



2 June 2025

Department of Human Services

Attn: Disability Inclusion Team

Via email: miriam.pirone@sa.gov.au & DHSDisabilityInclusion@sa.gov.au

Dear Disability Inclusion Team,

Please find enclosed Wakwakurna Kanyini's submission on the Department of Human Services Draft State Disability Inclusion Plan 2025-2029.

Our feedback seeks to ensure the Plan is culturally safe, responsive, and grounded in the realities, strengths, and aspirations of the state's Aboriginal communities. Our feedback includes the recommendation that the Draft Plan should be improved by embedding greater recognition of relevant commitments under the National Agreement on Closing the Gap and the associated Disability Sector Strengthening Plan.

We welcome further opportunities to discuss this feedback and to be involved in the next steps of developing and implementing the Plan.

Sincerely,

Ashum Owen

Chief Executive Officer

Wakwakurna Kanyini, for Aboriginal children and families

About us

Wakwakurna Kanyini, for Aboriginal Children and Families, is the recently established Aboriginal Community Controlled Peak Organisation in South Australia. Wakwakurna Kanyini was established as the leading community voice for Aboriginal children and families; a rights-based organisation dedicated to upholding the unique rights of Aboriginal children and representing community-led priorities that ensure Aboriginal families are safe, strong and grounded in culture. Our vision is for Aboriginal children in South Australia to flourish, with culture, as proud and confident members of the Aboriginal community.

Wakwakurna Kanyini will strive towards our vision by speaking truth to power and working to address injustices, drive systemic transformation and contribute to a better future for Aboriginal children and families.

Introduction

We commend the South Australian Government for its commitment to a whole-of-government approach aimed at building a fairer, more inclusive society through the new State Disability Inclusion Plan (2025–2029). This submission draws upon previous research and consultations with Aboriginal people with disabilities, their families, carers, and community leaders across South Australia, from metropolitan Adelaide to regional centres and remote communities such as the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. Our feedback seeks to ensure the Plan is culturally safe, responsive, and grounded in the realities, strengths, and aspirations of the state's Aboriginal communities.

As the preferred terminology for self-identification in South Australian communities, we use the term 'Aboriginal' to refer to Aboriginal and/or Torres people within this state. We use the term 'Anangu' to refer to Western Desert people living within the part of this state also known as APY Lands.

There are now only 12–15 language groups in South Australia. Prior to 1836 there had been over 50 language groups, with each tied to a distinct language group and defined territory. This decrease in cultural knowledge is due to the effects of colonisation and reflects the importance to consult and work with Aboriginal people and Aboriginal Community Controlled Organisations so we can help

improve the holistic social, emotional and spiritual wellbeing of our local communities and improve life expectancy for Aboriginal people with disabilities.

Aboriginal peoples in South Australia experience disability at significantly higher rates than non-Indigenous Australians. Intellectual, psychosocial, and physical disabilities are disproportionately prevalent, often rooted in social determinants such as poverty, intergenerational trauma, and limited healthcare access.

Despite regional differences, Aboriginal people are marginalised in both urban and remote settings—shaping their access to services, representation in decision-making, and visibility within disability policy. Notably, in some remote communities, Aboriginal people are the majority population cohort, yet they remain disconnected from centres of political power and service access concentrated in metropolitan areas. Conversely, Aboriginal people living within urban areas, despite physical proximity to power, face systemic barriers and marginalisation that limit meaningful inclusion.

Cultural safety

For Aboriginal people with disability, access and inclusion within our systems and services is inseparable from cultural safety. Initiatives to improve the cultural safety of our services will be critical to ensuring that forthcoming state authority Access and Inclusion Plans can support improved outcomes for Aboriginal people and communities. In recognition that the presence or absence of cultural safety can only be defined by the service users themselves, we need to embed Aboriginal-led evaluations to measure progress towards building cultural safety and responsiveness.

Aboriginal researchers and consultation or research participants consistently report a lack of culturally safe services as a foundational concern that interferes with the enjoyment of human rights. Service users consistently report that mainstream disability services often lack cultural understanding, leading to disengagement, mistrust and inaccessibility of services and programs.

Key elements of cultural safety include:

- Respect for Aboriginal worldviews that integrate physical, emotional, spiritual, and community wellbeing.

- Recognition of diverse Aboriginal cultures and language groups and the importance of family and kinship in service delivery.
- Creating welcoming environments free from racism where Aboriginal clients feel safe to express their identities, including speaking in their own languages and having access to interpreters that should be embedded in policies.
- Embedding Aboriginal voices (including regional and remote) in governance, program design and service delivery tailored to different Aboriginal groups and their needs.

Barriers to cultural safety include low Aboriginal representation in the disability workforce, rigid service models unsuited to Aboriginal cultural obligations (such as Sorry Business, Mens and Womens cultural law business), and the legacy of historical trauma leading to mistrust of government services.

We urge the South Australian Government to prioritise cultural safety as a cross-cutting theme in the State Disability Inclusion Plan 2025–2029 and to commit to genuine partnership with Aboriginal communities. This will foster empowerment, preserve cultural identity, and improve access and outcomes for Aboriginal people with disabilities throughout South Australia.

Human Rights context

In addition to outlining Australia's obligations and implementation approach to the United Nations Convention on the Rights of Persons with Disabilities, we recommend that it would be appropriate to also acknowledge that the special needs and rights of people with disability are to be given particular recognition in the implementation of other fundamental human rights instruments, such as:

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

The United Nations Convention on the Rights of the Child:

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

In relation to the commentary within the 'spotlight on our seven Priority Groups', we recommend that the language used be updated to reflect that the specific rights of Aboriginal people are far broader than 'a right to respect'. We suggest acknowledging the following UNDRIP rights:

- the right to self-determination
- the right to practise and revitalise Aboriginal cultural traditions and customs.

Recognition of commitments under the National Agreement on Closing the Gap

Wakwakurna Kanyini is concerned that the Plan's lack of reference to the National Agreement on Closing the Gap does not represent a strong commitment to ensuring that the State Disability Inclusion Plan (and forthcoming agency specific action and inclusion plans) support meaningful actions to improve outcomes for Aboriginal people with disability and their families and communities.

Disability has been identified as a *cross-cutting outcome* under the National Agreement on Closing the Gap. This recognises the need to incorporate dedicated actions and initiatives for Aboriginal and Torres Strait Islander people with disability across all 19 socioeconomic outcomes and the 4 Priority Reforms.

The finalised State Disability Inclusion Plan should include clarification of the need to ensure that actions across the whole of the Closing the Gap framework support the needs of Aboriginal people with disability, including embedding culturally inclusive concepts of disability into the design and implementation of all policies, programs and services. This would support state authorities developing agency specific Disability Access and Inclusion Plans to understand how initiatives to

improve outcomes for Aboriginal people with disability align with and support Closing the Gap implementation.

We note that the *Safeguarding* priority area under *Domain 5: Justice* includes the measure ‘Proportion of the Disability Sector Strengthening Plan implemented’. While we welcome the adoption of this measure and mechanisms to support accountability for the implementation of the Closing the Gap Disability Sector Strengthening Plan (DSSP), we believe the DSSP should underpin a broader range of priority areas and have greater prominence within the Plan. For example, we are disappointed to note that the Plan contains no outcomes or measures aligned with Priority Reform 2: Building the Community-Controlled Sector.

Under Priority Reform 2—which the DSSP was developed to support—government parties have committed to implementing measures to increase the proportion of services delivered by Aboriginal and Torres Strait Islander Organisations. This commitment should be reflected in the priority areas and measures included in the finalised Plan, for example by recognising and measuring the DSSP commitment to disability advocacy (that specifically includes advocacy delivered by community-controlled organisations) by including an additional measure of ‘total number of people with disability accessing Aboriginal community-controlled advocacy services’ under Domain 3: Support – Priority Area 2: Advocacy and supports.

The Plan should also incorporate the key findings and challenges identified during the engagement process to develop the DSSP, the DSSP actions and outcomes, and the objectives and measures of success identified in the DSSP (which are aligned with Australia's Disability Strategy's Outcomes Framework).

The DSSP notes that ‘First Nations concepts of disability are radically different to the Western construct of disability dominant in Australia and other Western contexts, wherein disability is constructed as a deficit against a perceived ‘normal’ level of functioning, and a problem that has to be fixed, rehabilitated or prevented’. It further notes that ‘some Aboriginal and Torres Strait Islander communities may not have a general concept of disability, resulting in underreporting of disability and underutilisation of disability services’. This highlights the need for a cultural model of disability, as emphasised under the DSSP.

We recommend that the finalised Plan adopts a cultural model of disability (in line with the DSSP) that recognises key differences between Aboriginal and Western perspectives about disability and inclusion; and the barriers for Aboriginal people and communities to receiving appropriate supports within Western colonial systems and diagnostic approaches. In particular, honouring the Plan's acknowledgement that 'all people with disability should benefit from supports and services without encountering barriers' requires recognition of the prevalence of underdiagnosis and misdiagnosis. To support this, the Plan should refer to suspected or undiagnosed disability where appropriate. For example, measure 1.2 'Justice and legal workers are disability confident and respond positively to people with disability' should also explicitly include people with suspected and/or undiagnosed disability.

We need to address the barriers faced by Aboriginal people with known or suspected disability to both accessing a diagnosis and receiving appropriate supports; with particular consideration to:

- rural and remote communities with limited access to services
- Aboriginal children and young people living in out of home care or youth detention, particularly given their degree of overrepresentation in those systems
- Aboriginal children and young people experiencing impacts on their access and engagement with the education system

In the absence of adequate supports, Aboriginal children and young people engaging with these systems are too often effectively penalised or criminalised for their disabilities.

Co-design in partnership with Aboriginal communities and organisations

Closing the Gap Priority Reform 1: *Formal Partnerships and Shared Decision-making* commits government parties to 'building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments to accelerate policy and place-based progress against Closing the Gap.' This is also reflected in the DSSP *Partnership* Guiding Principle: 'Principles of co-design and partnership are embedded in all work with First Nations Peoples with disability and their communities.'

In line with Priority Reform 1 and the DSSP, we believe that actions under the forthcoming agency specific action and inclusion plans will have the best chance of success if they are developed in partnership with Aboriginal communities and organisations. As a model of shared decision-making, co-design was recently endorsed in SA as ‘the preferred method of identifying and delivering the outcomes sought by communities in relation to a project, program or policy that impacts Aboriginal and/or Torres Strait Islander people’.

The agreed co-design principles and conditions provide foundational guidance to ensure that contributing partners have clear expectations of the nature and scope of shared decision-making via co-design, and the agreed conditions which must be respected to uphold human rights and mitigate the colonial load on participants who are sharing their lived experience with governments.

We recommend that the State plan should emphasise that state authorities developing agency specific Disability Access and Inclusion Plans need to undertake co-design to develop strong and evidence-based actions that meet the needs of Aboriginal people and communities. These future initiatives should align with the SA Government’s agreed definition and principles of co-design for the SA public sector, and the associated commitment to ‘a fundamentally new way of developing and implementing policies and programs that impact on the lives of Aboriginal people, in partnership with Aboriginal people’.

Data governance and Indigenous Data Sovereignty

The DSSP contextualises the unique data development requirements that need to be addressed to grow the community-controlled sector and strengthen service availability for Aboriginal communities:

First Nations people with disability sit on the periphery of both national disability policies, frameworks, data infrastructure or research agendas. In effect, this means data about and evidence by First Nations people with disability are often not captured in its own right. This has key implications for how data and evidence is captured in relation to First Nations people with disability and their unique experiences of interaction with the service systems and all other aspects of life, including what living well looks like for a First Nation person with disability. Existing data and research is often limited in scope, and often does not provide sufficient focus to all experiences of disability in regional, remote or urban contexts.... Having access to relevant and

appropriate local and national data and evidence is critical to enabling community-controlled organisations and the sector to grow and strengthen their disability service delivery offer. [sic]

Improving access to services at the local level via co-design on the development, implementation and monitoring of targeted needs-based responses requires that communities have shared access to data about their communities. As recognised under the *National Agreement on Closing the Gap*, Aboriginal communities and organisations should have access to the same information held by governments about their communities to engage in evidence-based shared decision-making and contribute meaningfully to policy and program design and delivery as equal partners.

Parties to the *National Agreement on Closing the Gap* have agreed that 'disaggregated data and information is most useful to Aboriginal and Torres Strait Islander organisations and communities to obtain a comprehensive picture of what is happening in their communities and make decisions about their futures'. The *National Agreement* highlights the role of shared access to location-specific data of supporting Aboriginal and Torres Strait Islander communities to support the achievement of the first three priority reforms through:

- Priority Reform One: Participating as equal partners with government, with equal access to all processes and information to support shared decision-making.
- Priority Reform Two: Driving their own development by making evidence-based decisions on the design, implementation and evaluation of policies and programs for their communities in order to develop local solutions for local issues.
- Priority Reform Three: Measuring the transformation of government organisations operating in their region to be more responsive and accountable for Closing the Gap.

To support these objectives, we recommend the following:

- All measures that reference the 'total number of people' should be measured using location-specific data that is disaggregated by region and by Indigenous status.

- Priority Area 3: Information sharing should include an additional measure of 'total number of data sharing agreements established with the Aboriginal community-controlled sector'.

We also recommend that the department should partner with Aboriginal and Torres Strait Islander organisations and experts to develop appropriate data sharing and governance arrangements in advance of the forthcoming suite of agency specific Disability Access and Inclusion Plans that will:

- implement the data and information sharing elements and jurisdictional actions under Priority Reform 4 of the National Agreement on Closing the Gap.
- identify the data required to provide the foundation for co-design participants to make evidence-based decisions.
- support Indigenous Data Sovereignty and Governance.

Shared access to location specific data to support identification of service gaps and community needs at the local level is critical to mitigating the imbalance of power and resourcing between the SA Government and community participants; and should underpin the co-design of actions to ensure that initiatives are genuinely needs-based and impactful for communities.

Communities must be empowered with information and opportunities to take genuine leadership in the next phases of this Plan's development and implementation through approaches grounded in human rights, cultural integrity and truth-telling.