

Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and the Establishment of the First Nations Gender Justice Institute

Submission – Jan 2024

Wiyi Yani U Thangani
Australian Human Rights Commission



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Submission Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and the Establishment of the First Nations Gender Justice Institute

The First Peoples Disability Network Australia (FPDN) welcomes this opportunity to make a submission to the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and the establishment of the First Nations Gender Justice Institute.

This submission provides key points to the questions set to ensure a focus on the inclusion of First Nations women and girls (including cis, trans women, and gender diverse and non-binary people with disability) are centred in the Wiyi Yani U Thangani Framework for Action.

FPDN is excited by the opportunity this framework could offer in increasing the rights, participation, needs and aspirations of First Nations women and girls with disability.

About us

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 honour the narratives of First Nations people with disability. We 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, a member of the Coalition of Peaks and a partner to all Australian governments to the Closing the Gap National Agreement. We are also the First Nations Disabled Peoples Organisation and 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. 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. For girls and women, they also operate in a gendered world.

Background

First Nations women and girls with disability are subject to multiple forms of marginalisation and oppression relating to their gender and disability. For example, whilst women can face gender discrimination, First Nations women with disability also experience racism and ableism. When different forms of oppression intersect and interact First Nations women can experience higher rates of inequality, discrimination, criminalisation, child removal, trauma, violence, abuse, neglect and exploitation.

First Nations women are more likely to experience disability overall and Girls and women with disability more likely to experience violence¹. In addition, one in nine (11.0%) children aged 0-14 years had a profound or severe limitation².

When viewing the impacts of marginalisation on First Nations women, it is helpful to apply an intersectional lens to understand the compounding oppression they experience. Intersectionality provides a lens to understanding the multiple intersecting and reinforcing systems and structures of power and oppression that impact First Nations women.

First Nations women with disability are particularly vulnerable to experiencing violent crimes. 3 in 5 First Nations women have experienced physical or sexual violence by a male intimate partner. First

¹ The Disability Sector Strengthening Plan (Disability SSP) <https://www.closingthegap.gov.au/sites/default/files/2022-08/disability-sector-strengthening-plan.pdf>

² The Disability Sector Strengthening Plan (Disability SSP) <https://www.closingthegap.gov.au/sites/default/files/2022-08/disability-sector-strengthening-plan.pdf>



Nations women experience violence at 3.1 times the rates, are 11 times more likely to die due to assault and have 32 times the rates of hospitalisation than non-Indigenous women³.

First Nations children are vastly over-represented in the child protection and out of home care system⁴. This issue has been investigated through numerous inquiries⁵, and is recognised in the new Closing the Gap target to reduce by 45% the number of Indigenous children in out of home care by 2031⁶. The increasing rates of First Nations children entering the child protection and out of home care system, and the violence, abuse, neglect and exploitation of children once they are in the system, demonstrates the failure of service responses across the board.

Within the justice sector, First Peoples with disability are disproportionately criminalised and incarcerated. The extremely high rates of disability experienced by First Peoples in detention reflects a life trajectory that has become normalised in Australia. The Australian Centre for Disability Law estimates that 95% of First Nations people charged with criminal offences have an intellectual disability, cognitive impairment or psychosocial disability⁷. The reality our people face is that, by the time they come into contact with the justice system, they will most likely have had a life of unmanaged disability.

³ Our Watch (2018), [Changing the Picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children](#)

⁴ Australian Institute of Health and Welfare Child Protection snapshot, released 18 March 2020
<https://www.aihw.gov.au/reports/australias-welfare/child-protection>

⁵ Australian Human Rights Commission *Bringing them Home Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997); Community Affairs References Committee inquiry into Out of Home Care (2015)

⁶ National Agreement on Closing the Gap, July 2020. Outcome 12, Aboriginal and Torres Strait Islander Children are not overrepresented in the child protection system <https://coalitionofpeaks.org.au/wp-content/uploads/2020/07/FINAL-National-Agreement-on-Closing-the-Gap-1.pdf>

⁷ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Dec 2020, People with disability over represented at all stages of the criminal justice system <https://disability.royalcommission.gov.au/news-and-media/media-releases/people-disability-over-represented-all-stages-criminal-justice-system>



Response to Questions:

Measuring change outcomes: *We are interested in learning from your experience about what effective practices (data collection, measurement, and evaluation) look like in order to understand how to measure change outcomes across community, regional, state, national and global settings. We also recognise that there are approaches and methodologies grounded in First Nations women's knowledges and cultures that should be used when setting outcomes and measuring change, and we are keen to understand what these look like from your experience.*

- 1. What change do you want to see for First Nations women and girls, in all their diversity, with their families and communities, to live their lives in the way they want? What would you feel, see, hear, sense or collectively understand if this change was happening?**

To best support First Nations women and girls with disability, in all their diversity, along with their families and communities it is essential that the cultural model of inclusion for First Nations people, which emphasises importance of culture, community and inclusion is embedded in each aspect of life for First Nations women and girls. Further to this it is important that any future policy, programs and frameworks are grounded in the cultural and social model of disability.

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. 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.

Ensuring that First Nations women, children and gender diverse people with disabilities are afforded their fundamental human right to self-determination, autonomy, access to rights and to have meaningful involvement in decision making, development and evaluation of supports and systems that affect them is vital.

FPDN recommends attitudinal, structural, societal and cultural change in regard to First Nations women and girls with disability. Our rights are constantly impeded on, and our outcomes, access and



opportunities continue to demonstrate a degradation of our human rights and rights as Indigenous women, and as people with disability under the Convention on the Rights of Persons with Disability (CRPD). First Nations women and girls with disability should be able to embody self-determination in a way that honours autonomy to make decisions that support their desires for growth and development and freedom.

To enable full participation of First Nations women and girls with disability between life stages we need to consider a life course approach to learning about the transitional experiences including what extra supports they may need. This should be reflected throughout girls and women's lives from pre-natal to our Elders and the elderly being able to access what they need the way they need it across sectors including early childhood development and care, education, health, social and emotional wellbeing, employment, housing and justice sectors.

Some of the key changes we want to see for First Nations women and girls with disability include:

- Increasing visibility and representation of First Nations women and girls with disability in the media and the arts, where diverse representation would be able to be seen, heard, and celebrated on our screens, in books, and in our mainstream culture.
- Increasing economic participation, employment and entrepreneurial opportunities for First Nations women and girls with disability.
- Influencing policy and standards across sectors (including the policy and research sector) so that there is a framework that centres and is inclusive of First Nations women and girls with disability.
- A dedicated focus in policy, research and data to ensure that First Nations women and girls with disability are protected from violence, abuse, neglect and exploitation.

2. In your experience, what practices and approaches are most effective in collecting data, measuring and evaluating change?

Following good data practices and ensuring that the principles of the *Maiam Nayri Wingara* Indigenous data sovereignty are met in any use of collecting or measuring data is essential.



The practice of data governance for all research, evaluation, data collection, analysis and interpretation including the dissemination of data should include embedding Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) principles.

There are a range of effective practices and approaches to collecting data, measuring and evaluating change. Descriptive analysis, evaluations, yarning circles, focus groups and longitudinal studies are all effective at capturing data. Creating measures that are Aboriginal and Torres Strait Islander-led and culturally safe ensure control over the collection, governance, ownership, access and application of our data.

Ensuring that change management processes are governed by First Nations and that consultation and engagement is undertaken throughout the data collection, interpretation and reviewing of data is best practice.

Studies that are dedicated to a long term commitment to evaluating change, but also to unpacking the experiences of the target group, their personal reflections and contributions are vital to addressing complexities of systemic problems that impact First Nations people and our communities.

Just as there is a movement of Indigenous data sovereignty, there is also a growing movement of disability data sovereignty. Wiyi Yani U Thangani for Action for First Nations Gender Justice and Equality Framework and First Nations Gender Justice Institute should take into consideration the principles from both movements.

3. How do you want to see local change practices and data collection inform national priorities and achieve systemic outcomes, and how could this relate to the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality?

FPDN acknowledges the strength of the Wiyi Yani U Thangani for Action for First Nations Gender Justice and Equality Framework and its generational approach and impact. There is a unique opportunity to contribute to affecting meaningful change whilst also influencing local practices, data collection and national priorities through applying a strength based approach. Ensuring that women and girls with disability are involved at all stages of design, data collection, analysis and interpretation throughout the development of the Wiyi Yani U Thangani framework will ensure a



voice is given to those who are often left out of the conversation and will benefit the overall outcomes.

Women and girls are so deeply embedded to the family structure, our communities, networks and cultures at large. Having a seat at the table to share our experiences including the challenges and solutions faced by First Nations women and girls with disability will help inform national priorities and achieve systemic outcomes. Knowledge sharing across communities and networks on what works, influencing policy, legislative reforms, and sharing data collection will also enhance lives.

4. Do you have any additional thoughts, views or experiences about gender specific data and outcomes that could be included in the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and the First Nations Gender Justice Institute's work?

First Nations women and girls with disability experience a range of gender specific intersectional forms of discrimination, including discrimination based on age, sexuality and geographic location. These intersecting forms of discrimination are institutionalised and embedded in how policies and programs have been designed. We recognise that First Nations women and girls with disability are disproportionately affected by poor outcomes. This impact is widespread and has social, emotional, physical, economic and cultural impacts.

The Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute should be guided by the Disability Royal Commission recommendations relating to the experiences of women and girls with disability with a particular focus on family, domestic and sexual violence.

Ensuring a strong accountability and evaluation approach: An accountability and evaluation approach is necessary to ensure that the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute can be responsive to the changes that First Nations women and girls, in all their diversity, want to see in their lives and communities. As both the Framework and Institute are independent of government, owned and designed by First Nations women and girls, this approach may be used to hold stakeholders to account if they have a role in realising outcomes.



1. Should government (and other stakeholders) be accountable to community determined outcomes? How can this be included in the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality?

Embedding First Nations perspectives and community determined outcomes should be a priority for both Commonwealth, state and territory governments and other key stakeholders. Committing to work in partnership and collaboration with the First Nations disability community is vital given the governments commitments under the National Agreement on Closing the Gap.

Under the Closing the Gap (CtG) National Agreement, disability is a cross-cutting outcome. In addition, the Australia's Disability Strategy 2021–2031 (ADS), which sets out a pathway towards an inclusive Australian society where people with disability can participate fully and equally in all aspects of community life.

There have also been a number of relevant recommendations made as part of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Independent Review of the National Disability Insurance Scheme (NDIS); as they pertain to First Nations people with disability.

Australia is signatory to the human rights framework established by the United Nations Convention on the Rights of Persons with Disabilities (CRPD), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This means Australia is obliged to ensure that community determined outcomes and perspectives are recognised and embed by all levels of Australian Government.

Now more than ever effective programs and services need to be designed, developed and implemented in genuine partnership with First Nations peoples with collaboration, transparency, and accountability being fundamental to Closing the Gap.

Ensuring that community voices are incorporated and acknowledged within the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality is essential. This will ensure that First Nations voices are heard, and future programs can be developed in a culturally appropriate manner to better meet the needs of First Nations people with disability. Having representation from First Nations women and girls with disability will also allow them to share their voices and lead future policy, strategy and targets.



2. What does the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute need to do to incorporate diverse lived experiences and to ensure that no one misses out on opportunities to contribute to and hear this work?

A cultural model of inclusion should guide all the work for the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute including leadership and culture of the institute. Ensuring meaningful participation and inclusion of First Nations peoples with disabilities in decision-making processes, along with ensuring there is strong First Nations governance that enables active involvement and representation needs to be considered.

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 and Indigenous rights informed. 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. 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.

Incorporating diverse lived experiences of First Nations women and girls with disability along with experiences of mothers, carers and children with disability is needed to ensure no one misses out on opportunities to contribute. Fostering meaningful partnerships and collaboration with key Indigenous disability rights organisations, human rights advocates, and other stakeholders will be imperative.

FPDN are in the process of designing a framework and organisational tool and would like to support Wiyi U Thangani with incorporating a cultural model of inclusion across its frameworks, data and processes.

3. We recognise that the process to implement change is just as important as achieving outcomes. How would you want to see implementation processes evaluated over time?

Evaluating implementation processes provides an important contribution to knowledge of what works and where improvements can be made. Ensuring that updates are provided to relevant



parties both before, during, and after will help to monitor the progress, contribute to actions and evaluate the results. Having the opportunity to workshop and provide advice on how to develop improvements to measures and frameworks along with being able to provide advice on how things can be reframed and revised plays an important role.

Publicly sharing results on how outcomes are progressing should be disseminated to all potential beneficiaries including community members, key stakeholders, researchers and government representatives. These results or updates could be in the form of social media updates, a community lay summary report, videos, voice recordings or verbal reports, infographics of key findings, standard report materials or sharing specific data sets or measurable outcomes. Other mechanisms that could be implemented include holding fortnightly check ins with target groups, governance members and key players.

4. Do you have any additional thoughts, views or experiences about accountability practices that could be included in the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and the Institute's work?

FPDN are currently designing a Cultural Model of Inclusion framework with capacity building and training activities that the Institute may be interested in to ensure its work is culturally safe, inclusive and disability rights informed.

Ensuring that there are strong mechanisms in place for First Nations peoples to play an integral role in decision making and accountability processes should be implemented. Frameworks should be designed, led and governed based on two-way collaborative process at all stages.

The Institute's work could be overseen by an Aboriginal and Torres Strait Islander governance group or Advisory Group consisting of peak Aboriginal and Torres Strait Islander community members and organisations. Further to this the Institute's work should be framed using strength-based approaches. Framing results in a non- deficit-based way has a real opportunity to bring about positive change.

Protecting and strengthening data sovereignty and governance: The First Nations Gender Justice Institute will continue the engagement, storytelling and sharing of women's and girls' voices that has been a core practice of Wiyi Yani U Thangani. These experiences, strengths, issues and aspirations



that women and girls share will be used to form part of a living database to help us understand what's working, what needs to change, and what success looks like.

1. What are your hopes and aspirations for what the First Nations Gender Justice Institute's database on First Nations women's and girl's lived experience and voices could look like? How can we ensure safe and considered access and use of the database?

To ensure safe and considered access and use of the database the system needs to be designed in a culturally safe, accessible and inclusive way. The database functionality needs to be available for all people with disability, including but not limited to closed captioning of videos, easy read versions of documents, accessible fonts and image descriptions.

The database should include ethical guidelines around Indigenous Data Governance and Indigenous Data Sovereignty principles. A Data Governance Committee could be set up that oversees all use of data to ensure that the principles of the Maiam Nayri Wingara Indigenous data sovereignty are met.

The database should be bound by strict privacy laws and be treated confidentially. A governing committee could be implemented that has expertise to ensure data privacy and confidentiality.

The database should require a sign-up membership process to ensure there is awareness and transparency on who is using the database.

Consideration should be given to capturing the lived experience and voices of additionally marginalised First Nations women with disability, including criminalised women, sex-workers, girls, and LGBTIQ+ First Nations women.

The database should include guidelines for using and referencing materials and ownership of data. These guidelines should be developed in consultation with First Nations women, ideally the establishment of an advisory group recruited from contributors to the database.

2. How do we ensure that this living database is used and owned by First Nations women and girls?

It is vital that First Nations women with disability are engaged in collaboration or co-design to ensure the living database includes their stories, and captures the diversity and nuances of their lives, honouring the principle of 'nothing about us without us'. Ideally the database would be managed



by staff who are First Nations women who are experienced in engaging with lived experience in an ethical and culturally sensitive way.

Data and information should also be made available to community members and organisations so they can utilise the data as they see fit. But any data access application request must indicate how their application adheres to the Maiam nayri Wingara Indigenous Data Sovereignty principles and how they intend on using, reproducing and protecting the data.

3. How can the First Nations Gender Justice Institute support First Nations women and girls to access, contribute to and use the database? How can this help women and girls to make decisions about their own local priorities to measure what works on the ground?

The Institute should rely on building strong relationships with organisations who support or platform First Nations women and girls and ensure that contributors are supported in trauma-informed, strengths-based and culturally-sensitive ways.

The format of contributions should include disability-friendly accessible options such as being able to submit recorded videos, art, audio, music or other creative forms of story-telling.

The database will need to ensure that it is accessible and inclusive of all users regardless of their abilities and environment. Assistive technology options and Easy read guides should also be made readily available.

4. Do you have any additional thoughts, views or experiences about strengthening data sovereignty and government that could be included in the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute's work?

As previously highlighted it is critical to consider data governance for any Aboriginal and Torres Strait Islander data resource. Ensuring that data custodian mechanisms are incorporated in the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality and First Nations Gender Justice Institute's work is essential.

In order to strengthen data sovereignty a Data Governance Committee could be incorporated to oversee data use approvals from community, researchers, government agencies or community organisations. This would ensure safekeeping of data, appropriate data use, storage, and integrity of



findings and outputs are adhered to. Indigenous Data Governance ensures that the use of data is for the benefit of Aboriginal and Torres Strait Islander people and that data is protected. It is imperative that these mechanisms are put in place.

Incredible work, and FPDN is committed supporting the vital work Wiyi Yani U Thangani does.

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Appendix A

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.

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.⁸ 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, 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, including during emergency responses such as during Covid 19.

FPDN discussion points 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

⁸ S Avery, '[Culture is Inclusion](#),' 2018, First Peoples Disability Network.



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.

Such an approach would enhance any policy response.

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

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



areas of health, education and social inequality.¹⁰ Whilst population prevalence data is limited, First Nations people are twice as likely to experience disability 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 disaster responses, such as during Covid 19.

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

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).

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.



dedicated First Nations Disability data project with specific intersectional data that would continue to support targeted action for girls and women with disability.