First Peoples
Disability Network

First Peoples Disability Network Australia

Review of the National Agreement on Closing the Gap 2026

Submission to the Productivity Commission, October 2026

About First Peoples Disability Network Australia

First Peoples Disability Network Australia (FPDN) is the national peak organisation representing Aboriginal and Torres Strait Islander people with disability, their families and communities. FPDN's work is based on the principles of self-determination and "nothing about us, without us". It is also guided by the:

- UN Convention on the Rights of Persons with Disabilities (CRPD)
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Australia's Disability Strategy 2021-2031
- National Agreement on Closing the Gap

FPDN advocates for the rights, inclusion and wellbeing of Aboriginal and Torres Strait Islander people with disability across all areas of life, including health, justice, education, housing and social security. We believe and follow our framework for a Cultural Model of Inclusion which emphasises ensuring the cultural, social and emotional wellbeing of Aboriginal and Torres Strait Islander people with disability to move past the rigid and culturally unsafe medical and social models of disability.

Introduction

Closing the Gap cannot be achieved without closing the disability gap

FPDN welcomes the opportunity to contribute to the Productivity Commission's 2026 Review of the National Agreement on Closing the Gap.

Disability must be a central consideration across the Agreement's four Priority Reforms and socio-economic outcomes. Aboriginal and Torres Strait Islander people with disability are children, parents, carers, Elders, workers, students, tenants and community leaders. The barriers they experience affect progress across health, education, employment, housing, justice, child protection, safety and community participation.

In 2022–23, an estimated 37 per cent of Aboriginal and Torres Strait Islander people aged two years and over had disability, including 7 per cent with severe or profound disability (Australian Institute of Health and Welfare 2025).

The Australian Government recognises disability as a cross-cutting outcome within the national Closing the Gap Agreement. However, treating disability only as a cross-cutting consideration has not produced sufficient visibility, action or accountability. Disability-related barriers remain poorly identified in target design, implementation, data and reporting (Department of Social Services 2024).

Addressing these barriers would benefit all Aboriginal and Torres Strait Islander people, not only those who have a disability. It would strengthen outcomes for families and communities and help governments make faster progress across multiple Closing the Gap targets.

FPDN is also concerned about inconsistencies between governments' Closing the Gap commitments and major policy decisions. The Australian Government's own impact analysis for recent NDIS legislative changes acknowledges that the reforms have the potential to affect Closing the Gap outcomes and that implementation must address the risk of disproportionate impacts on Aboriginal and Torres Strait Islander participants. The analysis identifies possible impacts on family and kin, social and community participation, remote communities, participant choice and access to support (Australian Government 2026, pp. 239, 248–249).

This demonstrates why disability cannot remain peripheral to Closing the Gap implementation. Governments should be required to identify, assess and report on how significant reforms affecting people with disability will contribute to, or undermine, Closing the Gap outcomes.

This response must also give practical effect to Australia's obligations under the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples (United Nations 2006; United Nations 2007).

This submission draws on FPDN's policy and advocacy work, organisational experience and the experience of staff working directly with Aboriginal and Torres Strait Islander people with disability.

Disability must be more than a cross-cutting consideration

Disability is not a specialist issue sitting separately from Closing the Gap. It is a significant factor influencing whether people can access education, employment, housing, healthcare, justice, safety and community life.

People with disability may encounter inaccessible information, communication barriers, unsuitable housing, limited transport, discrimination, inadequate support and services that fail to make reasonable adjustments. For Aboriginal and Torres Strait Islander people, these barriers can be compounded by racism, remoteness, culturally unsafe services and the ongoing effects of colonisation.

The National Agreement does not adequately identify whether Aboriginal and Torres Strait Islander people with disability are benefiting from actions taken under each target. Nor does it consistently make governments accountable for addressing the disability-related barriers affecting progress (Coalition of Peaks and Australian Governments 2020).

The current cross-cutting approach is insufficient. A formal and accountable mechanism is needed to embed disability across the Priority Reforms and socio-economic outcomes. This should be developed through shared decision-making with Aboriginal and Torres Strait Islander people with disability and their representative organisations and should connect Closing the Gap implementation with Australia's Disability Strategy, NDIS reform and implementation of the Disability Royal Commission's recommendations (Australian Government 2024; Coalition of Peaks and Australian Governments 2020; Disability Royal Commission 2023).

Shared decision-making and representation

Aboriginal and Torres Strait Islander people with disability must have genuine influence over policies and reforms affecting their lives. Being invited to provide feedback after the main settings have been decided is not shared decision-making.

Consistent with Articles 4(3) and 33(3) of the CRPD, governments must closely consult and actively involve people with disability through their representative organisations in decisions affecting them and in monitoring implementation. This requires a formal and properly resourced role for FPDN as the national representative organisation for Aboriginal and Torres Strait Islander people with disability (United Nations 2006; Committee on the Rights of Persons with Disabilities 2018).

FPDN remains concerned that government working and advisory groups focused on disability do not always include appropriate Aboriginal and Torres Strait Islander representation. As the national peak and representative organisation for Aboriginal and Torres Strait Islander people with disability, FPDN should have a central, formally recognised and properly resourced role in disability policy and reform. Governments should also engage state- and territory-based Aboriginal and Torres Strait Islander disability organisations where they exist, as well as community-controlled organisations and people with relevant lived and community experience. Their involvement should complement FPDN's national leadership while ensuring that local and jurisdictional perspectives are represented.

Representation should reflect the issue, location and communities affected. Participation must be accessible and properly funded, and representatives must be involved early enough to influence priorities, design, implementation and evaluation.

FPDN's experience of government consultations and partnerships shows that representation alone does not create shared decision-making. Participation is undermined when Aboriginal and Torres Strait Islander people and organisations are invited after key decisions have been made, consultation timeframes are too short, government representatives lack authority to make decisions, or governments do not explain how advice influenced the outcome. Under these

conditions, consultation risks becoming a procedural exercise rather than a genuine sharing of power.

Shared decision-making requires early and properly funded participation, accessible processes, appropriate representation, government participants with decision-making authority, and clear accountability for how advice is considered and acted upon. Governments must also be transparent where agreement is not reached and explain how disagreements will be resolved. These requirements are consistent with Priority Reform One of the National Agreement (Coalition of Peaks and Australian Governments 2020).

Recommendation 9.10 of the Disability Royal Commission called for a funded national forum involving FPDN, Aboriginal and Torres Strait Islander community-controlled organisations, peak bodies and Aboriginal and Torres Strait Islander people with disability. Establishing and sustainably resourcing this forum would provide an ongoing structure for shared decision-making across disability policy and reform (Disability Royal Commission 2023).

Strengthening the Aboriginal and Torres Strait Islander disability sector

The capacity of Aboriginal and Torres Strait Islander disability organisations is essential to Closing the Gap.

FPDN and other Aboriginal and Torres Strait Islander organisations are frequently expected to contribute policy advice, cultural knowledge, community relationships and lived-experience expertise. These contributions are not always properly funded. Short consultation periods and requests for unpaid advice place additional pressure on organisations already responding to substantial community need.

Short-term funding also affects workforce retention, organisational planning and continuity of support. Trust and relationships take time to build, particularly where people have experienced exclusion or harm within government systems. Funding arrangements must recognise the actual cost of culturally appropriate disability advocacy, policy participation and community engagement.

Governments should provide long-term, adequate, and flexible funding for Aboriginal and Torres Strait Islander disability organisations, including representative organisations and independent advocacy services. Where governments seek advice, cultural knowledge, community connections or participation in policy processes, this contribution should be recognised and properly funded.

Sector strengthening must extend beyond mainstream organisations seeking advice from Aboriginal and Torres Strait Islander organisations. It must build the lasting authority, workforce, governance, infrastructure, and capability of the Aboriginal and Torres Strait Islander community-controlled disability sector. This is consistent with the Disability Sector Strengthening Plan, which commits governments to building a strong, sustainable and

accountable Aboriginal and Torres Strait Islander community-controlled disability sector (Coalition of Peaks and Australian Governments 2022).

Transforming government organisations

Progress will remain limited if governments introduce new programs without changing the institutions, rules and practices that create exclusion.

FPDN's experience shows that standard government processes do not always account for the interaction between disability, culture, family responsibilities, location and service availability. People may be required to repeat their circumstances to multiple agencies, obtain further evidence and navigate complex review or complaint processes before receiving an appropriate response.

Cultural awareness training is not enough. Cultural safety describes an outcome experienced by the person receiving a service; it is not demonstrated by completing training or adopting a policy.

Government agencies and funded services need mandatory cultural capability requirements that are measurable, demonstrable and enforceable. Processes used to assess needs and make decisions about disability-related services must also be culturally validated. Cultural validation should be led by Aboriginal and Torres Strait Islander researchers with Aboriginal and Torres Strait Islander people with disability.

Government transformation must also address ableism, racism and the interaction between them. Accessibility, reasonable adjustments, supported decision-making, culturally responsive communication and accountable human decision-making must be part of normal government practice. These requirements must be embedded in everyday government practice and assessed through the experiences and outcomes of Aboriginal and Torres Strait Islander people with disability.

Government reform must not leave people without essential support. No existing support should be removed before an accessible and culturally appropriate alternative is available in the person's community.

Data and accountability

Aboriginal and Torres Strait Islander people with disability remain inadequately visible in the data used to design policy, allocate funding and assess progress.

Data is not always collected or reported in ways that identify the intersection between Aboriginal and Torres Strait Islander status and disability. Available information may also fail to reflect family responsibilities, geographic location, accessibility needs, unmet need and barriers to accessing services.

Governments must collect and publish data that can show whether Aboriginal and Torres Strait Islander people with disability are benefiting from Closing the Gap actions. Data should be disaggregated by disability, location, age, gender, and other relevant characteristics where this can be done safely.

Collection, access, interpretation and reporting must be governed consistently with Indigenous Data Sovereignty. Aboriginal and Torres Strait Islander people with disability and their representative organisations must help determine what information is collected, what success looks like and how findings are understood and used (Maiam nayri Wingara Indigenous Data Sovereignty Collective and Australian Indigenous Governance Institute 2018).

Governments should work with Aboriginal and Torres Strait Islander people with disability and their representative organisations to develop an Aboriginal and Torres Strait Islander Disability Performance Framework connecting reporting under Closing the Gap and Australia's Disability Strategy. The framework should measure access, service availability, cultural safety, community control, discrimination and outcomes identified as important by Aboriginal and Torres Strait Islander people with disability.

Accountability must extend beyond reporting programs, expenditure, and consultation activity. Governments should report on outcomes, unmet commitments, delayed actions and the reasons agreed work has not been delivered. This should include specific reporting on disability-related barriers and outcomes across the National Agreement.

Major disability reforms should also be assessed for their likely effect on Closing the Gap. This is particularly important where government analysis has already identified possible disproportionate effects on Aboriginal and Torres Strait Islander people, families, kin, and remote communities (Australian Government 2026, pp. 248–249).

Accountability should be independent and publicly accessible and should examine implementation, expenditure, access, cultural safety and outcomes, not only whether governments have completed planned activities.

Recommendations

FPDN recommends that the Productivity Commission:

1. Find that treating disability only as a cross-cutting consideration has not produced sufficient action, visibility or accountability under the National Agreement.
2. Recommend that governments develop a national Aboriginal and Torres Strait Islander Disability Reform Agreement or schedule connecting disability reform with the National Agreement on Closing the Gap and Australia's Disability Strategy.
3. Recommend that governments establish and sustainably resource the national disability forum proposed in Disability Royal Commission Recommendation 9.10, with formal shared decision-making authority across disability policy and reform.

4. Recommend that governments fully fund and refresh the Disability Sector Strengthening Plan, including investment in community-controlled capability, workforce, infrastructure, governance, national peak-body functions and independent disability advocacy.
5. Recommend that government agencies and government-funded services be required to meet mandatory, measurable and enforceable cultural capability, accessibility, anti-racism and anti-ableism requirements.
6. Recommend that processes used to assess needs and make decisions about disability-related services be culturally validated through research led by Aboriginal and Torres Strait Islander researchers with Aboriginal and Torres Strait Islander people with disability.
7. Recommend that governments establish an Aboriginal and Torres Strait Islander Disability Performance Framework connecting reporting under Closing the Gap and Australia's Disability Strategy.
8. Recommend that governments collect and publish data disaggregated by Aboriginal and Torres Strait Islander status, disability and other relevant characteristics, with data collection, governance and reporting consistent with Indigenous Data Sovereignty.
9. Recommend that every major disability reform be subject to a publicly available Aboriginal and Torres Strait Islander disability impact assessment before approval and throughout implementation.
10. Recommend that no person lose access to an existing support before an accessible and culturally appropriate alternative is available in their community.
11. Recommend independent public accountability for implementation, expenditure, access, cultural safety and outcomes, including unmet commitments and delayed actions.

Conclusion

Closing the Gap cannot be achieved while Aboriginal and Torres Strait Islander people with disability remain insufficiently visible in policy, data, funding, and accountability.

The disability gap is not separate from the gaps measured in education, employment, housing, justice, safety, health, and wellbeing. It runs through them. Addressing disability-related barriers would improve the lives of people with disability, strengthen families and communities, and help governments make faster progress across multiple Closing the Gap targets.

The 2026 Review provides an opportunity to move disability from a broad cross-cutting consideration to an explicit and accountable part of Closing the Gap implementation. Governments must act on this opportunity through shared decision-making with Aboriginal and Torres Strait Islander people with disability and the organisations that represent them.

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