

**Office of the Public Advocate
South Australia**



Disability Advocate Report

Aboriginal and Torres Strait Islander and the National Disability Insurance Scheme

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1. ISSUE

The experience of people from Aboriginal and Torres Strait Islander (ATSI) background with disabilities and the National Disability Insurance Scheme (NDIS).

2. CONTEXT

- South Australia is home to more than 30 Aboriginal nations, with distinct beliefs, cultural practices, and languages. In the 2016 census, just over 34,000 South Australians identified as being of Aboriginal and/or Torres Strait Islander origin.
- 71.1% of South Australia's Aboriginal community lives in Adelaide, 21.9% in the Port Augusta region and 6.3% in the Port Lincoln-Ceduna region.
- The NDIS Market Position Statement paper June 2016 estimated that there would be 32,000 South Australian NDIS participants in the scheme by 2019 but provided no specific data on the expected numbers of ATSI participants. The paper acknowledged that almost 1/3rd of South Australian NDIS ATSI participants were expected to reside outside of Adelaide.
- The March 2021 NDIS Quarter 3 data shows 30,763 participants nationally identify as Aboriginal and Torres Strait Islander. This equates to 6.8% of total participants. Of the 40,107 South Australian participants 2,277 identify as being Aboriginal and Torres Strait Islander (5.7% of South Australian participants).
- The First People's Disability Network Australia 2013 10-point-plan recognised that the vast majority of ATSI people who are likely to be eligible for the NDIS do not self-identify as people with disability. This occurs for a range of reasons including that in traditional language there is no comparable word for "disability".

3. SUMMARY OF KEY ISSUES IDENTIFIED AT MEETINGS WITH STAKEHOLDERS

There is a slower uptake of the NDIS within ATSI communities and an inability to implement NDIS plans that could be attributed to the following:

- The NDIS is not considered a priority when basic needs such as food, shelter, health, and safety have not been met.
- Information about the NDIS is not provided in appropriate formats.
- Training in cultural awareness and trauma is essential for all levels of NDIA and NDIS partner staff.
- Insufficient time is given to building relationships with the participant and their family
- The NDIS does not recognise foster and kinship parents.
- The markets in rural and remote areas are not sufficiently developed. The only alternative is to leave family and country to seek support in Adelaide.
- More support is required to assist the individual to implement their NDIS plan.
- Equipment is not always fit for purpose e.g. all-terrain wheelchairs.
- ATSI workers are in short supply.
- NDIS rules and process to become a registered service provider are costly and challenging to navigate.

Potential solutions identified by stakeholders:

- Yarning would be a more effective way to ensure that information is gathered.
- Formal acknowledgement of family kinship arrangements is required.
- Cultural safety training should be provided to all NDIA and NDIS partner staff.
- Support Coordination should be available in all ATSI participants plans.
- There must be designated ATSI planners in the NDIA with the appropriate knowledge and skills.
- Rural and remote services should be located within the ATSI community.
- Additional support should be provided for the development of the ATSI workforce.

In 2019 the Disability Advocate met with a number of stakeholders and reported on the NDIS experience for people with disability living in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. It was found that the first priority for ATSI people was having basic needs met such as food, bedding, clothing and basic goods. Participants highlighted the need for a culturally responsive service with a highly trained and skilled staff who can build relationships and trust. Workforce was highlighted as a significant problem with specific problems included limited housing choices, transport, high staff turnover and irregular worker visits to community.

4. DISCUSSION

The First Peoples Disability Network 2013 10-point plan for the implementation of the NDIS in ATSI Communities includes the following points:

- There must be recognition of the existing knowledge and expertise within ATSI communities-“we are leaders in the inclusion of people with disability”.
- Investment is required to create an Aboriginal Community-Controlled Disability Service Sector for the provision of Disability Supports by ATSI people with disability for their communities

There remains significant issues on-the-ground with the implementation of the NDIS, particularly in remote locations according to the Lowitja Institute. Important considerations are:

- ATSI people living with disability were more likely than other ATSI people to experience unfair treatment and more likely to experience violence, threats, and removal from their natural families. Safety issues for people in relation to engagement with the NDIS must be considered.
- Local providers who have existing relationships and good understanding of people and their needs have been unable to speak on behalf of the participant because of the perceived conflict of interest.
- There is no seed funding for organisational change and the associated administrative burden is a disincentive to provider participation.

Incompro had been successful in securing an Information, Linkages and Capacity Building (ILC) grant to undertake a service mapping exercise in the APY Lands to determine service requirements and to recommend strategies. Dr Anthea Krieg undertook the 2-year project and prepared a report on psychosocial disability in remote Indigenous communities. The report concluded that in remote communities “we are creating not transitioning a community-based system” for people with psychosocial disabilities. Choice and control are aspirational goals on the APY lands where basic needs are essential. Creating a strong and sustainable workforce is challenging without housing for both for participants and service providers. Any

NDIS response will falter if basic needs and basic infrastructure are not addressed concurrently with the NDIS roll-out and delivery

In 2019 the Disability Advocate reported that the NDIA was progressively rolling out improvements to the participant pathway including the new complex support needs pathway for participants who need a more intensive support model. Since this time however the Disability Advocate has become increasingly aware that these and other changes made by the NDIA make precious little sense to many participants or their families. The participant or their nominee (usually a family member) is totally overwhelmed by the abundance of players and functions of the NDIS and they end up doing all the advocacy, lobbying, chasing-up and coordination themselves. They would like ongoing help when they need it to find their way about the community and the service system. This may sometimes be a lot of help and sometimes very little.

In 2017 the NDIA had developed the NDIS Aboriginal and Torres Strait Islander Engagement Strategy outlining key considerations to engaging with ATSI communities in the 'proper way'. The Disability Advocate has heard that in practice this has not occurred. A lack of understanding of foster and kinship arrangements hinders the progress of access and planning for numbers of younger ATSI participants. The lack of understanding of trauma leads to disengagement and again hinders access and planning processes for ATSI participants. The development of community connectors has not yet been successful in regional and remote areas. The NDIS need to actively support the development of local support services in these areas.

5. CONCLUSION

Whilst a significant amount of money and effort has been put into ensuring that ATSI people with disability are engaged with the NDIS, further work is required. There is an assumption that people from ATSI communities will identify that they have a disability and will engage with the NDIS. Whilst people's basic needs remain unmet this is unlikely to occur. There needs to be recognition that for many ATSI communities significant work is required around the stigma related to disability and building trust and a safe place.

Engaging with Aboriginal Community Controlled Health Organisations are a positive step forward to support ATSI communities. Respecting and supporting the role of elders within communities needs to be fostered and further developed. Acknowledging the role of extended families in the access and planning processes is necessary to ensure that ATSI participants stories are told.

The NDIA is constantly changing their processes. The introduction of another new process, *independent assessments*, will likely again hinder the progress of ATSI participants through the system. No mention has been made of specific supports for ATSI participants to engage with the independent assessment process.

6. RECOMMENDATIONS

1. A review of the ILC grants process be undertaken to consider grant extensions including additional funding pending an evaluation and review of project outcomes and deliverables. (CALD paper January 2021).
2. To disseminate grant reports to enable learnings to be available to other service providers.
3. The NDIS consider the information and recommendations presented in the Review of the NDIS for people with psychosocial disabilities in the APY Lands of South Australia.

4. To engage Aboriginal Community Controlled Health Organisations (ACCHO) to develop services for ATSI communities in rural and remote area.
5. NDIA to recognise and support “foster and kinship arrangements”.
6. Support Coordination must be made available to support ATSI participants with complex needs to navigate the NDIS and better connect services.
7. Review the NDIS Aboriginal and Torres Strait Islander Engagement Strategy 2017 and update the State government approaches to supporting ATSI communities.

7. NDIS QUARTERLY REPORT MARCH 2021

Table J.1 Active participants by quarter of entry – South Australia ³⁹⁴

	Prior Quarters	2020-21 Q3	Total excluding ECEI	ECEI	Total including ECEI
South Australia	38,063	1,545	39,608	499	40,107

Table J.8 Participant profile per quarter by Aboriginal and Torres Strait Islander status – South Australia

Participant profile	Prior Quarters		2020-21 Q3		Total	
	N	%	N	%	N	%
Aboriginal and Torres Strait Islander	2,176	5.7%	101	6.5%	2,277	5.7%
Not Aboriginal and Torres Strait Islander	30,896	81.2%	1,169	75.7%	32,065	81.0%
Not Stated	4,991	13.1%	275	17.8%	5,266	13.3%
Total	38,063	100%	1,545	100%	39,608	100%

Figure J.1 Number and proportion of Aboriginal and Torres Strait Islander participants over time incrementally (left) and cumulatively (right) – South Australia ⁴⁰⁴



8. MEETINGS WITH STAKEHOLDERS

- Disability Royal Commission truth telling, Aboriginal women's group organised by Vicki Hodgson-17/11/2020
- First Peoples Disability Network- Kelly Treloar- 3/12/2020
- Commissioner for Aboriginal and Young People- April Lawrie-2/2/2021
- Commissioner for Aboriginal Engagement-Roger Thomas- 4/2/2021.
- Dr Anthea Krieg-3/3/21

9. RESOURCES

Anthea Krieg, *Psychosocial Disability in Remote Indigenous Communities: Towards Responsive Services on the APY lands* (Discussion paper, July 2020)

First People's Disability Network Australia "Ten priorities to address disability inequity in Aboriginal and Torres Strait Islander Communities for the National Disability Strategy and National Disability Insurance Scheme" 2013 [Ten priorities to address disability inequity - FPDN](#)

Joint Standing Committee on the National Disability Insurance Scheme General issues December 2020 [Report: General issues around the implementation and performance of the NDIS \(aph.gov.au\)](#)

Muriel Cummins, 'Letters to the Editor: NDIS reforms could create a barrier' *Financial Review* (online, 17 February 2021) <https://www.afr.com/politics/federal/letters-of-17-february-2021-democrats-need-to-move-on20210217-p573dh>

NDIS Market Position Statement South Australia June 2016

NDIS Aboriginal and Torres Strait Islander Engagement Strategy 2017¹

NDIS Community Connector Framework (June 2020) [Community-Connector-Framework.pdf \(fecca.org.au\)](#)

Report of the South Australian Commissioner for Aboriginal Engagement Dr Roger Thomas July 2018 – November 2020- SA Government. [CAE Biennial-Report Rework Web compressed.pdf \(dpc.sa.gov.au\)](#)

The Lowitja Institute. *Understanding disability through the lens of Aboriginal and/or Torres Strait Islander people-challenges and opportunities* (policy Brief: October 2019) [Lowitja UnderstandingDisability 291019 D4 WEB.pdf](#)

10. GLOSSARY

ACRONYM	FULL TITLE
ACCHO	Aboriginal Community Controlled Health Organisations
APY	Anangu Pitjantjatjara Yankunytjatjara
ATSI	Aboriginal and Torres Strait Islander
CALD	Culturally and Linguistically Diverse
ILC	Information, Linkages and Capacity
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme