The Redfern Statement

DISABILITY WORKSHOP

2 May 2017
First Peoples Disability Network is the peak organisation representing Aboriginal and Torres Strait Islander people living with disability.

FPDN’s vision is a just and inclusive society, in which First Peoples living with disability are respected and valued for their culture, history and contribution to contemporary life, and in which their human rights are recognised, respected, protected and fulfilled. First Peoples Disability Network is governed by Aboriginal and Torres Strait Islander people living with disability. FPDN is a member of the Disabled People’s Organisations Australia (DPO) alliance.

The Redfern Statement

The Redfern Statement was released during last year’s Federal Election campaign on 9 June 2016 by Aboriginal and Torres Strait Islander leaders from health, justice, children and families, disability, and family violence prevention sectors. The statement calls for changes across these sectors through structured engagement with Aboriginal and Torres Strait Islander people, and is supported by more than 30 major mainstream organisations including the Australian Medical Association and Law Council.

It includes the following recommendations for disability:

1. Work to address intersectional discrimination
2. Equitable access to the NDIS by Aboriginal and Torres Strait Islander people
3. Establish disability access targets as part of the Closing the Gap framework and the NDIS Quality Assurance and Outcomes framework
4. Invest in research and development to build an evidence-base of data
5. Address the imprisonment rates of Aboriginal and Torres Strait Islander people with a cognitive or psychosocial disability
6. Fund training and community leadership initiatives
Introduction

By any measure, Aboriginal and Torres Strait Islander people with disability are among some of the most disadvantaged Australians often facing multiple barriers to their meaningful participation within their own communities and the wider community. Meeting the needs of Aboriginal and Torres Strait Islander people with disability is one the most critical social justice issues in Australia today.

The prevalence of disability among Aboriginal and Torres Islander people is significantly higher than that of the general population.

There is a significant opportunity to address the disadvantage experienced by Aboriginal and Torres Strait Islander people with disability in coming years. The disability sector is going through substantial change and reform, due to the National Disability Strategy (NDS) and the National Disability Insurance Scheme (NDIS) and associated sector reforms.

Aboriginal and Torres Strait Islander People with disability have limited access to services and supports for a range of reasons. A specific strategy targeting the key challenges is required to ensure that the disability support system is accessible and responsive to Aboriginal and Torres Strait Islander people with disability and their families. This strategy must build the capacity of individuals with disability and their families, and the disability support system. A specific strategy mitigates the risk of entrenching and exacerbating the disadvantage experienced by Aboriginal and Torres Strait Islander people with disability and their families.

This workshop aims to identify and document solutions and to produce a 10-point plan that provides clear recommendations.
Snapshot of Policy Framework

National Disability Strategy

The National Disability Strategy 2010-2020 provides an overarching national policy approach to improving access to support services and social outcomes for people living with disability, their families and carers. It was endorsed by COAG in 2011.

There are six priority areas under the National Disability Strategy:

- Inclusive and accessible communities - including the physical environment, transport, communications, social and cultural life.
- Rights protection, justice and legislation - including anti-discrimination, interaction with justice systems
- Economic security – including employment, income support
- Personal and community support – including provision of disability support services
- Learning and skills – including early childhood, education (all levels)
- Health and wellbeing – access to health, interaction between the health and disability services.

There is an action item under the National Disability Strategy for the development of an Aboriginal and Torres Strait Islander Disability Action Plan, which the Australian Government has been progressing, in consultation with FPDN and other disability organisations, for some time.

Closing the Gap Framework

Historically disability has been inappropriately included as a health issue. The Redfern Statement Leadership has acknowledged the importance of delineating disability from health. This outdated approach to disability is referred to as the medical model of disability, where the focus is diagnosis. The contemporary understanding of disability is the social model of disability which interprets disability as a product of social and environmental attitudes and responses to impairment.

‘Disability’ has the status of ‘Headline indicator’ under the Closing the Gap Framework, together with chronic diseases. This means that when there is a section on disability in Government service reports thereis a relatively narrow focus, often upon particular disability types such as the known incidence of psychical and sensory impairments.

There is no Closing the Gap target for disability. This means that there is no concentrated policy focus on Aboriginal and Torres Strait Islander disability, supported by a national partnership agreement.
In 2012, First Peoples Disability Network was invited by the Government to be involved in the development of a Closing the Gap target for disability. A target of 90% of Aboriginal and Torres Strait Islander people eligible for the NDIS to have access to the Scheme was recommended. This is yet to be included in the framework.

**NDIS – Aboriginal and Torres Strait Islander Engagement Strategy**

The NDIS will provide about 460,000 Australians under the age of 65 with a permanent and significant disability with the reasonable and necessary supports they need to live an ordinary life.

As an insurance scheme, the NDIS takes a lifetime approach, investing in people with disability early to improve their outcomes later in life.

The NDIS helps people with disability to:

- Access mainstream services and supports
- Access community services and supports
- Maintain informal support arrangements
- Receive reasonable and necessary funded supports

In late 2015, FPDN and other disability organisations consulted with the NDIA to produce an engagement strategy for the implementation of the NDIS in Aboriginal and Torres Strait Islander communities. This was released in March 2017.

The NDIS Aboriginal and Torres Strait Islander Engagement Strategy document is intended as a guide to NDIA staff on the respectful engagement with Aboriginal and Torres Strait Islander people, particularly on cultural dimensions to understanding disability and respect for ways of doing business in Aboriginal and Torres Strait Islander communities.

It is not a comprehensive integrated strategy to improve access to the NDIS by Aboriginal and Torres Strait Islander people.

**Disability and Justice**

There have been several Inquiries by both Commonwealth and State and Territory Governments on cognitive disability and mental health in the justice system e.g. Senate Community Affairs References Committee Inquiry into the Indefinite detention of people with cognitive and psychiatric impairment in Australia (2015-2016), Review of the West Australian Criminal Law (Mentally Impaired Accused) Act 1996 (2014-2016), Royal Commission into the Protection and Detention of Children in the Northern Territory (2016-), or Indigenous incarcerations e.g. see Australian
Law Reform Commission inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples (2016-).

The limitations of these Inquiries are:

A focus on judicial processes and client support, so the social issues and ‘downstream’ determinants such disability which lead to the poor justice outcomes are outside the scope of such inquiries;

They don’t acknowledge or address the intersectional impact of Aboriginality and disability.

**Disability and Health**

The National Aboriginal and Torres Strait Islander Health Plan – Implementation Plan contains a linkage objective to disability, without listing any specific activities or initiatives. Recent consultations on the Implementation Plan by the Department of Health do not include disability as a social determinant to Aboriginal and Torres Strait Islander health outcomes.

The National Health Performance Framework contains a very short reference to disability, although there has been no engagement with Health Department from the Aboriginal and Torres Strait Islander disability sector on the content and analysis.

The Foetal Alcohol Spectrum Disorders (FASD) Action Plan focuses on efforts to finalise and disseminate the National FASD Diagnostic Tool, and prevention of FASD.

**Disability and Education**

The National Aboriginal and Torres Strait Islander Education Strategy, endorsed by Education Ministers in September 2015, has no specific reference or strategies to address to the intersectional impact of disability on education outcomes.
The changing disability sector

The introduction of the National Disability Insurance Scheme (NDIS) has the potential to deliver significant improvements and aims to give people with disability, who qualify for the scheme, access to ‘an ordinary life’. The national discussion around disability, supports and disability rights that has ensued has highlighted the existing gaps in access to services and supports and infrastructure that many Aboriginal and Torres Strait Islander people face. Closing these gaps must be part of the rollout of the scheme and the associated sector changes to achieve the equitable rollout of the scheme, and ensure equitable access to services and supports for people not eligible for the scheme.

The following key issues must be strategically addressed:

Information and communication failures
Inability to engage with volition-based models of disability support
Lack of disability supports in remote areas
Lack of cultural competence in mainstream disability support services
Lack of Aboriginal and Torres Strait Islander specific services
Lack of Aboriginal and Torres Strait Islander disability support staff

Responding to these challenges

Without specific community and service development strategies targeted at Aboriginal and Torres Strait Islander population groups and communities, national disability reforms will do little if anything, to address the aggravated disadvantage of Aboriginal and Torres Strait Islanders with disability and their families.

A national implementation strategy addressed at these challenges is required

This national strategy ought to include at least the following components:

A dedicated, continuing, communication strategy based on direct outreach to Aboriginal and Torres Strait Islanders and their communities utilising culturally sensitive materials and culturally appropriate/competent communication methods.

Active linking of Aboriginal and Torres Strait Islanders with disability and their families with NDIS implementation agencies and services.

Culturally specific individual advocacy support for Aboriginal and Torres Strait Islanders with disability and their families.

Capacity-building of Aboriginal and Torres Strait Islanders with disability and their families in relation to person-centred services and self-directed supports.
Development and dissemination of good practice culturally appropriate models of person centred, self-directed disability support services for Aboriginal and Torres Strait Islanders with disability and their families.

Culturally specific systemic advocacy oversight of NDIS implementation to provide early warning of emerging difficulties and propose solutions;

Sustained cultural competence training and other capacity building for mainstream disability support services in relation to working with Aboriginal and Torres Strait Islanders with disability.

Development and dissemination of good practice culturally appropriate models of remote service delivery.

A recruitment, qualification, professional development, retention and career development strategy targeted at Aboriginal and Torres Strait Islanders entering the disability sector.

Capacity-building of Aboriginal and Torres Strait Islander service delivery organisations to provide disability support services under the NDIS.

It is essential that this proposed national implementation strategy is developed and implemented in close consultation with Aboriginal and Torres Strait Islanders with disability and their families, and with their representative groups. The establishment of a national advisory structure comprised of appropriate representatives of Aboriginal and Torres Strait Islanders with disability and family members would be one key means of achieving this.

It is also essential that, as far as practicable, this strategy is led and implemented by appropriate Aboriginal and Torres Strait Islander specific organisations, including the First Peoples Disability Network (Australia). This is key to the strategy being viewed as legitimate by Aboriginal and Torres Strait Islanders with disability.

#WeHaveTheSolutions

Four years ago, FPDN launched its ten-point plan for the implementation of the NDIS in Aboriginal and Torres Strait Islander Communities at Parliament House, Canberra.

The time has come to revisit the plan and update it in light of the ongoing rollout of the NDIS and the changing disability sector. The ten-point plan must apply to all First Peoples with disability as many will not be eligible for the NDIS.