



First Peoples
Disability Network
Australia

Supplementary Submission

Department of Social Services (DSS)

Submission on the Draft Terms of Reference for the Royal
Commission into Violence, Abuse, Exploitation and Neglect of
People with Disability

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1. About the First Peoples Disability Network (Australia)

First Peoples Disability Network Australia is a national organisation of and for Australia's First Peoples with disability, their families and communities. Its purpose is to promote respect for human rights, secure social justice, and empower First Peoples with disability to participate in Australian society on an equal basis with others. We are the custodians of the narratives of First Peoples with disability, their families and communities and we recognise this important responsibility.

Because ours is an oral history, we continue this by recognising the value of our peoples' narratives and collecting this as data, which informs our work and the work of others.

2. Context

This supplementary submission is in addition to the comprehensive submission that Disabled Peoples Organisations Australia (DPOA) has submitted. The First Peoples Disability Network (Australia) (FPDN) is a member of DPOA and wholly supports the submission that has been tabled by DPOA. The intention with this brief supplementary is to highlight some of the unique considerations that will need to be considered by the Royal Commission as it relates to First Peoples with disability.

Whilst some of these aspects may not necessarily form part of the actual terms of reference we are anxious to ensure that there is understanding of the sometime unique aspects of abuse and neglect against First Peoples with disability in Australia. FPDN would suggest that the following aspects could form part of the guidance provided to Commissioners once they are appointed.

A key challenge for the terms of reference and the Royal Commission more generally will be how to effectively address intersectional issues be they based on race, gender, sexuality or any number of other intersectional matters. One critical way to address these concerns is to appoint an Aboriginal Commissioner and also potentially an Aboriginal Assistant Commissioner who can bring the critical focus upon abuse and neglect of First Peoples with disabilities. Furthermore, it will be vital that there be a well-resourced community engagement program undertaken by Aboriginal community-controlled organisations as part of the workings of the Royal Commission.

The Disabled Peoples Organisations Australia submission clearly articulates a range of critical considerations for the terms of reference and includes recommendations that we support from the perspective of First Peoples with disabilities.

We would like to add the following brief commentary as a way of highlighting some of the distinctive aspects of abuse and neglect against First Peoples with disabilities. One such critical area is that of the denial of culture, be it intentional or passive. There are an undetermined number of First Peoples with disabilities who were and, in some cases, still today completely unaware that they were/are of Aboriginal and/or Torres Strait Islander descent. Their indigeneity was either actively denied by those that ran institutions or it was simply not noted, or it was passively or casually overlooked. This has often resulted in tragic circumstances where for some First peoples with disabilities when they left institutions they were sometimes completely unaware of their heritage sometimes meaning that they effectively were without a connection or identity. It will be critical for the Royal Commission to hear these stories as it is likely that the systemic denial of culture will be an

area of great concern to many First Peoples with disabilities, their families and the wider First nations communities.

Such denial of cultural still continues today. Some First Peoples with disabilities may be paid little or no regard of their Indigeneity by the service system. Or at worst subjected to racial discrimination or token gestures around their Indigeneity.

FPDN is anxious to ensure also that there be a strong focus upon financial abuse. Many First Peoples with disabilities particularly those living in regional and remote Australia live in deeply entrenched poverty. Many First Peoples with disabilities are homeless and cannot access a basic nutritional diet for example. These are human rights abuses of the most fundamental and egregious kind. Therefore, it will be vital that the Royal Commission venture out into regional and remote Australia to witness firsthand the extent of the poverty experienced by many First Peoples with Disabilities. This will have to be done sensitively however with guidance by First nations communities themselves and with the guidance of the Aboriginal Commissioner/s.

A further area of great concern for FPDN is the situation of indefinite detention of First Peoples with disabilities in Australian prisons which is most prevalent in the Northern Territory. This is an extraordinary violation of human rights which results in some First Peoples with disabilities effectively being 'accommodated' in Northern Territory prisons because there is no disability appropriate accommodation and supports in that jurisdiction. Furthermore, punitive sentencing and a justice system in general that does not understand how to accommodate disability can result in the serious over representation of First Peoples with cognitive impairments in Australian prisons.

The lack of access to accessible information for First Peoples with disabilities be it in Aboriginal language or disability accessible is also a major barrier which results in many First Peoples with people with disabilities not being able to access necessary social supports such as the NDIS because they simply cannot understand how such systems work because information is not provided accessibly. This is also constitutes a further form of abuse and neglect.

This brief commentary highlights just a small number of the often-unique aspects of abuse and neglect as it relates to First Peoples with Disabilities. It will be fundamental for the success of the Royal Commission that it actively partner with First nation communities and their representatives including organisations owned and operated by First Peoples so that these stories can be heard in a culturally safe way.

