

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

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SUBMISSION

Legislative Council Social Issues Committee Inquiry

Closing the Gap – Overcoming Indigenous
Disadvantage

December 2007

People with Disability Australia Incorporated

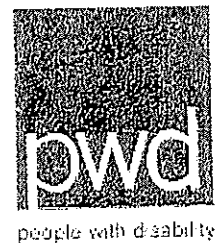
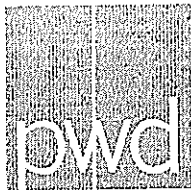


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Fax transmission

To	Standing Committee on Social Issues		
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From	Sonya Price-Kelly – Senior Advocate	Phone	9370 3100
Date	11 December 2007		
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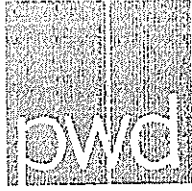
Please find attached People with Disability Australia's covering letter and submission to the Legislative Council Social Issues Committee Inquiry, Closing the Gap – Overcoming Indigenous Disadvantage.

If you have any enquiries regarding this fax please contact me on 9370 3100.

Yours sincerely

Sonya Price-Kelly
Senior Advocate – Systemic Advocacy

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11 December 2007

Standing Committee on Social Issues
Parliament House
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Dear Committee Members

**Legislative Council Social Issues Committee Inquiry, Closing the Gap –
Overcoming Indigenous Disadvantage**

Please find attached People with Disability Australia's (PWD) submission to the Legislative Council Social Issues Committee Inquiry, Closing the Gap – Overcoming Indigenous Disadvantage.

PWD welcomes the opportunity to comment on this Inquiry. Our submission highlights the factors which impact on the current lifetime expectancy gap of Aboriginal people from the experience of Aboriginal people with disability.

Our organisation has had a long association with the Aboriginal Community and works in partnership with the Aboriginal Disability Network of NSW (ADN) which brings together Aboriginal and Torres Strait Islander people with disability for their mutual support, to speak for themselves and create a voice for change. To this end, our submission reflects important work undertaken by the ADN as reported in its *'Telling it like it is' – A report on community consultations with Aboriginal people with disabilities and their associates throughout NSW, 2004-2005'*.

PWD would welcome the opportunity to appear before the Inquiry to discuss further the issues raised in our submission.

Please do not hesitate to contact Sonya Price-Kelly, Senior Advocate on sonyapk@pwd.org.au if you require further information or wish to discuss our submission.

Yours sincerely

Therese Sands
A/Co-CEO

Our vision is of a socially just, accessible and inclusive community, in which the human rights, citizenship, contribution and potential of people with disability are respected and celebrated.

About People with Disability Australia Incorporated

People with Disability Australia Incorporated (PWD) is a national disability rights and advocacy organisation. Our membership is primarily made up of people with disability and organisations mainly constituted by people with disability. PWD also has a large associate membership of other individuals and organisations committed to the disability rights movement.

PWD was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own. We have a cross-disability focus - we represent the interests of people with all kinds of disability. PWD is a non-profit, non-government organisation.

We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are respected and celebrated.

We believe that people with disability, irrespective of our age, gender, cultural or linguistic background, geographic location, sexuality, or the nature, origin, or degree of our disability:

- have a right to life, and to bodily integrity;
- are entitled to a decent standard of living, an adequate income, and to lead active and satisfying lives;
- are people first, with human, legal, and service user rights that must be recognised and respected;
- are entitled to the full enjoyment of our citizenship rights and responsibilities;
- are entitled to live free from prejudice, discrimination and vilification;
- are entitled to social support and adjustments as a right, and not as the result of pity, charity or the exercise of social control;
- contribute substantially to the intellectual, cultural, economic and social diversity and well-being of our community;
- possess many skills and abilities, and have enormous potential for life-long growth and development;
- are entitled to live in, and be a part of, the diversity of the community;
- have the right to participate in the formulation of those policies and programs that affect our lives;
- should be empowered to exercise our rights and responsibilities, without fear of retribution.

Further information:

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PWD Response

PWD's partnership with Aboriginal people with disability

People with Disability Australia (PWD) welcomes the opportunity to comment on the Legislative Council Social Issues Committee Inquiry into Closing the Gap - Overcoming Indigenous Disadvantage. This submission will highlight the factors which impact on the current lifetime expectancy gap of Aboriginal people from the experience of Aboriginal people with disability.

PWD has had a long association with the Aboriginal Community that has resulted in representation on the PWD board of Aboriginal people with disability.

PWD works in partnership with the Aboriginal Disability Network of NSW (ADN) which brings together Aboriginal and Torres Strait Islander people with disability for their mutual support, to speak for themselves and create a voice for change. During 2004/2005 the ADN undertook extensive community consultations throughout NSW with Aboriginal people with disability and their associates. The *'Telling it like it is' Report*¹ details the findings of these consultations and the recommendations made to address the serious unmet need of Aboriginal people with disability.

Context for Our Submission

The human rights abuses typically experienced by Aboriginal people are deeply influenced by their general state of poverty and disadvantage. Equality for Aboriginal people will remain unachievable if their basic human rights and empowerment are not simultaneously addressed. To this end PWD strongly believes that the parameters of this Inquiry, and any outcomes arising from it, need to be considered within a human rights context.

'On any assessment, most Aboriginal people fare worse than most Australians'², and as a result, the level and breadth of 'poverty' experienced is significantly greater than non-indigenous Australians. 'The distinguishing feature of the Indigenous poor is the depth of poverty they experience across a range of welfare indicators'³.

The consequences of poverty and the vicious cycle of disadvantage associated with it are well documented. It is well known that 'poverty is both a cause and consequence of disability', and that these combined factors

¹ Aboriginal Disability Network New South Wales Incorporated (2007) *'Telling it like it is. A report on community consultations with Aboriginal people with disability and their associates throughout NSW, 2004-2005'*. For copies please refer to <http://www.pwd.org.au/adnsw/news> - Publications: Telling it like it is Report.

² *Royal Commission into Aboriginal Deaths in Custody, National Report (1991) Vol 2, 17.3.29*

³ Hunter, B (2004) *Taming the Social Capital Hydra? Indigenous Poverty, Social Capital Theory and Measurement*. The Centre for Aboriginal Economic Policy Research Discussion Paper No. 261/2004. Pg 2.

'reinforce each other, contributing to increased vulnerability and exclusion'.⁴

For Aboriginal people with disability this is further compounded as they typically experience multiple layers of discrimination and disadvantage based on (but not limited to), race and disability. The lived experience of Aboriginal people with disability, and their families, typically includes poverty exacerbated by the denial of the most fundamental human rights, including:

- poor health outcomes which can be linked to preventable disability;
- inappropriate housing and accommodation;
- little to no education which in turn limits employment opportunities and increases economic strain on carers;
- over-representation in the criminal justice system;
- higher than average numbers of Aboriginal children with disability placed in non-indigenous substitute care; and
- few support services tailored to respect cultural identity or delivered in models designed to best suit to the needs of Aboriginal people with disability.

These factors impact directly on the health and wellbeing and ultimately, the life expectancy of Aboriginal people with disability.

Key Issues

Incidence of disability

It is an acknowledged fact that the incidence of disability, for all types of disability (including sight, hearing, speech, physical, intellectual, and psychological disability) is higher for indigenous Australians than non-indigenous Australians⁵. Research suggests that although Indigenous people might have around the same rate of genetic disabilities as the rest of the population, they have a higher rate of disability owing to environment and trauma-related disabilities.⁶

Anecdotally, the prevalence of disability is conservatively thought to be twice that of the non indigenous population. According to the 2003 Survey of Disability, Ageing and Carers by the Australian Bureau of Statistics, one in five Australians or 20% had a disability. Alarming, this would mean that at least 40% of Aboriginal people may have some form of disability.

In the 2007 'Telling it like it is' Report, the ADN suggests there are a number of factors which contribute to the under-reporting of people with disability amongst Aboriginal communities. This includes the lack of data on the prevalence of psychosocial disability, many Aboriginal people don't identify as

⁴ Department for International Development (2000) *Disability, poverty and development*, pg 2. Refer to <http://www.dfid.gov.uk/pubs/files/disability.pdf>

⁵ Steering Committee for the Review of Government Service Provision (2007), *Overcoming Indigenous Disadvantage: Key Indicators 2007 Overcoming Indigenous Disadvantage Key Indicators Report 2007*, p 13.

⁶ Steering Committee for the Review of Government Service Provision (2003) *Overcoming Indigenous Disadvantage; Key Indicators 2003*, p 3.4.

having a disability and, that in some cultures, including some Aboriginal communities, disability as a concept does not exist. Other research supports the difficulties in obtaining reliable and accurate statistics regarding the prevalence of disability in Aboriginal communities as a result of varying cultural perceptions and the reluctance to identify as having a disability⁷. The ADN warn that this can lead to a perception by government authorities or non-government agencies that disability is not a significant issue within Aboriginal communities⁸.

Housing

Typically, Aboriginal people with disability, particularly those living in regional and remote communities live in inaccessible and poor standard housing. The consequence of poor quality housing stock, fit out and maintenance can relate directly to poor nutrition, hygiene, sanitation and increased risk of injury. Limited housing availability and culturally inappropriate housing can lead to overcrowding, which in turn can increase the risk of the spread of infectious diseases, stress and unsafe living standards. Whilst these are significant issues for Aboriginal communities generally, the impact of these issues on Aboriginal people with disability is seriously compounded and presents a far greater risk.

The unsafe physical nature of some housing stock also has occupational health and safety implications for services providers who may come to support the Aboriginal person with disability within their own home. As a result, there is a risk of the withdrawal of service.

The current level of unmet need and lack of culturally appropriate supported accommodation services also requires the urgent attention of government, in order to address the needs of Aboriginal people with disability.

Community Care services

Aboriginal people with disability often become dependent on support from their immediate family and kinship relations in lieu of appropriate alternative support services. In turn, the carer/s face their own significant difficulties which can result in them also being marginalised from the wider community. The following case study provides a disquieting example of this common situation:

Denise is an Aboriginal woman who is foster carer of two Aboriginal children with disability. One child has very high support needs. Denise has been trying for several years to receive one day a week (or less) of respite. Denise's health and relationships are suffering as a result of the stress of caring for the foster children. Denise's expectation of availability of service was high because she lives in a large regional

⁷ ibid

⁸ Aboriginal Disability Network New South Wales Incorporated (2007) 'Telling it like it is. A report on community consultations with Aboriginal people with disability and their associates throughout NSW, 2004-2005', p 11.

centre. However, the demand for these services is extremely high, to the extent that a respite vacancy has not become available for some time. The likely consequence is that Denise's health will deteriorate due to the stresses associated with her carer role, which will in turn impact on the quality of life of her foster children'.⁹

Health and wellbeing

It is a well acknowledged fact that an Aboriginal person's health status is significantly worse than that of their non-indigenous peer. For Aboriginal people with disability this is further compounded.

A paper by Lester Bostock, an Aboriginal elder and person with disability, titled *Surviving the System – Aborigines and Disability*¹⁰ provides a comprehensive background of Aboriginal experiences in health and disability in Australia and the effects on Aboriginal people. This paper argues that many of the Aboriginal health problems of today are a result of

'loss of land and being caught in a poverty cycle. This includes loss of traditional lands and, access to bush foods and bush medicine. Loss of identity, loss of culture, loss of independence, loss of language, enforced removal of children, institutionalisation, and racial discrimination'.

On a systems level there are many factors which also impact on the health status of Aboriginal people with disability including the remoteness of some Aboriginal communities and accessibility of health care services, limited alternative accommodation and support when people have to leave communities to access necessary health care services, lack of accessible transport as well as a lack of accessible information about available services and supports for Aboriginal people with disability.

Aboriginal children with disability

The disadvantages and vulnerability of children with disability doubly impact on Aboriginal children with disability, who are over-represented in a wide range of welfare domains.

The over-representation of children with disability in non-Indigenous substitute care¹¹ is just one example. The legislated Aboriginal Child Placement Principle which outlines an order of preference for the placement of Aboriginal children who cannot live with their families, in practice, 'appears to have only limited application for Indigenous children with disabilities'. Once in the

⁹ Aboriginal Disability Network New South Wales Incorporated (2007) *Telling it like it is. A report on community consultations with Aboriginal people with disability and their associates throughout NSW, 2004-2005*, p 18.

¹⁰ Bostock L (2004) *Surviving the system. Aborigines and Disabilities*, pg 3. (refer to www.pwd.org.au/adnsw/news/surviving_the_system.doc)

¹¹ Human Rights and Equal Opportunity Commission, (1997) *Bringing Them Home – Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, p. 457.

substitute care system, 'the service system is less likely to be able to easily detect Aboriginal children with disability or be able to cater for their specific cultural needs'¹². Immediate redress is required of policies which cause and contribute to the grief and loss associated with the removal of Aboriginal children from their families and the physical and psychological effects this has on the wellbeing of the parents, children and the Indigenous community.

Evidence collected by the ADN, also suggests that it is a common experience for an Aboriginal child's disability to go undiagnosed or unsupported as a result of a lack of support available. This often leads to incidents in school settings or even expulsion from school. The correlation between poor educational outcomes and risk factors including contact with the criminal justice system are significant.

Criminal Justice System

People with disability and Aboriginal people are two groups over-represented in the criminal justice system. The proportion of people who are Aboriginal and who have a mental illness and/or intellectual disability in the criminal justice system is understood to be greater than that of the non-Aboriginal population¹³. Aboriginal people with acquired brain injury through alcohol abuse also represent a group who experience repeated incarceration.

The 'Telling it like it is' Report states

'a key contributing factor to this situation appears to be that very few Aboriginal people with mental illness, intellectual disability or acquired brain injury experience any sort of positive interventions by services other than the police service. This is particularly the case in regional and remote communities where there are no mental health services; no specialist services for people with an intellectual disability and no services whatsoever to support individuals who may be substance abusers. As a consequence, some individuals inevitably find themselves in crisis situations before any assistance is provided; this assistance is then invariably in the form of the police who will incarcerate the individual'¹⁴.

Employment and education

Aboriginal people with disability generally have limited access to employment and education which significantly increases their risk of poverty. People's living standard and many aspects of their wellbeing including health and nutrition, can be directly linked to their access to education and employment. To this end, risks associated with poverty are likely precursors to reduced life expectancy.

¹² People with Disability Australia Inc (2003), *Submission to the Senate Community Affairs Reference Committee Inquiry into Children in Institutional Care*, pg 21.

¹³ Aboriginal Disability Network New South Wales Incorporated (2007) 'Telling it like it is. A report on community consultations with Aboriginal people with disability and their associates throughout NSW, 2004-2005', p 29.

¹⁴ *ibid*

Transport

Aboriginal communities often lack public transport infrastructure or alternative community transport options. Even rarer is accessible versions of this transport for people with disability. The result is people being confined to their homes, having no access to employment, education or support services and in turn poor health outcomes.

Recommendations

The serious nature of the disadvantage faced by Aboriginal people with disability, on so many fronts, suggests that they are the most marginalised members of our community.

In order to address these inequities and make a serious impact on 'closing the gap' between the life expectancy of Indigenous and non-Indigenous Australians, PWD urges the Government to refer to and undertake the substantive recommendations made in the *'Telling it like it is'* report.

Furthermore, PWD would like to make the following recommendations:

- Qualitative and quantitative research be undertaken to:
 - determine the prevalence of disability in Aboriginal communities nationwide;
 - enable Aboriginal people with disability to have their voices heard and reported to relevant authorities; and
 - identify the services and models of support required by Aboriginal people with disability and their carers.
- An immediate independent review be undertaken into the crisis in service provision for Aboriginal people with disability, looking at:
 - housing and accommodation;
 - health, including mental health;
 - education;
 - transport;
 - employment;
 - access to information and advocacy;
 - the over-representation of Aboriginal people with disability in the criminal justice system.
- All consultation with the Aboriginal community should be inclusive of, as well as undertaken directly with Aboriginal people with disability, conducted by respected Aboriginal community members, in a culturally sensitive manner and in an environment where Aboriginal people with disability can access and feel safe to talk.
- Government funds be made available immediately to:
 - resource the Aboriginal Disability Network of NSW and establish local networks of Aboriginal people with disability to ensure ongoing advocacy for and by Aboriginal people with disability;

- identify unmet need and establish the necessary programs, services and supports required by Aboriginal people with disability and their carers; and
 - facilitate Aboriginal owned and operated disability support services.
- Government needs to address the lack of culturally appropriate responses to Aboriginal children with disability to ensure that they are appropriately supported in the family home, and where this is not possible, alternative culturally appropriate placements, in line with the Indigenous Child Placement Principle are available.

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