

Doubling Down on Double Discrimination: Better supporting Indigenous Australians with disability

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About the author

The focus of Dr Adam Paul Heaton's PhD is on teaching Aboriginal and Torres Strait Islander (or Indigenous) Studies to achieve anti-racism learning outcomes. He coined and developed the anti-prejudice teaching-learning framework *Reconciliation Education*. For 20 years he has been a policy advisor and researcher in Indigenous Affairs, education and social services at numerous NGOs and Australian Government departments. He has published over 20 peer-reviewed research papers and 60 submissions to Australian Government inquiries advocating for better outcomes for Indigenous Australians.

Abstract: *This paper outlines the author's response to the Australian Senate Community Affairs Legislation Committee inquiry into the National Disability Insurance Scheme (NDIS) Amendment Bill 2020. The focus of the inquiry and the bill is to improve supports for at risk participants. The submission to the inquiry looks at various factors impacting Aboriginal and Torres Strait Islander people (Indigenous Australians) with disability, including location, income, access to services and appropriateness of current support arrangements, and puts forward suggestions for improvement. Often also experiencing racial discrimination, Indigenous Australians with disability face double discrimination. Central to recommendations is the need for investment in Aboriginal community-controlled organisations and formal partnerships and shared decision-making between federal, state and territory government in Australia and Indigenous education and community experts.*

I. The need for formal partnership and shared-decision-making

All initiatives for better supporting Indigenous Australians with disability must be co-produced in genuine partnership between federal, state and territory governments in Australia and Indigenous community representatives and organisations, including Aboriginal community-controlled organisations (ACCOs), as set out in the new National Agreement on Closing the Gap (Coalition of Peaks, 2020). The four Priority Reforms set out in the National Agreement include the need for shared decision-making between these tiers of governments and Indigenous Australians, strengthening the ACCO sector; transforming government institutions and ensuring greater access to and use of data and information (Coalition of Peaks, 2020). Federal, state and territory governments as well as other key stakeholders must embed the Closing the Gap Priority Reforms across the implementation of the Bill and related disability support services in Australia.

II. Improving access to required services

There are major barriers facing Indigenous Australians accessing disability support services (Kerr, 2019). Coordinated provision of disability support services is essential for meeting the needs of Indigenous Australians with disability, but is lacking in many locations and institutions. Funding from federal,

state and territory government departments is fragmented and difficult to map. Greater funding and better coordination of it is required from the different levels of government is critical to ensure service providers can better meet the needs of people with disability. This must include significant funding for ACCOs delivering services to Indigenous Australians with disability, to enable the better coordination of primary healthcare offerings and, in turn, achieve holistic health and wellbeing outcomes. ACCOs need to be central in information sharing with Indigenous families, and require additional, allocated funding to do so. Whereas government agencies have largely lost trust with Indigenous Australians, ACCOs are well known and trusted and are accordingly best placed to ensure holistic and culturally safe and competent services are made accessible. Increasing ACCO's access to disability sector data would assist in the development of well-informed policy and services affecting Indigenous Australians with disability.

Indigenous Australians continue to experience racial prejudice and discrimination (Heaton, 2019; 2020), including those with disability (Australian Bureau of Statistics [ABS], 2016). In fact, Indigenous Australians with disability experience discrimination pertaining to their disability almost twice as often as other Australians with disability (ABS, 2016). In a 2019 speech, the Disability Discrimination Commissioner Ben Gauntlet stated current community attitudes towards people with disability are 'not good' and it is often presumed people with disability do not have a meaningful role in society. Double discrimination is often experienced by Indigenous people, comprising discrimination based on ethnicity as well as disability. 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 Indigenous, 60% identified they were also discriminated against on the basis of their ethnicity (DPOA, 2019). Disability discrimination can be based on others' 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 Indigenous Australians with disability.

Failure to recognise and diagnose a range of disabilities and barriers to accessing tests that will diagnose disabilities remains a significant problem (Kerr, 2019). ACCOs report 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 ensuing health problems this causes 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 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 Indigenous Australians who experience mild intellectual disabilities, behavioural problems and learning difficulties and do not receive disability support.

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

The need persists 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 some understanding of requirements, but very few have a practical or detailed knowledge of what their obligations are. Continual review of the Attorney-General's decision-making powers in allocating funding to services for people with disability is essential, as they may make Disability Standards to specify rights and responsibilities about equal

access and opportunity for people with disability in more detail than the DDA itself provides. ACCOs and other Indigenous community representatives in the disability sector must engage in shared-decision making with all levels of government, including with the Attorney-General, to develop policies that affect Indigenous Australians with disability.

Consideration must also be given in implementing the Bill and related disability support services to increasing opportunities for Indigenous Australians with 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 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 disability currently living in inadequate housing. Combined with overcrowding and inadequate housing and income, Indigenous Australians with disability face considerable barriers to accessing services. Federal, state and territory governments in Australia, in genuine partnership and shared decision-making with Indigenous experts and community representatives, need to identify how best to increase access for Indigenous Australians with disability to services on Country. ACCOs are often well placed to connect Indigenous people with disability and their families with local programs and services to optimise health and wellbeing outcomes.

Embedded in the Bill and related disability support services must be opportunities for Indigenous Australians with disability to remain on country. Mobility and transportation issues can be compounded due to remoteness. Even with access to transport, Indigenous Australians with 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 corona virus pandemic when people is required to work from home. Health and disability services delivered via telehealth shows great promise in allowing Indigenous Australians with disability to live and work on country.

III. Conclusion and recommendations

It is only through genuine partnership and shared decision-making between Indigenous experts and community representatives and federal, state and territory governments that discrimination faced by Indigenous Australians with disability can be tackled, and improvements to service provision made. Through such genuine partnership and shared decision-making, the Bill and related disability support services in Australia must be enhanced to:

1. increase funding for disability support services for Indigenous Australians with disability, including increasing accessible and affordable accommodation options;
2. expand definitions of disability and funding to recognise and support Indigenous Australians with disability who are currently not supported, including mild intellectual disabilities, behavioural problems and learning difficulties;
3. expand opportunities for Indigenous Australians with disability to live on country, including through expanding opportunities to access Telehealth support;
4. increase funding and coordination of the delivery of disability support services that are holistic, culturally safe and competent;
5. extend additional, allocated funding to ACCOs to coordinate information sharing to Indigenous people and their families, including where and how to access physical and digital materials and supports;
6. mandate cultural and bias awareness training for all staff delivering services and developing policies affecting Indigenous Australians with 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 that impact Indigenous Australians with disability.

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