



Joint Standing Committee on the National
Disability Insurance Scheme (NDIS) inquiry
into NDIS participant experience in rural,
regional, and remote Australia |

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Preamble

The National Rural Women's Coalition

The National Rural Women's Coalition (the NRWC) is a grass roots organisation, established in 2002, that works to support and grow vibrant rural, remote, and regional communities throughout Australia. We are a coalition of five rural alliances - the Australian Local Government Women's Association, Australian Women in Agriculture, National Rural Health Alliance, Women in Seafood Australasia and Transport Women Australia Limited.

For over twenty years, we have worked to ensure better social, economic, and environmental outcomes for women in rural townships, in rural communities and in primary production throughout Australia.

The NRWC provides a collaborative, powerful national voice for women living in rural, remote, and regional Australia through:

- Representing the diverse views and voices of women in rural, remote, and regional Australia;
- Providing advice to the Australian Government on policy issues relevant to the views, circumstances and needs of rural women; and
- Contributing to building a positive profile of rural women, their achievements, and their issues.

We believe it is important that the unique views of rural women who reside in the numerous rural, remote, and regional communities throughout Australia as farmers, businesswomen, community leaders and volunteers, have substantial input into consultations about their communities, industries, needs and issues, including any matters relating to women's rights, gender equality and discrimination.

Background

Joint Standing Committee on the National Disability Insurance Scheme

The Joint Standing Committee on the National Disability Insurance Scheme (NDIS) was appointed by resolution by the House of Representatives on 26 July 2022 and the Senate on 27 July 2022. The committee is composed of 5 Members and 5 Senators.

Inquiries into specific aspects of the Scheme

The committee occasionally undertakes inquiries into specific aspects of the Scheme.

Rural, remote, and regional Participant Experiences

As part of the committee's role to inquire into and report on the implementation, performance, governance, administration and expenditure of the NDIS, the committee will inquire into and report on the NDIS participant experience in rural, regional, and remote Australia.

The National Rural Women's Alliance welcomes the opportunity to provide a submission specifically informed by the lived experience of rural, remote, and regional women who live with a disability. We sincerely thank these women for sharing their expertise and lived experience to inform this submission.

Introduction

The National Disability Strategy (NDS) ¹ is designed to ensure that the National Disability Insurance Scheme (NDIS) ² is delivering fit for purpose services under the federal legislation *National Disability Insurance Scheme Act 2013*. ³

The objectives of the *National Disability Insurance Scheme Act 2013*⁴ include (but are not limited too):

- To align with Australia's obligations under the *Convention on the Rights of Persons with Disabilities*, in conjunction with other Australian laws; ⁵
- To provide for and deliver the NDIS;
- To support independence, social, economic, practical, and early intervention supports for NDIS participants;
- To give choice and control to NDIS participants NDIS plan's, supports and service delivery;
- To protect participants from exploitation and harm arising from poor quality, unsafe supports and / or services provided under the NDIS;

¹ Australian Government. Commonwealth of Australia. Department of Social Services (2021) *Australia's Disability Strategy (2021-2031)*. <https://www.disabilitygateway.gov.au/document/3106>

² Commonwealth of Australia. National Disability Insurance Agency. (2024) *National Disability Insurance Scheme*. <https://www.ndis.gov.au/>

³ *National Disability Insurance Scheme Act 2013 (Cth)*.

⁴ Ibid 3.

⁵ *Convention on the Rights of Persons with Disabilities*. New York 13 December 2006. [UNTS. Vol 2515, p 3] Entry into force 3 May 2008 in accordance with Article 42. Australia became a signatory 30 March 2007 and ratified 17 July 2008.

- To give greater inclusion of people living with disabilities, including greater awareness in society of the lived experience of people with disabilities; and
- To consider Australia's certain obligations under the following International Covenants:
 - *International Covenant on Civil and Political Rights*;⁶
 - *International Covenant on Economic, Social and Cultural Rights*;⁷
 - *International Convention on the Rights of the Child*;⁸
 - *International Convention on the Elimination of All Forms of Discrimination Against Women*;⁹
 - *International Convention on the Elimination of All Forms of Racial Discrimination*.

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The *National Disability Insurance Scheme Act 2013 (Cth)* objectives include direct reference to human rights and obligations that should be afforded to all NDIS participants.

⁶ International Covenant on Civil and Political Rights. New York 16 December 1966. [UNTS. Vol 999, p 171 and Vol 1057, p 407] Entry into force 23 March 1976, in accordance with article 49, for all provisions except those of article 41, 28 March 1979 for the provisions of article 41 (Human Rights Commission), in accordance with paragraph 2 of the said article 41. Australia became a signatory 30 March 2007 and ratified 17 July 2008.

⁷ International Convention on Economic, Social and Cultural Rights. New York, 16 December 1966. [UNTS Vol 993, p 3]. Entry into force 3 January 1976 in accordance with article 27. Australia became a signatory on 18 December 1972 and ratified 10 December 1975.

⁸ Covenant on the Rights of the child. New York 20 November 1989, New York, 20 November 1989. [UNTS. Vol 1571, p 3] Entry into Force 2 September 1990 in accordance with art 49(1). Australia became a signatory 22 August 1990 and ratified 17 December 1990.

⁹ *International Convention on Elimination of All forms of Discrimination Against Women*, New York, 18 December 1979. [UNTS. Vol. 1249. P 13.] Entered into Force 3 September 1981, in accordance with Article 27 (1). Australia became a signatory on 17 July 1980 and ratified 28 July 1983.

¹⁰ International Convention on Elimination of All forms of Racial Discrimination. New York 7 March 1966. [UNTS Vol 666, p 195]. Entry into force 4 January 1969, in accordance with Article 19. Australia became a signatory 13 October 1996 and ratified 30 September 1975.

¹¹ These human rights recognise people with disability have the ***'right to the full and equal enjoyment of all human rights and fundamental freedoms.'***¹²

Participants are referred to as people who live with a disability, who have applied and have been assessed as eligible for the NDIS. The National Disability Insurance Agency (NDIA) administers the NDIS to participants who have a NDIS plan under the NDIA. Support and services are provided to participants who can either self-manage their NDIS plan or have a 'Coordinator' appointed to coordinate their care and services. ¹³ The support can be practical, such as modification of a home to allow safe showering, or it could be provision for services, such as occupational therapy for a child with autism. Strategies specific to rural, remote, and regional (RRR) women, include NDIA strategy 'Listen, Build and Deliver.' ¹⁴

Further, the objectives of the *National Disability Insurance Scheme Act 2013 (Cth)* place emphasis on the reduction of harm, or exploitation of participants from service providers who receive payment for providing services to the NDIS participant out of the NDIS participants' plan. ¹⁵

¹¹ Ibid 5 – 10.

¹² *Convention on the Rights of Persons with Disabilities*. New York 13 December 2006. [UNTS. Vol 2515, p 3] Entry into force 3 May 2008 in accordance with Article 42. Australia became a signatory 30 March 2007 and ratified 17 July 2008. Article 1 : Purpose.

¹³ Buckmaster, L. *Parliament of Australia. Department of Parliamentary Services. Parliamentary Library: Information: Analysis: Advice*. (3 March 2017) *The National Disability Insurance Scheme: A quick guide*. Research Paper Services. (2016-2017); and *National Disability Insurance Scheme Act 2013 (Cth) Part 1-3*.

¹⁴ National Disability Insurance Agency (NDIA). (February 2016) *Rural and Remote Strategy 2016 – 2019*.

¹⁵ *National Disability Insurance Scheme Act 2013 (Cth) Part 2: Objects and Principles s (3) (ga)*.

NRWC acknowledges that the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with a Disability¹⁶ has made 222 recommendations in relation to further protecting people with a disability from all forms of harm. ¹⁷ The final report released 29 September 2023 from this Royal Commission acknowledges a key concern is the lack of qualified and experienced support practitioners; particularly in rural and remote areas where ‘markets are thin.’ The following recommendations to the NDIS Commission were suggested to improve access to behaviour support practitioners in rural and remote Australia:

- ***provide incentives to deliver behaviour support services, including in regional and remote areas in which ‘thin markets’ operate;***
- ***form a partnership with First Nations leaders from the disability and employment services sectors and develop a recruitment strategy targeting First Nations people;***
- ***explore with stakeholders the merits of an ‘on-the-job’ professional development and accreditation model for behaviour support practitioners; and***
- ***create a publicly accessible list of all individual behaviour support practitioners.***¹⁸

¹⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a disability (29 September 2023). <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

¹⁷ Ibid 16.

¹⁸ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a disability (29 September 2023). <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

The *National Disability Insurance Scheme Act 2013 (Cth)* general guiding principles place emphasis on NDIS participants:

- *Full participation and inclusion, including to exercise independent choice and control and pursue grievances;*
- *Autonomy and independence to reach full enjoyment and participation in life, employment and society;*
- *Inclusion in co-design of NDIS;*
- *Access to early intervention and 'reasonable and necessary supports'; and*
- *Respect for their privacy, worth and dignity and to live free from abuse, neglect, and exploitation.*¹⁹

The *National Disability Insurance Scheme Act 2013 (Cth)* is the principal Act for the NDIS. The *National Disability Insurance Scheme Act 2013 (Cth)* interacts with other federal legislation such as the *Carer Recognition Act 2010 (Cth)*.²⁰ The *Carer Recognition Act 2010 (Cth)* recognises carers rights to respect, autonomy, and recognition. Carer is defined under section five (5) of the *Carer Recognition Act 2010 (Cth)*. Schedule One (1) to the *Carer Recognition Act 2010 (Cth)* contains the Statement of Australia's Carers.

The *Carer Recognition Act 2010 (Cth)* does not create legally enforceable obligations; however, the *National Disability Insurance Scheme Act 2013 (Cth)* contains provisions

¹⁹ *National Disability Insurance Scheme Act 2013 (Cth) Part 4.*

²⁰ *National Disability Insurance Scheme Act 2013 (Cth) Part 2, (3), (c), (ii).*

with legally enforceable obligations and penalties. The NDIS quality and safeguards Commission is the principal oversight body of the NDIS.²¹

The purpose of looking at the *National Disability Insurance Scheme Act 2013 (Cth)* interactions is to highlight the objectives and complexity of the scheme, which participants must negotiate.

Issues

Rural, remote, and regional women who live with a disability are often invisible in National Policy and Frameworks

The 2010 Australia report to the committee on the status of the implementation of the ***Convention on the Rights of Disabled Persons***²² appears to mention rural, remote, and regional three times. Firstly, for the specific challenges and service gaps that persons living in rural and remote Australia experience; secondly greater protections for women who live with a disability in rural, remote, and regional (RRR) Australia, acknowledging greater distinguished protections required for Aboriginal Torres Strait Islander (ATSI) women who live in RRR Australia; and lastly in reference to the recognised gaps in service

²¹ NDIS Quality and Safeguards Commission. (2024) <https://www.ndiscommission.gov.au/>

²² United Nations. (3 December 2010) Convention on the Rights of a Person with Disabilities. Committee on the Rights of a person with Disabilities. Implementation of the Convention on the Rights of a Person with Disabilities. Initial Reports submitted by States Parties under article 35 of the Convention Australia. [UN/CRDP/C/Aus/1] https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29

delivery specific to ATSI and Culturally Linguistic and Diverse (CALD) children who live in RRR Australia.²³

Another example of the invisibility of RRR is the National Disability Strategy²⁴, which appears to refer to remote twice. Firstly, regarding intersectionality²⁵ and secondly not related to geography.²⁶ Demonstrating the lack of understanding of the unique issues of women living in RRR Australia and the multiple forms of intersecting disadvantage they face.

Women are often invisible in national policies and programs addressing the intersect of women who live with disabilities. Women who live with a disability are often separated out in policy as gender issues and disability issues.²⁷ If we then look at RRR women who live with a disability, we see the overlap of the experiences of these women lives, separated out again into gender issues, disability issues and RRR issues. Further, International reports, have referenced focusing on the unique experiences of ATSI women and Culturally and Linguistic Diverse (CALD) women, who experience multiple intersections, and are at risk of increased invisibility in policy and programs. This requires urgent

²³ | *ibid* 22.

²⁴ Australian Government. Department of Social Services. (2021) Australia's Disability Strategy 2021- 2031.

²⁵ Australian Government. Department of Social Services. (2023). Aboriginal and Torres Strait Islander Action Plan to End Violence against Women and Children. P 19 – Intersectionality.

²⁶ Australian Government. Department of Social Services. (2021) Australia's Disability Strategy 2021- 2031; United Nations. (2018) Department of Economic and Social Affairs. *Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities.* <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

²⁷ United Nations. (2018) Department of Economic and Social Affairs. *Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities.* <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

affirmative action to address the lack of inclusiveness, pursuant to the objectives of the *National Disability Insurance Scheme Act 2013 (Cth)*.²⁸

RRR women state that the NDIS is a great scheme, however the delivery and fit for purpose has repeatedly not been responsive to the needs of RRR women. For example, the autonomy, choice, and independence of women who choose to live and work in rural Australia is excluded by assessors from funding and excluded due to choice (or lack thereof) in RRR Australia. RRR women who live with a disability state the NDIS unintentionally restricts their autonomy, choice, and independence. RRR women who live with a disability state the discretion of assessors and or 'gate keepers' to the NDIS is a major problem for RRR women who live with a disability to access NDIS. Rural women state that the NDIS will not support reasonable service delivery and or practical supports.

One RRR NDIS participant who is legally blind was told by the NDIS assessor:

“well, you chose to live on a farm, we (NDIS) are not responsible.”

The reasonably practical supports this rural woman who was legally blind was requesting in her NDIS plan included transport, cleaning, and practical help with fencing and or essential farm work. Studies have shown that legally blind women who were trained to

²⁸ *National Disability Insurance Scheme Act 2013 (Cth) Part 2: Objects and Principles*

detect breast cancer, were 50 % more effective than trained professionals who were not legally blind. ²⁹

The NDIS must center the objectives³⁰ of the *National Disability Insurance Scheme Act 2013 (Cth)* for RRR women and young women as participants and hold more recognition of the value that women who live with a disability can bring personally and professionally to the communities of RRR Australia.

RRR women who live with a disability state:

“It [NDIS] is meant to be a fantastic system, but it is entirely broken, has been implemented too fast and needs more thought process.”

Women and young women with disabilities are at increased risk of all forms of violence, including interpersonal violence, gender-based violence and systemic violence. Women and young women experience violence for longer durations than women and young without a disability. Children with a disability are four times more likely than children without a disability to experience physical, sexual violence and exploitation, this increases to five times more likely with children who have psychosocial and/or intellectual disability.

²⁹ BBC. (11 April 2023) The blind women detecting early-stage breast cancer in India.

<https://www.bbc.com/future/article/20230406-the-blind-women-detecting-early-stage-breast-cancer-in-india>

³⁰ *National Disability Insurance Scheme Act 2013 (Cth) Part 2: Objects and Principles.*

Further, women and young women are targeted for gender-based abuse, violence and exploitation because they live with a disability.³¹

An example would be a young woman who lives with a hearing impairment, who may be targeted by people who choose to use violence, as she may not be able to verbalise her resistance against violence and is targeted for this reason.³² ***The vulnerabilities that RRR women who live with a disability experience must be urgently understood and affirmative action taken to prioritise their ‘free, full, and equal life.’***³³

Further, the NDIS must be responsive to the needs of RRR women who live with a disability, importantly being inclusive to the particular needs of ATSI and CALD women who live with a disability.

Acknowledging the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)³⁴ ***does not explicitly reference women and young women who live with a disability***³⁵. The NRWC would advocate that the Australian Government consider NDIS policy that aligns with the *Implementation of the Convention*

³¹ United Nations. (2018) Department of Economic and Social Affairs. *Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities*; Food and Agriculture Organisation of United Nations. FOA. (2023) The status of women in agrifood systems. Rome. <https://doi.org/10.4060/cc5343en> <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf> ; Australian Human Rights Commission (AHRC) (25 July 2019) *Information concerning Australia’s compliance with the Convention on the Rights of Persons with a Disabilities. AHRC submission to the UN Committee on the Rights of a Person with Disability.*

³² United Nations. (2018) Department of Economic and Social Affairs. *Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities.* <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

³³ *National Disability Insurance Scheme Act 2013 (Cth)*: Food and Agriculture Organisation of United Nations. FOA. (2023) The status of women in agrifood systems. Rome. <https://doi.org/10.4060/cc5343en>

³⁴ *International Convention on Elimination of All forms of Discrimination Against Women*, New York, 18 December 1979. [UNTS. Vol. 1249. P 13.] Entered into Force 3 September 1981, in accordance with Article 27 (1). Australia became a signatory on 17 July 1980 and ratified 28 July 1983.

³⁵ United Nations. (2018) Department of Economic and Social Affairs. *Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities.* <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

*on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities*³⁶

Recommendation One – Strengthen Human Rights for Women and Girls who live with a disability.

- NDIS aligns with *Implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol thereto: situation of women and girls with disabilities*. (Annexure One)
- The Government urgently adopt the *CRDP Optional Protocol thereto: situation of women and girls with a disability*. A copy is annexed to this submission. (Annexure One)
- NDIS develop national strategy, Acts and policy specifically focusing on rural, remote, and regional women and young women who live with a disability, importantly this focus having specific attention to ATSI and CALD women in rural, remote, and regional Australia who live with a disability.
- Increasing the visibility of all rural, remote, and regional women and young women who live with a disability in policy, reports, data, and strategy, including in consultation.
- All NDIS policy, implementation and service delivery reflect the understanding that women and young women who live with a disability in Australia are at increased risk of all forms of violence and exploitation.

³⁶ United Nations. General Assembly. (25 January 2018). Resolution adopted by the General Assembly on 19 December 2017. Implementation on the Convention on the Rights of a person living with a Disabilities and Optional Protocol; there to: Situation of women and girls with Disabilities. [GA. 76th Session. Agenda Item 72] [A/RES/72/162]; a. *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, New York, 13 December 2006. [UNTS. Vol 2518. P 283] Entered into Force 3 May 2008 in accordance with Article 13 (1). Australia accession on 21 August 2009. (a)

Accessibility and Early Intervention Pathways increased for women who and young women in RRR Australia

Regional women who have not been able to access the NDIS told the NRWC they were diagnosed with a disability as an infant but have never had access to the NDIS or other supports, such as carer's payments. However, as an adult, despite their left hand and side of the body presenting with a physical disability Centrelink and NDIS will not accept the birth diagnosis of disability. To be clear this physical disability affects day-to-day living, for example to eat meals with just the one right hand as the left hand is not able to hold a fork or spoon. NDIS and Centrelink require the regional women in these circumstances to obtain an expensive re-assessment confirming their disability. Resulting in excessive pressure on regional woman who lives with a disability. This was described by one regional woman, as complete exhaustion from having to meet the working requirements to receive a Centrelink payment and look after her child as a single mother who has left a violent relationship.

Further, this RRR woman's employer was not compliant with the request to reduce hours or days. The impact of working long hours was not sustainable due to the woman's disability. The RRR woman who lived with a disability, did not feel strong enough to discuss this with her employer without losing her employment and any Centrelink benefits.

This is one example of how a regional woman who should have access to the NDIS, has been denied access her entire life and thus not been afforded the support she is

deservedly entitled too. Resulting in a huge impact on her quality of life. Further, the \$2,000 for an assessment to validate her disability from birth is completely unaffordable. These are the RRR women who fall through the gaps and are ineligible for the NDIS or carer's payments under Centrelink. Access to NDIS must be improved for RRR women and young women.

Recommendation Two

- Access to the NDIS must be improved for RRR women and young women.

Rural, Regional and Remote women who work in Agriculture and live with a disability.

According to the Australian Bureau of Agricultural and Resources Economics (ABARES) 6 % or 3,766 people in the Agricultural Workforce live with a disability. Of the 3,766, 59 % or 2,230 are farm managers and 25 % or 944 are farm labourers. Women represent 31 % of agricultural workers who live with a disability, which is extremely close to the 33% of women without a disability who work in the agriculture sector. ³⁷

³⁷Australian Bureau of Agricultural and Resources Economics (ABARES) (2023). *ABARES Insights: Snapshot of Australia's agricultural workforce*, Issue 3, Canberra, October. DOI: <https://doi.org/10.25814/x21d-td14>.

RRR women have told the NRWC multiple stories where they have had to initiate multiple court actions and NDIS reviews (including reviews taking over six months without any resolve) for 'essential' supports as women in Agriculture who live with a disability. RRR women tell us that the NDIS is confusing and that it is not clear what is covered and what is not covered. For example, essential items for day-to-day living, such as calibration of Orthotic supports for polio survivors, who require this to walk, are disputed by the NDIS. Further, RRR women state that 'legally blind' is an unseen disability and not recognised as a disability under the NDIS.

Further RRR women state, that the interaction between the Aged Care Pension and NDIS begins at 65. Considering that the mode age of people who live with a disability in Australian Agriculture is 70-74 and 49 % of farm workers are over the age of 65,³⁸ this intersection should be reviewed as RRR women state that they become ineligible for the Aged Care Pension and are forced to live on \$92 a day for NDIS.

Recommendation Three

- The Australian Government clarify what is covered and not covered under the NDIS.
- The NDIS take into consideration the unique criteria of RRR women in Agriculture and support RRR women with a disability to continue to participate fully in Agricultural / Agribusiness and farming life.
- That the NDIS review the interaction between the NDIS and Aged Care Pension, which is leaving RRR women who live with a disability ineligible for necessary supports.

Strengthened Safeguards against NDIS fraud for Rural, Regional and Remote Women and Young Women

RRR women have told the NRWC that protections against fraud need to be improved for NDIS participants in RRR Australia. RRR women tell the NRWC that RRR Australia has unique criteria for participation in the NDIS and for service providers.

RRR women who are NDIS participants state they:

- are vulnerable to service providers;
- cannot access or find service providers who will 'drive or 'commute' to the RRR participant;
- have no choice;
- must accept any price for service;
- are charged excessive rates, for NDIS services, for example, the service may advertise \$35 per hour for cleaning, however this significantly increases to \$85 per hour for the same cleaner under a NDIS plan;
- are victims of embezzlement of funds by NDIS coordinator services and or others accessing the NDIS participants funds, including false invoices;
- self-manage, because the NDIS coordinators access funds, however, they do not follow up on the services provided for quality or even if the service occurred. For example, the coordinators do not ring the NDIS participant to see if the NDIS service provider came three times for personal therapy or care that week, or if the

cleaner came. This dwindles the NDIS participants' funds quickly as the NDIS participant pays \$180.00 per hour for the coordinator, then \$85 per hour for the cleaner, however the cleaner did not attend.

- Are vulnerable if they have autism, which is the most increased diagnosis of NDIS.
³⁹ RRR women and young women with autism may ring up for company or to talk to someone, due to the isolation in RRR communities they ring the NDIS coordinator, not realizing that they are being charged \$100.00+ per hour for the phone call; and
- Pay upwards of \$67.47 per hour, plus \$39.00 and then an extra 0.97c per kilometer if the NDIS provider is using their car. The providers take no liability, and the NDIS participant is made to take out insurance for any car accidents the provider may have, this increasingly puts stress on the NDIS participant to obtain NDIS support and services. Further, this quickly dwindles their limited NDIS package and funding.

³⁹ NDIS. Autism Summary. Insights. (30 September 2022). *'34 % or 191, 251 active participants have a primary disability of autism, making autism the most common disability for NDIS participants.'*

Recommendation Four

- Capped pricing for RRR NDIS providers.
- NDIS plans take into consideration unique criteria of RRR women and girls.
- Strengthened safeguards against fraud and embezzlement of RRR participants NDIS funds.
- Strengthened oversight of RRR coordinators roles and access to participants NDIS funds.
- A National Code of Conduct for RRR service providers, RRR NDIS coordinators and RRR assessors, scheduled to the *National Disability Insurance Scheme Act 2013 (2013)*.

Other Considerations

Access to the Internet

Access to the internet is critical to the 'quality of life' for RRR women and young women with disabilities. Access to the internet allows for women who live with a disability in Agriculture to remotely operate automated machinery such as a tractor or farming equipment. Access to stable internet allows for education, Agribusiness, improving lives whilst having access to advanced technologies. This includes access to the 'new green

economy' and 'digital economy.'⁴⁰ Importantly the internet provides for social connection, access to the NDIS and then access to service providers for RRR women who live with a disability. For example, a psychologist session could be accessed via teams and still allow for the delivery of necessary support and services under the NDIS. Without stable internet this is not possible.

Climate Change and RRR women with disabilities

Research has shown that people with disabilities are often not accommodated for when natural disasters occur in RRR areas.⁴¹ With the increase in Australian natural disasters, and emergency responses to the natural disasters, the NRWC advocates that the *National Disability Inclusive Disaster Risk Reduction*⁴² guiding principles and standards, should include guiding principles and standards specifically tailored to RRR women and young women in Australia who live with a disability.

⁴⁰ United Nations Secretary General. 'Our Common Agenda: Report of the Secretary General.' (2021) A/75/982 United Nations Economic Social and Cultural Organisation, International Commission on the Futures of Education by the UNESCO. A/75/982.

⁴¹ United Nations General Assembly. Human Rights Council (22 December 2020) Human Rights Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General Promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development. *Panel discussion on promoting and protecting the rights of persons with disabilities in the context of climate change.* [A/HRC/46/46].

⁴² Queenslanders with Disability Network. QDN. (2024) Nothing About us, without us. *Disability Inclusive Disaster Risk Reduction (DIDRR)*. <https://qdn.org.au/our-work/disability-inclusive-disaster-risk-reduction/>

Ability Agriculture

The NRWC would like to celebrate the inspiring organisations and foundations that are run by and for people who live with a disability in RRR Australia. These services are strengthening inclusivity in Australia's Agriculture and Agrifood systems.

These pathways should be strengthened to allow for RRR women who live with a disability and women who support those with a disability to sustain living on the land, to prosper in Agrifood systems, business, and Agri-businesses.

Ability Agriculture is:

*Josie Clarke's Story*⁴³

*'Founded in 2021, Ability Agriculture is a cause close to Josie's heart. When a devastating truck accident left her father a paraplegic, Josie was confronted with the reality of life on the land for people with a disability.'*⁴⁴

"It is my family's story that inspired Ability Agriculture. My dad became a

paraplegic when I was 5 years old, and at that time it was very much the idea

*we should sell the farm and do something else."*⁴⁵

⁴³ Agri-Futures Australia. (Friday 30 September 2022) Josie Clarke is on a mission to change perceptions of people with a disability in Agriculture. <https://agrifutures.com.au/news/josie-clarke-is-on-a-mission-to-change-perceptions-of-people-with-a-disability-in-agriculture/>

⁴⁴ Ibid 43.

⁴⁵ Ibid 43.

Josie and her family did not sell the farm, instead they paved the way for Ability Agriculture. Josie is changing the perception on capacity of people with a disability in Agriculture, Josie is creating opportunities with Ability Agriculture. ⁴⁶

Ability Agriculture Australia is a website that elevates and connects those who live with a disability in RRR Australia and work in Agriculture. Ability Agriculture was Josie Clarke's idea, bringing scholarships, resources and 'Graze to Raise' together. ⁴⁷

Inclusivity in Australia's Agrifood Systems

Inclusivity in Agriculture ensures everyone benefits from active participation in Agrifood systems. Agrifood systems are defined as on and off the farm capital, production, processing, distribution, marketing, entrepreneurial, and consumption. The world is facing food security challenges in unprecedented ways. Agrifood systems are essential for global sustainable development and long-term food security. ⁴⁸

⁴⁶ Ibid 43.

⁴⁷ Ability Agriculture (2024) Ability Agriculture, Enabling awareness and opportunity or disability in Agriculture. <https://abilityagriculture.com/>

⁴⁸ Food and Agriculture Organisation of United Nations. FOA. (2023) The status of women in agrifood systems. Rome. <https://doi.org/10.4060/cc5343en>

The gross value of agricultural production⁴⁹ in Australia increased by 59% over the past twenty (20) years, from \$59 billion in 2002 to \$93 billion in 2021-22.⁵⁰ 72% of Australia's Agriculture product is exported with record gross value production, while the sector is experiencing significant skill shortages.⁵¹ Strengthening inclusivity of 'Ability Agriculture'⁵² in Australia brings economic and social benefits to RRR communities, whilst feeding the nation and world, assisting with skilled worker shortages and providing record gross value production. ⁵³

As the United Nations stated:

'The 2030 Agenda's central principle is "Leave No One Behind" (LNOB), a commitment to eradicate poverty, discrimination, inequalities, and vulnerabilities undermining the potential of individuals and communities. However, for this to happen, we urgently need to rethink rural transformation and build sustainable, equitable, and inclusive agrifood systems for everyone.'⁵⁴

⁴⁹ ANZSIC (Australian New Zealand Standard Industry Classification Standard), 2006, Agriculture. (revision 1.0). Includes fisheries and forestry production.

⁵⁰ ABARES (Australian Bureau of Agriculture and Resources Economics and Sciences) (2023). *Snapshot of Australian Agriculture 2023, ABARES Insights*, Canberra, March, DOI: <https://doi.org/10.25814/rk1z-qm36>. CC BY 4.0.

⁵¹ Australian Government. (2023) *Jobs and Skills Australia 2023 Skills Priority List. Key findings Report*. September 2023. [Skills Priority List | Jobs and Skills Australia](#)

⁵² Ability Agriculture (2024) Ability Agriculture, Enabling awareness and opportunity or disability in Agriculture. <https://abilityagriculture.com/>

⁵³ ABARES (Australian Bureau of Agriculture and Resources Economics and Sciences) (2023). *Snapshot of Australian Agriculture 2023, ABARES Insights*, Canberra, March, DOI: <https://doi.org/10.25814/rk1z-qm36>. CC BY 4.0.

⁵⁴ Food and Agriculture Organisation of United Nations. FOA. (2024) Inclusion in Agrifood systems. <https://www.fao.org/inclusivity-in-agrifood-systems/en>

The NRWC would advocate for these recommendations to be considered, with the continued commitment for co-design with RRR women and young women who live with a disability. (importantly including ATSI and CALD women who live with a disability in RRR Australia)

The NRWC critically emphasises the importance of the Government urgently adopting the CRDP Optional Protocol thereto: situation of women and girls with a disability. (Annexure One)

Please contact NRWC CEO Keli McDonald if you have any questions or require further information.

Yours Faithfully,

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Seventy-second session
Agenda item 72 (a)

Resolution adopted by the General Assembly on 19 December 2017

[on the report of the Third Committee (A/72/439/Add.1)]

72/162. Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 70/145 of 17 December 2015, as well as relevant resolutions of the Human Rights Council and of the Economic and Social Council and its functional commissions,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming the Universal Declaration of Human Rights,¹ the Convention on the Rights of Persons with Disabilities² and the Optional Protocol thereto,³ the Convention on the Elimination of All Forms of Discrimination against Women,⁴ the Convention on the Rights of the Child⁵ and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action,⁶ the Programme of Action of the International Conference on Population and Development,⁷ the Beijing

¹ Resolution 217 A (III).

² United Nations, *Treaty Series*, vol. 2515, No. 44910.

³ *Ibid.*, vol. 2518, No. 44910.

⁴ *Ibid.*, vol. 1249, No. 20378.

⁵ *Ibid.*, vol. 1577, No. 27531.

⁶ A/CONF.157/24 (Part I), chap. III.

⁷ *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.



Declaration⁸ and Platform for Action⁹ and the outcome documents of their review conferences,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,¹⁰ which is inclusive of persons with disabilities and in which Member States pledged to leave no one behind, and acknowledging that Member States, while implementing the 2030 Agenda, should, inter alia, respect, protect and promote human rights and fundamental freedoms for all, without discrimination of any kind,

Welcoming also the inclusion of gender equality and the empowerment of all women and girls as a stand-alone goal and in the implementation of all goals and targets of the 2030 Agenda for Sustainable Development, and the recognition that realizing gender equality and the empowerment of all women and girls is crucial to making progress across all the Sustainable Development Goals and targets which contribute to the empowerment of women and girls with disabilities,

Welcoming further the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 30 March 2007, 160 States have signed and 174 States and 1 regional integration organization have ratified or acceded to the Convention and 92 States have signed and 92 States have ratified the Optional Protocol,

Noting with appreciation the work and activities that have been and continue to be undertaken in support of the Convention and towards the fulfilment and mainstreaming of the rights of all persons with disabilities, particularly through, inter alia, the Conference of States Parties to the Convention, the Committee on the Rights of Persons with Disabilities, other human rights treaty bodies, the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities, the Special Envoy of the Secretary-General on Disability and Accessibility, the Inter-Agency Support Group on the Convention and the Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action,

Expressing concern that women and girls with disabilities are subject to multiple and intersecting forms of discrimination, which limit their enjoyment of all human rights and fundamental freedoms on an equal basis with others, particularly with regard to the equal access of persons with disabilities to education and employment, access to health-care services, including for sexual and reproductive health, access to justice and equal recognition before the law, the ability to participate in political and public life, live independently and be included in the community and have the freedom to make their own choices,

Expressing concern also that structural or systemic discrimination is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions, discriminatory and negative social norms and attitudes and unequal power relations that view women and girls, in particular women and girls with disabilities, as subordinate to men and boys, and underscoring that States should take all appropriate measures aimed at accelerating de facto equality between men and women,

Expressing concern further that stereotypes, stigmatization and discrimination heighten the risk of violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities compared to women and girls without disabilities, as well as men and boys with disabilities,

⁸ *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annex I.

⁹ *Ibid.*, annex II.

¹⁰ Resolution 70/1.

Expressing concern about the low labour force participation rate of women with disabilities, who face multiple and intersecting forms of discrimination and encounter structural, physical, communicational and attitudinal barriers hindering their access to and participation in the workplace on an equal basis with others,

Recognizing the contribution of family members towards ensuring the full enjoyment by women and girls with disabilities of all human rights and fundamental freedoms on an equal basis with others,

Concerned that the continuing lack of reliable statistics, data and information on the situation of persons with disabilities at the national, regional and global levels contributes to their exclusion in official statistics, policies and programmes, and in this regard recognizing the need to intensify efforts to build the capacity of Member States, and to strengthen data collection and analysis and disaggregate data by disability, sex and age to support the development of evidence-based policies and programmes inclusive of women and girls with disabilities,

Recognizing the need for States to accelerate the development, implementation and mainstreaming of strategies that respect, protect and fulfil the rights of all persons with disabilities, including women and girls, to the enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting legislation, policies and programmes that are inclusive of all women and girls with disabilities, and affirming that realizing their human rights requires their full, effective and meaningful participation and inclusion in all aspects of public, political, economic, cultural, social and family life, on an equal basis with all others,

Recognizing also that information and communications technologies have shown their potential to strengthen the exercise of human rights, and that they can create conditions enabling women and girls with disabilities to fully enjoy their human rights and can also contribute to their empowerment,

Stressing the importance of closely consulting and actively involving persons with disabilities, in particular women and girls, through their representative organizations in the development and implementation of legislation and policies that impact their lives and in other decision-making processes concerning issues relating to persons with disabilities,

Acknowledging the importance of taking measures to raise awareness of the rights of women and girls with disabilities in order to eliminate stereotypes, prejudices and violence, including harmful practices which seriously violate and impair or nullify the enjoyment of all human rights and fundamental freedoms by women and girls with disabilities and which constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

1. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention on the Rights of Persons with Disabilities² and the Optional Protocol thereto³ as a matter of priority;

2. *Encourages* States that have ratified the Convention and submitted one or more reservations to it to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible and easy-to-understand information on the Convention and the Optional Protocol thereto, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

4. *Takes note* of the report of the Secretary-General on the situation of women and girls with disabilities and the status of the Convention and the Optional Protocol thereto¹¹ and the report of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities;¹²

5. *Emphasizes* the importance of mainstreaming disability issues as an integral part of relevant sustainable development strategies, and encourages States to apply a human rights-based approach and to intensify their efforts to advance the rights of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development,¹⁰ consistent with their international obligations;

6. *Urges* States to take steps to eliminate multiple and intersecting forms of discrimination against women and girls with disabilities through repealing discriminatory laws, policies and practices and to take all effective measures to ensure the full and equal enjoyment of all rights stipulated in the Convention;

7. *Calls upon* States to adopt effective measures to provide women and girls with disabilities access to the support they may require to exercise their legal capacity to have the freedom to make their own choices on an equal basis with others in all aspects of life;

8. *Also calls upon* States to strengthen efforts to empower women and girls with disabilities and enhance their participation and promote leadership in society through taking measures to address all barriers that prevent or restrict the full and equal participation of women and girls with disabilities, including in the government and public sector, the private sector, civil society and all branches and bodies of the national monitoring system of the Convention, and working to ensure that women and girls with disabilities are closely consulted and actively involved, through their representative organizations, in the design, implementation and monitoring of all legislation, policies and programmes which have an impact on their lives;

9. *Encourages* States to review and repeal any law or policy that restricts persons with disabilities, including women with disabilities, from their effective and full participation in political and public life on an equal basis with others, including forming and joining organizations and networks of women in general and of women with disabilities;

10. *Also encourages* States to provide support to existing organizations and promote the creation of organizations, including civil society organizations, and networks of women and girls with disabilities, and to promote and support women with disabilities in taking leadership roles in public decision-making bodies at all levels, recognizing the importance for States of having an open, inclusive and transparent engagement with civil society in the implementation of measures on women and girls with disabilities;

11. *Calls upon* States to strengthen and intensify efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to education, including ensuring access to an inclusive education system at all levels for all women and girls with disabilities, eliminating legal, administrative, financial, structural, social and cultural barriers that hinder their equal enjoyment of the right to education on an equal basis with others, and to facilitate their full and equal participation in education by taking appropriate steps through the provision of information in accessible and alternative communication formats, reasonable accommodation and other support as required;

¹¹ A/72/227.

¹² A/72/133.

12. *Also calls upon* States to develop policies and measures that promote access to education for persons with disabilities and to strengthen education systems that are fully inclusive of girls with disabilities to reduce the risk of social exclusion and poverty, which could have long-term implications for their capacity and opportunity to participate in labour markets;

13. *Further calls upon* States to implement effective measures to protect the right of women with disabilities to work on an equal basis with others in the public and private sectors, to ensure that labour markets and work environments are open, inclusive and accessible to persons with disabilities, and in this regard to take positive measures to increase the employment opportunities of women with disabilities and eliminate discrimination on the basis of disability with regard to all matters concerning all forms of employment, including recruitment, retention and promotion, and the provision of accessible, safe, secure and healthy working conditions, in consultation with relevant national mechanisms and organizations of persons with disabilities;

14. *Calls upon* States to take effective action to prevent and eliminate all forms of violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities without delay, including by:

(a) Adopting, strengthening and implementing legislation on violence against women to ensure that it expressly prohibits violence and provides adequate protection for women and girls with disabilities against all forms of violence, including violence perpetrated by support providers, health-care providers and others in positions of authority, as well as domestic violence, including intimate partner violence, and ends impunity and adequately penalizes offences involving physical, sexual, psychological and economic violence occurring in families, in institutions and carried out by support providers;

(b) Taking all appropriate measures to eliminate discrimination on the basis of gender and/or impairment by any person, organization or private enterprise, ensuring access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination and violence against women and girls with disabilities, taking into account the multiple, intersecting and aggravating forms of discrimination, and protecting victims and witnesses from violence while investigating, prosecuting and punishing those responsible, including private actors, and providing access to redress and reparations where human rights violations or abuses occur;

(c) Ensuring that services and programmes designed to protect women and girls from violence are accessible to women and girls with disabilities, in particular those living in institutionalized settings, who are the most vulnerable to violence, including by ensuring that facilities are accessible and mainstreaming disability in materials and training courses addressed at professionals working on violence against women;

(d) Ensuring that women and girls with disabilities and their families have access to a range of support services, information in accessible formats and education on how to prevent, recognize and report instances of exploitation, violence and abuse against women and girls with disabilities, as well as how to ensure that children with disabilities have a safe and supportive family environment;

15. *Also calls upon* States to accelerate efforts to eliminate harmful practices, including child, early and forced marriage and female genital mutilation, and to repeal legislation and regulatory provisions that allow the administration of forced medical procedures such as forced sterilization, forced abortion and forced contraception and

to ensure that any medical procedure or intervention is not performed prior to the free and informed consent of women and girls with disabilities;

16. *Urges* States to take all appropriate measures to eliminate discrimination against persons with disabilities, in particular women and girls in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to address violence against women and girls, providing timely and appropriate reintegration and rehabilitation assistance to persons with disabilities while ensuring that their specific needs are addressed, such as access to health-care services, psychosocial support and educational programmes;

17. *Calls upon* States to realize the right to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, for women and girls with disabilities on an equal basis with all others, in particular by providing access to inclusive and accessible disability-, gender- and age-appropriate information, support and reasonable accommodation so that they can access quality and affordable and universally designed health facilities, and urges Governments to promote and protect the human rights of all women and girls, including the right of women to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable their enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development,⁷ the Beijing Platform for Action⁹ and the outcome documents of their review conferences, on an equal basis with others;

18. *Also calls upon* States to accelerate efforts to scale up scientifically accurate age-appropriate comprehensive education that provides adolescent girls and young women with disabilities, in and out of school, in a manner consistent with their evolving capacities, with appropriate direction and guidance from parents and legal guardians, with information in accessible and alternative communication formats on sexual and reproductive health, gender equality and women's empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and develop respectful relationships, in full partnership with young people, parents, legal guardians, caregivers, educators and health-care providers;

19. *Further calls upon* States to collect and analyse data disaggregated by income, sex, race, age, ethnicity, migratory status, disability, geographic location and other characteristics relevant to national contexts to assist with the identification and eradication of barriers and all forms of discrimination, especially multiple and intersecting forms of discrimination, that prevent women and girls with disabilities from enjoying all the rights stipulated in the Convention, and to guide policy planning and improve data collection systems for adequate monitoring and evaluation frameworks on the implementation of the Convention and the Sustainable Development Goals in relation to women and girls with disabilities;

20. *Urges* States and other relevant stakeholders, including national human rights institutions, to continue to support the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability, sex and age for specific indicators, on the basis of the Washington Group short set of questions on disability and other data collection methodologies, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies in the context of the Goals;

21. *Encourages* States, United Nations entities and relevant international organizations, inter alia:

(a) To ensure that international cooperation is disability- and gender-sensitive and inclusive, including through the implementation of disability markers to monitor the implementation of programmes, and the collection of data and statistics on persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, targets and indicators, as well as other international frameworks;

(b) To support and promote international cooperation and assistance and enhance partnerships and coordination, including South-South cooperation, among themselves and the active participation of civil society organizations, including women's organizations and organizations of women and girls with disabilities and other key stakeholders in strengthening means of implementation, including mobilization of financial resources and technical cooperation for the implementation of the Convention and the goals of the 2030 Agenda for Sustainable Development focusing on women and girls with disabilities;

22. *Invites* the Chair of the Committee on the Rights of Persons with Disabilities and the Special Rapporteur on the rights of persons with disabilities to address and engage in an interactive dialogue with the General Assembly annually, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

23. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the rights of persons with disabilities with a focus on the issue of accessibility and the challenges to the implementation of the Convention in that regard, in consultation with relevant United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, the Special Envoy of the Secretary-General on Disability and Accessibility, the Committee on the Rights of Persons with Disabilities and the United Nations Children's Fund, taking into account the views of relevant stakeholders and using existing available materials, and to include a segment on the status of the Convention and the Optional Protocol thereto;

24. *Also requests* the Secretary-General to continue to ensure that the Office of the High Commissioner has adequate resources for the fulfilment of its tasks with respect to its work on the rights of persons with disabilities.

*73rd plenary meeting
19 December 2017*