



FIRST PEOPLES DISABILITY NETWORK

Preliminary comments:

**'A New System for Better Employment and Social Outcomes:
Interim Report of the Reference Group on Welfare Reform'.**

August 2014

About the First Peoples Disability Network.

The First Peoples Disability Network is a national representative body for Aboriginal and Torres Strait Islander People with disability.

We wish to acknowledge representations made by other peak disability bodies, including People With Disabilities Australia, and other Aboriginal and Torres Strait Islander organisations. These organisations will speak to many of the general issues that our people face on a daily basis.

However, in order to understand the specific issues and the gravity of impact that any proposed social welfare reform will have upon those who are Aboriginal and Torres Strait Islander *and* have disability, you need to speak with those people directly. Whilst Aboriginal and Torres Strait Islander people with a disability are some of the most adaptable, resilient, and generous people in society, they also make up some of its most disadvantaged and marginalised.

Many Aboriginal and Torres Strait Islander people with disability have needs which are complex, often a consequence of the cumulative effects of inter-generational neglect. There are no simple solutions to these issues. Instead, the way to approach these complexities from a policy perspective is through empathy and respect, with direct communication with those most affected. The First Peoples Disability Network is an organisation governed by a Board comprising Aboriginal and Torres Strait Islander people with disability and is therefore well equipped to provide this perspective.

Summary of Comments on the Interim Report.

With a view to improving the principles of social equity underpinning any proposed social welfare reform, we make the following comments on the ideas proposed by the Reference Group in its Interim Report:

1. Education and employment are key enablers of social change, so there must be a systemic approach to understanding the barriers to accessing education and employment.
2. Improving system co-ordination is the best opportunity to improve the effectiveness in the delivery of social services.
3. Stigma is a barrier which can be addressed through responsible public discourse and raising awareness.
4. The international human rights framework can act as a risk management guide for the development and implementation of social welfare reform.
5. Building community capacity requires communities to be involved at all parts of the process – from planning, design, implementation and evaluation.

1. Education and employment are key enablers of social change, so there must be a systemic approach to understanding the barriers to accessing education and employment.

The Reference Group is correct in identifying the promotion of opportunities for education and employment as key strategies to attain social outcomes. The key question is not whether education and employment are important, but how to remove those barriers that stand in the way of equality of opportunity.

Linking welfare payments to school attendance has had questionable impact. The final report on Indigenous Reform from the COAG Reform Council in April 2014 showed that despite five years of the Northern Territory Intervention, school attendance in the Northern Territory fell in every year level from 2008 to 2012.¹ Similarly, truancy trucks may manage to get kids to school; but will they have a sustainable, long-term impact in keeping them there?

The impact of misdiagnosed or inappropriately managed disability is the untold story in education and employment. The information we collect from our community consultations, when compared with officially recorded data, indicates that the prevalence of disability is widely understated. In schools, children with cognitive or sensory disability are regularly miscast as inattentive and disruptive, diagnoses which relate to the behavioural consequences of their disability rather than the underlying cause of their learning impairment. Over time, this form of stereotyping constrains our children and creates a self-fulfilling prophecy, the impact of which includes disengagement from learning, unemployment, poverty and increased contact with the criminal justice system.

The First Peoples Disability Network issues a challenge to the Reference Group to turn this story on its head. Work with us to change the life trajectory Aboriginal and Torres Strait Islander people with disability. Take the time to understand the issues, collect the knowledge and data, and work with our communities to come up with the program of reform which will get our children and young people to school and into jobs and keep them there.

2. Improving system co-ordination is the best opportunity to improve the effectiveness in the delivery of social services.

The desire for simple solutions should be tempered by an understanding of the complex needs of people. Whilst education and employment are important

¹ COAG Reform Council (2014) *Indigenous Reform 2012-13: Five Years of Performance*, p15. At http://www.coagreformcouncil.gov.au/sites/default/files/files/Indigenous%20Reform%202012-13%20Five%20years%20of%20performance_30%20April%202014.pdf.

priorities, these needs do not exist in isolation from other needs, such as access to housing, good health, and fair treatment in the justice system.

Whilst social services are organised in 'silos', people do not live their lives in 'silos'. There are discernable gaps in the co-ordination of services across policy portfolios, particularly at the interface between Commonwealth service agencies and States and Territory service agencies. As an example, there are opportunities for greater coordination and knowledge exchange to support children in their transition from early childhood years (0-4 years, Commonwealth health system) to early school years (5 years +, State and Territory education system).

A greater focus on system synergy at targeted points in a child's development will deliver great gains in early stage detection and management of learning barriers for children. A systems thinking approach warrants further attention by the Reference Group.

3. Stigma is a barrier which can be addressed through responsible public discourse and raising awareness.

The social welfare debate has been characterised by negative stereotyping of those in need of social support in the public domain. During the course of the debate, we have seen disparaging public commentary including the labeling of those in need of social support as "dole bludgers", "leaners" and other forms of negative stereotyping.

Negative stereotyping of those needing social support is counterproductive on two fronts.

The first impact negative stereotyping has is the limiting effect it has on the individual. The greatest incentive to avoid being subject to repetitive stigmatisation is to retreat from forms of civic engagement.

The second detrimental impact of negative stereotyping is the entrenching of presumptions and passive forms of discrimination in the national psyche. It tricks the mind into dealing with the wrong problem. When an Aboriginal kid mucks up at school, they are typically branded the "bad black kid" and subjected to a disciplinary forms of action to remedy their behaviour. Instead of defaulting to punitive action, we should instead be asking whether there is an underlying learning impairment that stands in the way of their learning, which could lead to a totally different approach.

Leaders have a role in promoting a healthy public discourse, which is respectful of those disadvantaged in society and encouraging of their inclusion and participation. Policy-makers have a role in challenging their sub-conscious response to a complex social problem by framing the questions differently.

4. The international human rights framework can act as a risk management guide for the development and implementation of social welfare reform.

We recommend that the Reference Group undertake a Human Rights Impact Statement of any proposed reforms, as a risk management process to ensure that those at the fringes of society are not subjected to excessive unintended consequences of the reform package.

The Interim Report is silent on the linkages between social welfare reform and Australia's obligations under the international human rights instruments to which it is a signatory.

From the perspective of Aboriginal and Torres Strait Islander persons with disability, the two guiding international instruments are the *International Convention on the Rights of Persons With Disability* and the *United Nations Declaration on the Rights of Indigenous Peoples*. We acknowledge there are obligations under other relevant human rights instrument which must also be considered, including: the *International Convention on the Elimination of all Forms of Racial Discrimination*; the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *Convention on the Rights of the Child*.

This is more than just a bureaucratic process. It is a statement on how Australia intends to treat its most disadvantaged members of its society.

5. Building community capacity requires communities to be involved at all parts of the process – from planning, design, implementation and evaluation.

The difference between well thought through policy and poorly developed and implemented policy to those most disadvantaged can make the difference between survival of basic needs and falling further below the people.

Research consistently shows that the community's direct involvement in programs that affect them lead to superior outcomes. A recent study into the social and emotional wellbeing of Aboriginal and Torres Strait Islander youth found a critical success factor for a strong and sustainable program is "*having inclusive and inspiring origin and establishment processes beginning in the community*".²

² Haswell, M.R; Blignault, I; Fitzpatrick S; and Jackson Pulver L. (2013) *The Social and Emotional Wellbeing of Indigenous Youth: Reviewing and Extending the Evidence and Examining its Implications for Policy and Practice*. Muru Marri, School of Public Health and Community Medicine, UNSW Australia, p50.

This Australian research is consistent with a body of international research on what works in service provision for Indigenous communities:

“When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers—on matters as diverse as governmental form, natural resource management, economic development, health care and social service provision.”³

Despite that overwhelming body of evidence supporting the direct involvement of Aboriginal and Torres Strait Islander people in affairs that affect them, it is the policy approach that has been afforded the least opportunity to succeed.

People with lived experience are experts in how the social service system supports them, and where the barriers to their inclusive participation lie. A selective approach to consultation will miss these nuanced understandings that will make for more robust policy development.

Invitation to Meet with the First Peoples Disability Network.

In noting that this is an Interim Report, we encourage the Reference Group to undertake further consultation with Aboriginal and Torres Strait Islander people with disability, along with other community groups who will be most affected.

The First Peoples Disability Network invites the Reference Group to meet with us to help in understanding the particular issues that affect Aboriginal and Torres Strait Islander people with disability.

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³ The Harvard Project on American Indian Economic Development. At: <http://hpaied.org>.