Royal Commission
into Violence, Abuse, Neglect and Exploitation
of People with Disability

Listening to First Nations people with disability

Acknowledgement of Country

We acknowledge Australia's First Nations peoples as the Traditional Custodians of the lands, seas and waters of Australia, and pay respect to all First Nations Elders past, present and emerging. We pay our respects to all First Nations people with disability and recognise the distinct contributions they made to the outcome of this inquiry.

Acknowledgement of people with disability

We acknowledge people with disability who fought and campaigned long and hard for the establishment of this Royal Commission. We acknowledge the courage and generosity of people with lived experience of disability who shared their knowledge and experiences of violence, abuse, neglect and exploitation with the Royal Commission. Their contributions to the Royal Commission have been indispensable in framing our

About this brochure

This brochure describes what we heard from First Nations people with disability and their families and communities about the issues and challenges they face. It also describes some of the changes needed to create an Australia where First Nations people with disability are included.

Note: The 12 volumes of the *Final report* constitute the authoritative version of the *Final report* and contain the complete information about all our work, including recommendations.

Content warning

This brochure and the *Final report* contain information about violence, abuse, neglect and exploitation of people with disability that may be distressing to readers.

First Nations readers should be aware that some information in this brochure and the Final report may have been provided by or refers to First Nations people who have passed away.

What is a Royal Commission?

A royal commission is the highest form of public inquiry in Australia. It is independent of government and looks closely at a problem or issue affecting vulnerable groups of people.

The *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, otherwise known as the Disability Royal Commission, gathered stories and evidence of violence, abuse, neglect and exploitation from people with disability, their families and supporters.

Based on the information we gathered, we made recommendations about what governments, institutions and the community should change.

Our terms of reference

Each Royal Commission has terms of reference which tell them what to investigate. Our terms of reference asked us to look at how to prevent people with disability from experiencing violence, abuse, neglect and exploitation, and how to improve reporting and responses. They also asked us how to make Australia more inclusive for people with disability.

Our terms of reference asked us to look at the particular experiences of First Nations people with disability.

Photo: Traditional Owner Kristy Bloomfield and local Elder Aunty Barbara Satour in Mparntwe (Alice Springs).

A strong focus on human rights

Our inquiry was framed by the human rights of people with disability. Our terms of reference recognised that people with disability have the 'right to the full and equal enjoyment of all human rights and fundamental freedoms', as part of Australia's international obligations under the *Convention on the Rights of Persons with Disabilities*.

Our work was also informed by the human rights of First Nations peoples as a distinct group. The *United Nations Declaration on the Rights of Indigenous Persons* recognises rights to:

- safety and dignity
- self-determination
- health
- respect for and protection of culture
- equality
- non-discrimination.

Our Commissioners

Six Commissioners with diverse backgrounds and experiences were appointed to conduct the inquiry:

- the Honourable Ronald Sackville AO KC (Chair of the Royal Commission)
- Ms Barbara Bennett PSM
- Dr Rhonda Galbally AC
- Ms Andrea Mason OAM
- Dr Alastair McEwin AM
- the Honourable John Ryan AM.

Commissioners Galbally and McEwin are people with disability. We were fortunate to have the benefit of their knowledge and experience as leaders in the disability community.

Photo: From left to right, the Honourable John Ryan AM, Dr Rhonda Galbally AC, Ms Andrea Mason OAM, the Honourable Ronald Sackville AO KC, Ms Barbara Bennett PSM and Dr Alastair McEwin AM.

> First Nations people are already marginalised in the Australian community.
>
> Having a disability makes them part of a marginalised group, within a marginalised group. They experience racism and ethnocentrism, like other First Nations brothers and sisters experience. However, they see, hear and feel a greater level of discrimination above what I and other brothers and sisters experience because they have a disability.
>
> It is difficult to think of any more disadvantaged Australians than Aboriginal and Torres Strait Islander people with disability.
>
> *Commissioner Andrea Mason OAM at Public hearing 1, 'Ceremonial opening sitting'*

Photo: Commissioner Andrea Mason OAM

Commissioner Mason is a Ngaanyatjarra and Pitjantjatjara woman from Western Australia. Her understanding of the experiences of First Nations people with disability has shaped the work of the Disability Royal Commission.

Fast figures

Not all First Nations people identify or report their disability. However, from the *National Aboriginal and Torres Strait Islander Health Survey 2018-19*:

- **around 35%** (274,400) of First Nations people under 65 have a disability. This is nearly three times the percentage of people with disability in the general population (12%)
- **nearly 79%** of First Nations people aged 65 and over have a disability
- **around 22%** (72,700) of First Nations children aged under 18 have disability, compared with around 8.3% of children in the general population.

Respectful listening

by Uncle Paul Constable Calcott, Wiradjuri artist and lifelong disability advocate

This artwork tells the story of the Disability Royal Commission.

The Commissioners, who are also Elders or respected members of their own communities, come from across Australia. Together, they carry a message stick.

They travel across the country gathering stories of violence, abuse, neglect, and exploitation from people with disability, and their family members, carers and Elders.

At the end of their journey, the Commissioners present a message stick to a group of government representatives, who will suggest changes to make sure people with disability are cared for, supported and respected in the future.

We will listen with empathy and consideration, identify the shortcomings, propose remedies and make certain that permanent solutions are reached for First Nations people with disability and, indeed, for all Australians with disability to live their lives free of violence, abuse, neglect and exploitation.

We are here for you.

Commissioner Andrea Mason OAM at Public hearing 1, 'Ceremonial opening sitting'

How did First Nations people share their stories with us?

The stories of First Nations people with disability need our active attention. As First Nations people with disability, their families and communities shared their experiences with us, they became the building blocks for change.

First Nations people with disability and their supporters shared their experiences and expertise:

- as witnesses at **public hearings**
- through **submissions**
- speaking to Commissioners in **private sessions**
- attending **community engagement** events
- by participating in commissioned **research**
- responding to **issues papers**.

We provided First Nations language interpreters as needed.

Fast figures

- **3 public hearings** focused on First Nations people with disability
- **5 research reports** focused on First Nations issues
- **10% of all submissions** received were from First Nations people
- **10% of private sessions** were with First Nations people
- over **370 First Nations community engagements**

Community engagement

We met First Nations people with disability, their families and supporters in their homes, at community centres, on front lawns, under trees, in town camps and on park benches, in offices and meeting rooms. Visiting First Nations communities across the nation helped us understand their diverse experiences and issues. Many people made a submission after attending our activities.

Submissions and private sessions

Submissions were one of the main ways we heard from individuals, organisations and communities about the experiences of First Nations people with disability. Another way people shared their experiences with us was through a private session with a Commissioner.

Photo: Four First Nations people who are part of the Bindi Mwerre Anthurre artists group based in Mparntwe (Alice Springs). They are joined by the Chair, Ronald Sackville, and Commissioners Andrea Mason and Alastair McEwin.

Research

While all our research considered the experiences of First Nations people with disability, some research projects focused particularly on the issues relevant to First Nations people with disability. These included:

- Something Stronger: Truth-telling on hurt and loss, strength and healing, from First Nations people with disability
- Care criminalisation of children with disability in child protection systems
- Wangkiny Yirra ‘Speaking up’ Project: First Nations women and children with disability and their experiences of family and domestic violence
- Options to improve service availability and accessibility for First Nations people with disability
- Parents with disability and their experiences of child protection systems.

Something Stronger: Truth-telling on hurt and loss, strength and healing, from First Nations people with disability

This research was led by Dr Scott Avery, a Worimi man who is profoundly deaf. It looked at how First Nations people with disability speak about violence, abuse, neglect and exploitation, and how they articulate aspirations of empowerment, self-determination, inclusion and belonging.

The report was translated into five First Nations languages:

- Djambarrpynu Yolgnu Matha
- Kimberley Kriol
- Warlpiri
- Pitjantjatjarra
- Yumplatok.

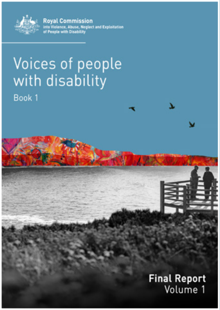
First Nations Peoples Strategic Advisory Group

Seven First Nations community members with specialist experience in disability and the disability sector supported our work by providing leadership and guidance:

- Ms Joanna Agius OAM, a Narungga woman from South Australia who is profoundly Deaf
- Ms Jody Barney, a Deaf Birri Gubba / Uranga Aboriginal and South Sea Islander woman
- Mr Jake Briggs, a Wonnarua / Kamilaroi man and quadriplegic
- Mr Damian Griffis, a descendant of the Worimi people
- Dr Jackie Huggins AM FAHA, a Bidjara / Birri Guba Juru woman
- Dr Hannah McGlade, a Noongar woman from Western Australia
- Aunty Louisa Uta, an Elder in her Torres Strait Islander community in Queensland.

The First Nations Strategic Advisory Group was co-chaired by Commissioner Mason and Commissioner Galbally.

Find out more



Volume 1, *Voices of people with disability* includes over 1,500 narratives drawn from the experiences people with disability shared in private sessions and submissions. We do not use their real names or any information that can identify them

Volume 2, *About the Royal Commission* has more information about our terms of reference and how we conducted our inquiry, including public hearings, private sessions, community engagement, submissions, and our policy and research program.

The *Final report*

Our *Final report* brings together what we learned during this inquiry. It sets out our conclusions and the recommendations we make to better prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability in Australia.

The *Final report* contains 12 volumes with 222 recommendations in total. An introductory volume includes our vision for an inclusive Australia, an executive summary and the full list of recommendations.

The experiences of First Nations people with disability are woven throughout the *Final report*.

Volume 9, *First Nations people with disability* sets out particular themes and issues identified by First Nations people with disability, their families and communities. It proposes changes to prevent violence, abuse, neglect and exploitation, and to strengthen the voices of First Nations people with disability.

Find out more

Volume 9, *First Nations people with disability*, is available on our website, along with Auslan and Easy Read versions.

The legacy of colonisation and the Stolen Generations

The experiences of First Nations people with disability cannot be separated from the ongoing impacts of colonisation, intergenerational trauma and racism experienced by First Nations people more generally.

These ongoing impacts are evident in the over-representation of First Nations people with disability in child protection and criminal justice systems, and the high rates of child removal, poverty and unemployment.

The legacy of the Stolen Generations includes the rupture of connection with family, culture and Country. In turn, it has created feelings of shame and guilt about disability. Due to the intersection of racism and disability discrimination, First Nations people with disability experience a ‘double disadvantage’.

Some First Nations people are reluctant to be assessed for, or diagnosed with, disability. Many First Nations people avoid disability supports and other services because they do not trust government authorities.

A culture of inclusion

First Nations cultural understandings of inclusion are different to Western concepts of disability. Western approaches often focus on medical diagnosis and what a person with disability cannot do.

Instead, many First Nations people with disability and their communities prefer a cultural model centred on inclusion. This approach recognises that inclusion in culture and community has a positive impact on social health and wellbeing, counteracting the harm otherwise experienced in everyday life.

The rights of First Nations people with disability are tied to physical, cultural and spiritual health and wellbeing.

Photo: Shannon Ruska (middle) perfoming a water cleansing ceremony as part of Public hearing 31 in Meanjin (Brisbane). Commissioner Mason is in the background.

Cultural safety

Connection with culture, Country, kin and community helps keep First Nations people with disability safe from violence, abuse, neglect and exploitation.

First Nations people with disability experience cultural safety when their identity as First Nations people is respected and celebrated along with their experiences and needs as a person with disability.

However, First Nations people with disability often have to choose between services that respond to their cultural needs or their disability needs. First Nations people with disability will avoid supports or services that are not culturally safe.

> Aboriginal and Torres Strait Islander people with disabilities, they walk in multiple worlds, being the Aboriginal and Torres Strait Islander world, the disability community and the rest of the community, yet there is no meaningful way for their intersectional rights to be upheld.
>
> *Submission from First Peoples Disability Network (FPDN)*

Recommendations

The Royal Commission makes recommendations to:

- strengthen the voices of First Nations people with disability through a First Nations Disability Forum
- revise the Disability Sector Strengthening Plan under the National Agreement on Closing the Gap
- develop disability-inclusive cultural safety standards for disability service provision
- boost the First Nations disability workforces in remote communities.

Photo: A bright mural painting completed by youth in Perth, Western Australia.

The unmet potential of the National Disability Insurance Scheme (NDIS)

First Nations people with disability experience major barriers to accessing the NDIS. These barriers are worse in remote and very remote communities.

The NDIS is complex to navigate and there are not enough culturally safe services. Many disability services are different to a 'family-centred' First Nations approach.

First Nations Community Controlled Organisations and family members often step in to fill the gap. Without the right support, family members can experience carers' burnout.

First Nations people with disability sometimes have to move away from Country to access services. First Nations people with disability described culture, Country, kin and community as central to living a good life. Moving away from Country to access services often has a big impact on families and communities.

> It would be better [to have] local services, yes. Because they would have an understanding of how we live and, you know, what we face day to day or, you know, monthly or seasonally. You know, it's just - yeah, just NDIS just doesn't understand what it's like to live remotely or on a dirt road that can be blocked off by water or by flood.
>
> *Jazsikah, a First Nations mother of children with disability, at Public hearing 25, 'The operation of the NDIS for First Nations people with disability in remote and very remote communities'*

Recommendations

The Royal Commission makes recommendations to:

- increase the number of community connector programs for First Nations people with disability in remote areas, led by local communities and delivered by staff in local languages
- use block funding for First Nations Community Controlled Organisations to deliver supports and services to First Nations people with disability
- have a First Nations person on the Board of the National Disability Insurance Agency (NDIA)
- ensure the NDIA recognises participation in cultural life alongside social and economic life
- support return to Country for First Nations NDIS participants
- ensure First Nations family members are supported to care for First Nations people with disability.

Photo: June Reimer from First Peoples Disability Network (FPDN) giving evidence at Public hearing 25 in Mpartwe (Alice Springs).

Health care and treatment

First Nations people with disability are more likely to receive poor health care and experience worse health outcomes than non-Indigenous people with disability.

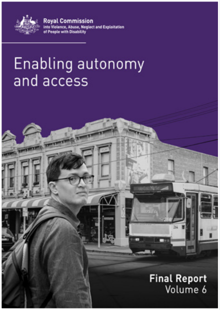
Negative stereotypes about First Nations people create barriers to accessing the health system. This is particularly for First Nations people with cognitive disability, to accessing the health system. We heard this happens at first point of contact with the health system, such as ambulance or emergency wards.

'Diagnostic overshadowing' is when symptoms or behaviours are attributed to a person's disability, not an underlying health condition. It can result in delayed diagnosis or misdiagnosis, particularly when combined with institutional racism.

The lack of culturally safe assessment tools means disability is often under-diagnosed for First Nations people with disability.

> I have often felt that doctors and nurses don't listen to me, even though I understand my disability and my body. They are so focused on my disability, I am often ignored when I try to communicate to them about my health issues.
>
> *Statement of Tracy Barrell OAM, a Bundurra woman and Paralympian, at Public hearing 28, 'Violence against and abuse of people with disability in public places'*

Find out more



Volume 6, *Enabling autonomy and access*, is available on our website, along with Auslan and Easy Read versions.

Inclusive education

A good education for all children is very important. Children who get a good education often have better employment and health outcomes. First Nations children with disability are often bullied and excluded, suspended or expelled from school. A widespread lack of funding, resources and cultural safety in schools means many First Nations students with disability are not given the support they need to flourish at school.

Teachers' lack of understanding of disability can affect students' learning and behaviour. Schools and teachers need to provide a culturally safe environment and appropriate supports for First Nations children with disability.

> Just don't be rude to kids who have disabilities, and just be kind and be nice.
>
> *Quaden Bayles, a 9-year-old Murri boy with disability, gave evidence at Public hearing 7, 'Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education'*

Find out more

Volume 7, *Inclusive education, employment and housing*, is available on our website, along with Auslan and Easy Read versions.

Photo: Yarraka Bayles appearing via livestream giving evidence at Public hearing 7 in Meanjin (Brisbane).

Family and domestic violence

First Nations people with disability are disproportionately affected by family violence and face significant barriers to support, services and justice. First Nations women with disability are at heightened risk of family and domestic violence from both First Nations and non-Indigenous partners.

First Nations children with disability are much more likely to be exposed to family violence than non-Indigenous children. Over a third of First Nations children with disability had a mother hospitalised as a result of family violence.

Participants in the Wangkiny Yirra 'Speaking up' research project saw family violence as a consequence of colonisation. Culturally safe support for First Nations women and men is needed to heal from trauma and break the cycle of abuse.

> I do not blame, nor hold resentments towards, those people in my life who have been violent or abusive towards me or who I have witnessed be violent towards one another. Each of the people in my life who have been violent or abusive to me and each other were themselves victims of violence and abuse in their own childhoods and adult lives.
>
> *'Etana', a First Nations woman from Northern Australia who has experienced psychosocial disability, at Public hearing 17, 'The experiences of women and girls with disability with a particular focus on family, domestic and sexual assault'*

Child protection

First Nations parents and children with disability are over-represented in child protection systems. They shared the intergenerational trauma and devastating effects on connection with family, culture and Country.

First Nations people with disability drew a link between child removal and contact with criminal justice systems, family and domestic violence, and poor education and health outcomes. First Nations women told us that sometimes when they sought help for family violence, their children were removed. When First Nations family and children are supported to exercise their right to self-determination and culture, it protects them from unwarranted intervention.

> Having no choice but to access services that repeatedly pursues punitive action against families for having a child with complex health needs can cause extreme anxiety. It is for this reason that some Aboriginal and Torres Strait Islander people regard health care services, such as hospitals, as a last resort.
>
> *June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner, at Public hearing 8, 'The experiences of First Nations people with disability and their families in contact with child protection systems'*

We look at four ways to support First Nations people in contact with child protection systems:

- First Nations-led organisations need to be involved at all stages of child protection systems
- assessment and diagnosis of disability should be culturally safe
- First Nations children should have access to culturally appropriate disability screening in out-of-home care
- First Nations parents and children need early support, particularly in remote areas. Child protection authorities should provide information to First Nations parents and families on where and how they can access support.

Photo: Senior Counsel Assisting (now the Honourable Justice) Lincoln Crowley at Public hearing 8 in Meanjin (Brisbane).

Criminal justice

The number of First Nations people with cognitive disability in custody, particularly youth detention, is a hidden national crisis. The youngest children in the justice system are most often First Nations children with disability, those with cognitive disability and those involved with child protection. Children in youth detention have complex needs and are likely to have experienced multiple traumas, such as abuse and neglect, poverty, family violence, and exclusion from school.

Placing children in detention, especially children with cognitive disability, exposes them to the risk of violence, abuse and neglect, and increases the chances they will become enmeshed in the criminal justice system. States and territories should raise the age of criminal responsibility to 14.

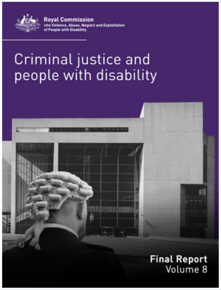
First Nations people with disability raised concerns about interactions with police and corrections staff, and conditions in prisons and youth detention centres. They described racism and disability discrimination, physical violence, and the use of physical and chemical restraints.

The importance of culture for healing is undeniable. Proper cultural support can help First Nations people with disability during and after engagement with criminal justice systems.

The lack of culturally appropriate screening can cause missed diagnosis of disability in the criminal justice system. This can lead to disadvantages in court, a lack of appropriate supports and increased involvement in justice systems.

> There was no acknowledgement of my culture at Banksia [Hill Detention Centre], even though there were Aboriginal officers there. We were always just seen as 'problem children'.
>
> *Statement of 'Nathan', a 23-year-old Noongar man with disability, at Public hearing 27, 'Conditions in detention in the criminal justice system'*

Find out more



Criminal justice and people with disability

Final Report
Volume 8

Volume 8, *Criminal justice and people with disability*, is available on our website, along with Auslan and Easy Read versions.

Photo: Senior Counsel Assisting Patrick Griffin SC at Public hearing 25 in Mparntwe (Alice Springs).

Beyond the Royal Commission – a shared commitment to change

With the handover of the *Final report* to the Governor-General, our work is complete. All Australian governments are now responsible for leading our recommendations for change.

While most of our recommendations are directed to the Australian Government, some are directed to state and territory governments. Other recommendations are directed to service providers and disability organisations.

We have asked the Australian Government and state and territory governments to publish written responses to our *Final report* by 31 March 2024. In their responses, governments should tell the community which recommendations they plan to act on, which they do not and why, and which are still being considered.

All governments need to engage with First Nations people with disability to realise self-determination and create a more inclusive Australia.

Photo: The Namok family giving evidence at Public hearing 25 remotely via video-link in Queensland.

Volume titles of the *Final report*

Executive summary, Our vision for an inclusive Australia and Recommendations

Volume 1

Voices of people with disability

Volume 2

About the Royal Commission

Volume 3

Nature and extent of violence, abuse, neglect and exploitation

Volume 4

Realising the human rights of people with disability

Volume 5

Governing for inclusion

Volume 6

Enabling autonomy and access

Volume 7

Inclusive education, employment and housing

Volume 8

Criminal justice and people with disability

Volume 9

First Nations people with disability

Volume 10

Disability services

Volume 11

Independent oversight and complaint mechanisms

Volume 12

Beyond the Royal Commission

Royal Commission
into Violence, Abuse, Neglect and
Exploitation of People with Disability

www.disability.royalcommission.gov.au