarations align with each of the four CTG priority reforms.

It must be noted that each of these Strategies and Declarations have been signed and ratified by government at all levels. All CTG priority reforms and targets are visible but not often met. The CTG Agreement has been operating for three years with ample time to implement priority reforms. There needs to be a greater commitment from all levels of government to meet timelines in an efficient and timely manner.

¹⁶ United Nations, 'United Nations Declaration on the Rights of Indigenous Peoples,' 2007, accessed 5 October 2023.