



NATIONAL ETHNIC DISABILITY ALLIANCE

NEDA's response to the *Department of Social Service's National Disability Strategy Position Paper.*
October 2020.



Submission

Department of Social Services (DSS)

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1. About the National Ethnic Disability Alliance (NEDA)

- 1.1. The National Ethnic Disability Alliance (NEDA) is a national Disabled People's Organisation (DPOs) governed by¹, and constituted of, culturally and linguistically diverse (CALD) people with disability.
- 1.2. The key purpose of NEDA is to promote, protect and advance the human rights and freedoms of all people with disability from CALD, migrant, refugee, and asylum seeker backgrounds.
- 1.3. NEDA's membership is made up of CALD people with disability; our state/territory member organisations are either CALD DPOs, CALD disability advocacy organisations or community led disability advocacy organisations with a demonstrated history of working in partnership with CALD people with disability and their communities.²
- 1.4. NEDA is a founding member of Disabled People's Organisations Australia (DPO Australia), an alliance of four national DPOs. NEDA/DPO Australia receives systemic advocacy funding from the Department of Social Services as a Disability Representative Organisation.

2. Introduction and General Comments

- 2.1. NEDA welcomes the Australian Government's commitment to reenergising the National Disability Strategy (NDS). The NDS is a vital mechanism under which all levels of Australian Governments are proactively implementing the United Nations (UN) Convention on the Rights of People with Disabilities (CRPD).
- 2.2. We are concerned, however, that the NDS appears to exist in complete isolation from UN treaty body processes and reviews, such as the UN CRPD review of Australia. It is disappointing that the NDS is systemically unable to adopt or respond to important UN concluding observations or recommendations. In addition, the NDS has not committed to detailing how States, Territories and Local Governments engage with UN processes or incorporate UN CRPD recommendations into their individual Disability Plans. NEDA sees this lack of engagement between the NDS and UN processes as a significant challenge to the NDS's key objective: implementing the UN CRPD in Australia.
- 2.3. NEDA welcomes the 'vision' and stated 'outcome areas' within the Government's position paper and is very supportive of the paper's stronger emphasis being placed on accountability, public reporting, monitoring, and outcome frameworks. While there has been progress and critical reform under the NDS, NEDA believes the NDS is not being

¹ Information pertaining to NEDA's Governance/Board can be found here:

<http://www.neda.org.au/about-us/council-board>

² For more information about NEDA's membership visit: <http://www.neda.org.au/about-us/member-organisations>

driven consistently across government and jurisdictions nor does it have the investment or concrete measures needed to implement desired change or deliver the outcomes listed in the key outcome areas. NEDA believes the NDS needs to have a nationally consistent performance, accountability, and transparent public reporting mechanism.

- 2.4. Historically, the NDS has not been a very inclusive or effective policy document for CALD people with disability. The NDS (2010-2020³) and accompanying implementation plans sporadically mention CALD people with disability but fails to offer a strong and strategic commitment to equity outcomes for the group, as a cohort.
- 2.5. This absence of CALD equity targets and general CALD analysis within the NDS means the experiences and expressed needs of CALD people with disability are fundamentally overlooked. This lack of inclusion within such an important policy document reinforces their invisibility and does nothing to address structural issues and experiences stemming from intersectional discrimination.
- 2.6. NEDA maintains that only by incorporating the needs of minority groups throughout the NDS, can the human rights of those within sub-groups of people with disability be correctly upheld. Due to the nature of sub-groups within the umbrella of people with disability, where individuals experience significant barriers to making their voices heard, merely including an item in the strategy to support them will only service to enforce their current alienation. The significance of weaving the considerations of CALD people with disability and other population groups to achieve equitable outcomes, cannot be underestimated.

³ Department of Social Services, National Disability Strategy, 2010-2020. Available at: <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

3. CALD people with disability

- 3.1. Australia is a multicultural nation. One in every four people with disability in Australia is CALD. CALD people with disability make a positive contribution to Australia's social and economic life, as integral parts of communities, families, organisations and businesses.
- 3.2. People with disability, as a cohort, experience structural and social discrimination that plays out in complex ways in their everyday lives. For CALD people with disability, this discrimination and disadvantage is compounded due to barriers arising from the intersection of racism and ableism, and other factors relating to: language; culture; migration history; migration experience; visa status; ethnicity; religion; sexism; and LGBTIQ status, to name a few.
- 3.3. The general barriers faced by CALD people with disability include (but are not limited to):
 - Lack of accessible information about rights, entitlements, essential services and supports available
 - Lack of culturally and/or disability competent service provision in mainstream and specialist support services
 - Lack of access to professional accredited interpreting services
 - Prevalence of myth, misconceptions and negative stereotypes about disability, ethnicity and religion
 - Lack of effective legislative and policy direction, and government intervention
- 3.4. The impact these barriers have on CALD people with disability, as a cohort, include:
 - Extreme isolation and marginalisation
 - Poverty, financial vulnerability, and limited access to fewer opportunities
 - Reduced capacity to participate in social, economic, political and culture life
- 3.5. It is known that as a sub-group of people with disability, CALD people with disability experience significant disadvantage and marginalisation. Graph 1 and Table 1 (pg.10) contains data showing that when compared to non-CALD people with disability, CALD people with disability (as a cohort) have lower household income and live in areas of higher disadvantage.
- 3.6. NEDA believes the NDS should adopt CALD equity frameworks within Targeted Action Plans, that uniquely and proactively work to removing barriers and reducing the inequity experienced by CALD people with disability across identified policy domains.
- 3.7. Table 2 contains example strategies for improving participation and rights recognition for CALD people with disability. The example framework is structured to provide details of the lead government agency, the particular barrier being address, the relevant obligations within the UN CRPD, suggested strategy and suggested indicator of improvement. Note that the example framework is not exhaustive- for example no information has been provided on State/Territory Disability Action Plans covering areas

of importance such as access to health services or broad health outcomes; similarly, there has been no strategy analysis provided for access to transport, housing, or participation in arts or political domains, etc. It is by no means comprehensive.

4. Data pertaining to CALD people with disability

- 4.1. The quality of Australian data dealing with disability and diversity is limited and at best is an undercount of those with disability and from a diverse background. Current commonly used approaches often assume that a normal population distribution of diversity in the non-disabled community also applies to those with disabilities. This may be correct for those born in Australia from a diverse background but does not necessarily apply to those born overseas because of discriminatory migration policies which in the main excludes those with disabilities.
- 4.2. There is an urgent need for the development of a nationally consistent definition of CALD; this definition needs to be implemented and adopted across all government agencies and programs for all purposes regarding data collection, analysis and reporting. This inability to appropriately identify CALD routinely sees CALD people with disability being excluded from systems and services, as they are underrepresented or just not counted, especially those born in Australia.
- 4.3. There are national standards since 1999 on which define diversity⁴ which have been often ignored by various national bodies when implementing administrative data collections. We have two national agencies which have different classifications of languages⁵ and there is no consistency between the two especially emerging languages.
- 4.4. The various Commonwealth current administrative data collections do not meet Australia's obligations required by the UN Convention on the Rights of Persons with Disabilities (CRDP)⁶. The current approach used in Australia is based on a medical understanding of disability, not the social model of disability.
- 4.5. Australia does not collect across various programs consistent information on disability. Whilst it is an active member of the Washington Group⁷ through the Australian Bureau of Statistics, this has not flowed through in other areas of disability data collection and administration. What collections have been made lack clarity as which aspect of disability has been counted.

⁴ <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1289.0>

⁵ Many of the languages identified in the Settlement Database do not appear in the classification published by the Australian Bureau of Statistics.

⁶ *The UN Convention on the Rights of Persons with Disabilities (CRPD) people with disabilities include "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Article 1)* <http://www.washingtongroup-disability.com/washington-group-questions/short-set-of-disability-questions/>

⁷ <http://www.washingtongroup-disability.com/about/>

- 4.6. Inconsistencies regarding agreed definitions, data collection and data analysis across national and jurisdictional government systems has significant policy implications for CALD people with disability. NEDA supports the Government's commitment to collective relevant data with the NDS, but we believe the NDS could be positioned to play a stronger role in improving data collection and analysis regarding the diversity of people with disability. Some specific recommendations can be found in [Appendix A](#).

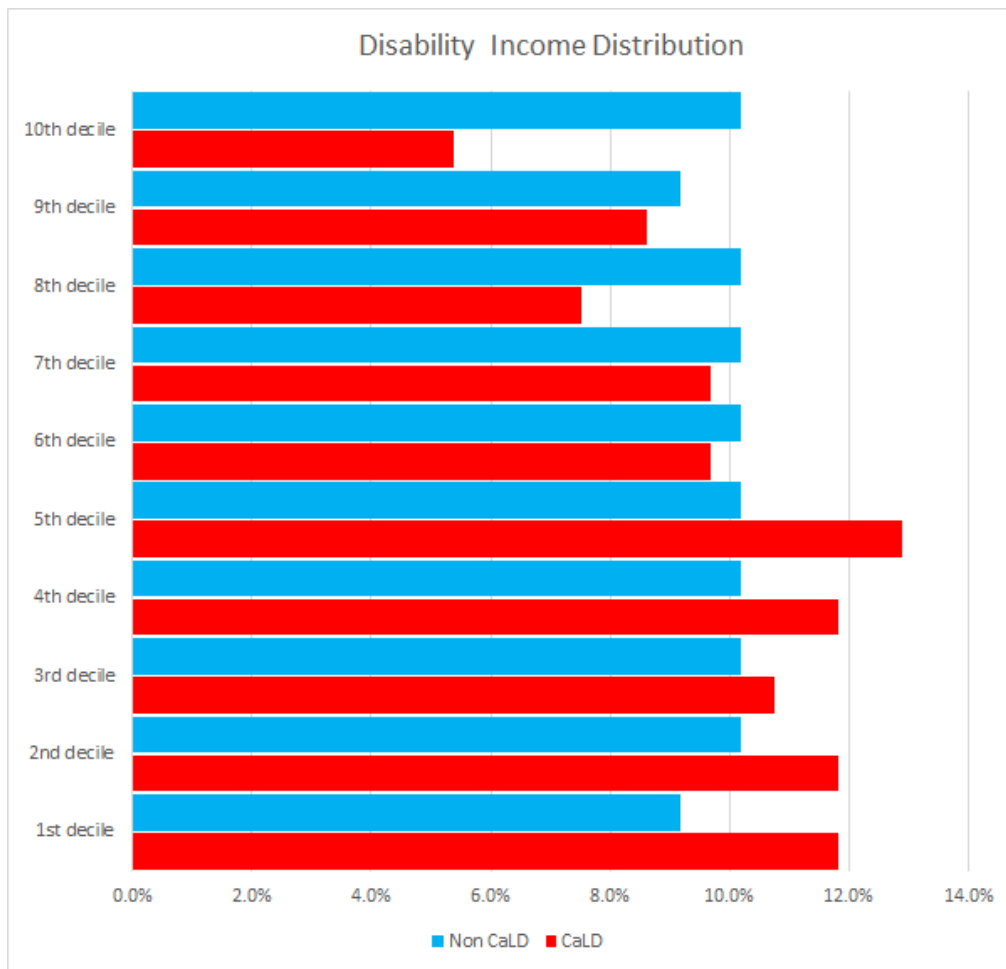
5. Nothing about us, without us.

- 5.1. CALD people with disability and their representative organisations (DPOs) continue to be routinely excluded from important decision-making discussions and key policy reform agendas. Additionally, the voices of CALD people with disability are not heard in public life as mechanisms to support their visibility or active participation do not exist.
- 5.2. The perspectives of CALD people with disability are also not represented on national advisory councils such as the board of the National Disability Insurance Agency (NDIA) or the National Disability and Carers Advisory Council. Subsequently, the views and needs of CALD people with disability are typically overlooked.
- 5.3. CALD people with disability and their representative organisations are never provided the opportunity of co-designing, co-creating, co-implementing, or co-evaluating important policy that directly affects them.
- 5.4. The NDS has no 'built-in' engagement mechanism to strategically and effectively ensure the voice of people with disability, let alone CALD people with disability, are meaningfully engaged in design, implementation and evaluation of the NDS.
- 5.5. Historically, national/state and territory Government consultation processes have provided CALD people with disability with very limited opportunities for having their voices heard, or to provide meaningful input. CALD people with disability rarely engage or participate in formal government consultation processes regarding policies or programs that may directly affect them, as they typically are 1) unaware these opportunities exist and 2) are not able to participate equally due to barriers to inclusion and participation.
- 5.6. The NDS needs to develop a mechanism that operationalises the CRPD principle of participation (Article 4, Article 33), and ensures CALD people with disability and their representative organisations (DPOs) are genuinely working in partnership with national, state and territory, and Local Governments to drive NDS agendas and outcomes.

6. Summary with Ways Forward

- 6.1. NEDA strongly recommends that the NDS develops an effective mechanism that systemically (across all levels of government) engages with, considers, and responds to UN Treaty Body processes, most importantly, the UN CRPD review of Australia.
- 6.2. NEDA welcomes the Government's commitment to improving NDS accountability and monitoring. A well-resourced, nationally consistent accountability and public reporting mechanism promotes progress and critical reform under the NDS.
- 6.3. The evidence shows that CALD people with disability, as a subgroup, experience significant discrimination, marginalisation and compounding barriers to rights recognition and participation. NEDA is of the opinion that an equity framework, such as a CALD specific Targeted Action Plan, would be an advantageous way to work uniquely and proactively towards removing barriers and reducing inequality experienced by CALD people with disability.
- 6.4. There is an urgent need to develop nationally consistent definitions of CALD regarding data collection and analysis. Current inconsistencies across national government agencies results in CALD people being inaccurately counted, most often undercounted.
- 6.5. The NDS needs to demonstrate best practice and build a mechanism for true engagement with DPOs. CALD people with disability, DPOs and disability advocacy organisations rarely co-design, co-create, co-implement or co-evaluate policy that directly affects or impacts people with disability. The NDS should operationalise the CRPD's principle of participation, and ensure CALD people with disability, and their representative organisations, set the policy agenda and determine outcomes regarding how people with disability want to live their lives.

Figure 1: Disability Income Distribution



Source: ABS SDAC 2018 Survey Tablebuilder

*Quintile 1 and Decile 1 represent those with the lowest income and living in the most disadvantaged areas.

Table 1: Those with a disability by CALD status by Social Disadvantage (Quintiles) by Income (Deciles)

	CALD					Non CALD				
	Social Disadvantage					Social Disadvantage				
	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
10th decile	11.7%	0.0%	28.9%	10.9%	48.4%	10.9%	19.2%	18.5%	24.5%	26.8%
9th decile	10.3%	30.8%	16.0%	27.6%	15.4%	12.7%	18.3%	19.2%	20.8%	29.0%
8th decile	0.0%	37.5%	18.8%	26.6%	17.2%	21.0%	17.5%	20.2%	20.7%	20.6%
7th decile	8.1%	16.9%	36.5%	18.9%	19.6%	20.8%	20.0%	19.0%	17.8%	22.3%
6th decile	36.6%	30.0%	14.1%	4.4%	15.0%	23.2%	18.7%	23.1%	19.8%	15.2%
5th decile	17.3%	18.9%	30.5%	18.9%	14.3%	31.4%	17.8%	19.4%	18.2%	13.2%
4th decile	31.3%	29.5%	16.8%	10.3%	12.0%	35.6%	21.7%	18.4%	14.6%	9.7%
3rd decile	23.6%	34.1%	15.7%	16.6%	10.0%	33.0%	23.7%	18.1%	15.7%	9.5%
2nd decile	19.8%	25.3%	20.2%	11.6%	23.1%	21.3%	20.8%	21.8%	18.1%	18.1%
1st decile	28.3%	25.0%	9.9%	24.0%	12.7%	21.3%	17.7%	23.0%	19.4%	18.6%

Source: SDAC 2018 ABS Survey Tablebuilder

Table 2: Example - Strategies to Address Existing Barriers for CALD people with disability, in Australia

Lead Australian Government Agency	Barrier for CALD PWD	UN Convention	Strategy	Indicator of Improvement
Attorney-General's	Multicultural Barriers to access to legal and human rights	Article 5 (1) and (2) of UN CRPD	<p>Improve community education to CALD communities.</p> <p>Improve legal and human rights capacity of disability advocacy providers;</p> <p>Improve capacity of community legal centres to engage with CALD people with disability.</p>	Reduced discrimination experienced by CALD people with disability.
Dept of Infrastructure, Transport, Regional Development, and Communications	<p>Access to information on Telecommunications services and equipment.</p> <p>Poor support and protections for CALD people with disability in navigating consumer complexity in telecommunications market.</p>	<p>Article 30 (4) of UN CRPD</p> <p>Articles 5 (1) and (2) of UN CRPD</p>	<p>Provide resources for translations of information in community languages.</p> <p>Improve interaction with services such as Translating and Interpreting Service (TIS).</p> <p>Ensure consumers with low English proficiency can access protections for telecommunications contracts.</p>	<p>Increased usage of telecommunications products by people with low English proficiency.</p> <p>Increased utilisation of TIS.</p> <p>Reduced hardship associated with telecommunications products / services for people with low English Proficiency.</p>
Dept of Social Services/Dept of Education, Skills and Employment	CALD people with disability are half as likely to be in labour force as people from English speaking background with disability.	Articles 5 (1) and (2) and 30 (4) of UN CRPD	<p>Implement recommendations from Willing to Work Inquiry</p> <p>Increase access to open employment services for CALD.</p> <p>Work with key agencies to confront discrimination in workplaces.</p> <p>Improve work relevant education and literacy outcomes.</p> <p>Resource legal centres and advocates to more effectively engage with CALD people with disability who experience employment</p>	Increased Labour force participation for CALD people with disability.

	CALD people with disability have lower rates of educational attainment.	Articles 3 (d), 5 (1) and (2) and 30 (4) of UN CRPD	or educational related discrimination. Promote increased inclusion for secondary and higher education CALD with disability students.	Increased attainment of numeracy and literacy benchmarks for CALD people with disability Increased secondary school retention and higher education participation.
Dept of Social Services/National Disability Insurance Agency	Poor access and utilisation of NDIS services by CALD people with disability. Discrimination in receipt of Disability Support Pension entitlements faced by migrants with disability.	Articles 3 (d), 5 (1) and (2) and 30 (4) of UN CRPD Article 28, 25 an 15 of UN CRPD	Commitment to developing a CALD NDIS Strategy in partnership with CALD DPOs. This CALD strategy should have a strong implementation plan with concrete equity targets and a public monitoring and reporting mechanism. Strengthen TIS language assistance, translations and translator/community education Improve CALD definitions, Data and Research Remove 10-year qualifying residence on Disability Support Pension	Increased access and equity for CALD people with disability within the NDIS. Provides access to DSP entitlements by migrants with disability, reducing financial hardship experiences.
Services Australia	Inadequate information on income support entitlements, supports regulations and rights for people from diverse backgrounds	Articles 5 (2) and 30 (4) UN CRPD		Increased number of CALD people with disability, their carers and communities access income support entitlements.
Dept of Home Affairs	Discrimination faced by migrants and refugees with disability seeking permanent residency. Barriers faced by CALD people with disability accessing	Article 5 of UN CRPD	Apply the DDA to Migration Act 1958	Increased proportion of successful applications for residency for migrants and refugees with disability.

	<p>funded professional translator and interpreting in order to access government and non-government human services.</p> <p>Discrimination experienced by asylum seekers with disability</p>		<p>Resource availability of translator and interpreting assistance for all recipients of government and non government human services.</p> <p>Apply the DDA to the Migration Act 1958</p>	<p>Advances and protects the rights and freedoms of CALD people with disability</p> <p>Upholds the rights of asylum seekers with disability living on precarious visas in Australia</p>
Dept of Industry, Science, Energy and Resources	<p>Poor support and protections for CALD people with disability in navigating consumer complexity in competitive energy market.</p>	<p>Article 5 (1) and (2) of UNCRPD</p>	<p>Increase availability of information on contracting and rights for CALD consumers.</p> <p>Improve protections for consumers with low English proficiency entering household energy supply contracts.</p>	<p>Reduced proportion of energy consumers CALD backgrounds facing financial hardship or disconnection as a result of inability to pay energy costs.</p>

Appendix A

NEDA recommends that the following measures be implemented:

A. Ethnicity

- That the principles developed in 1289.0 - Standards for Statistics on Cultural and Language Diversity, 1999 be the basis of demographic classification.
- That the Australian Classification of Languages be updated annually to reflect any changes in migration intake policies.
- That all data collections and reporting instruments acknowledge the poly linguistic characteristics of the Australian community.
- That the Settlement Reporting Facility be made available again to the community⁸. The current arrangements implemented as replacement do not provide the depth of understanding as implied in the principles of Australian Open Data⁹.
- That the disability status of all migrants be recorded and made available through the Settlement Reports and Settlement Reporting Facility.
- That the classification of religions such as Islam or Buddhism or Hinduism be treated the same as Christian denominations and sects. That is if there are major theologies or schools within a broad class, these be identified in levels 2 to 4 of the Australian Standard Classification of Religious Groups¹⁰.
- That a nationally consistent definition of CALD be implemented and adopted across all government agencies and programs for purposes associated with data collection and reporting.

B. Disability

- That for the purposes of administrative data collections and reporting that the Washington Group Short Set of Disability Questions¹¹ be the basis of Australian disability data questions.
- That future data collections are based on the core principles of the UN Convention of the Rights of Persons with Disabilities¹² which deal with the barriers to participation in society that prevents the full engagement of persons with disabilities.
- That the Australian Government engage with the disability sector to develop a more meaningful understanding of the use of disability information outside that government and academia.
- That the principles of Open Data as it applies to the disability sector are clearly articulated.
- That a nationally consistent approach regarding confidentiality be adopted by all federal agencies.

⁸ <https://www.dss.gov.au/settlement-services/programs-policy/settlement-services/settlement-reporting-facility/decommissioning-settlement-reporting-facility>

⁹ <https://www.pmc.gov.au/public-data/open-data>

¹⁰ <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/1266.02016?OpenDocument>

¹¹ <http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/>

¹² <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>