



The experiences of culturally and linguistically diverse people with disability Issues paper

Please be aware that some parts of this issues paper may be distressing or raise issues of concern for some readers.

There are a range of services available if you require support after reading this paper. Contact details for these services are located at the end of this paper under the heading 'Support to respond to this issue paper'.

Introduction

The experiences of culturally and linguistically diverse people with disability are key areas of inquiry for the Royal Commission. The terms of reference direct the Royal Commission to have regard to:

the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability.

The purpose of this paper is to invite the public to share information with us to help us better understand violence against, and abuse, neglect, and exploitation of, people with disability from culturally and linguistically diverse backgrounds. We want to better understand how to improve responses when they do occur.

We want to hear about the attitudes and understanding of disability within culturally and linguistically diverse communities. We want to understand what they mean for the person with disability, their interactions with their communities and in broader society, and how this plays out across their lives.

We want to hear about challenges and barriers, as well as good practices, and ways to better prevent and reduce violence against, and abuse, neglect and exploitation of, culturally and linguistically diverse people with disability. This includes a person's interaction with systems and services, such as education, health, immigration, justice, transport, workplaces, group homes and other accommodation arrangements, and the National Disability Insurance Scheme (NDIS). It also includes their relationships with those around them and their

participation in the community. When we refer to justice we are referring to areas such as courts, prisons and police. When we refer to health we are referring to areas such as general practitioners (GPs), hospitals, community health services, mental health services, specialists and dentists.

A list of questions is included at the end of this paper. The questions are a guide. You do not have to answer every question. More information about how to respond to this issues paper is at the end of the paper.

If you wish to share an individual experience of violence, abuse, neglect or exploitation, experienced by you or another person with disability, please consider making a submission or registering for a private session. You can tell us about your experiences in your own language. We will provide interpreters and translators. You can contact us in writing, by telephone or by sending a video. More information about each of these is on our [website](#).

Attachment A sets out the Royal Commission's working definitions of violence, abuse, neglect and exploitation.

How we will look at the experiences of culturally and linguistically diverse people with disability

The term 'culturally and linguistically diverse' has been used by government and others to refer to the many individuals and community groups who may prefer to describe themselves as coming from an ethnic background.¹ We use the term 'culturally and linguistically diverse' to reflect a diverse range of people from different backgrounds. Our definition includes:²

- People born in a country where English is not the main spoken language, as well as those who have a cultural heritage different from the dominant Australian culture.
- Migrants and refugees (including asylum seekers) who identify as being from a culturally and linguistically diverse background. This includes those who recently arrived and those who have lived in Australia for some time.
- People born in Australia who identify as being from a culturally and linguistically diverse background, even where their families have been here for several generations.

We also recognise that people who are deaf or hearing impaired and who use Auslan or another sign language as their first language share a distinct, rich culture and language. Some members of the Deaf community identify as being culturally and linguistically diverse.

We will consider the multi-layered experiences of people with disability in the context of age, sex, gender identity, sexual orientation, race and ethnicity. In particular, we will look at the experiences of migrants, asylum seekers, newly arrived refugees, and children and young people. We acknowledge that accessing services, including the ability to make complaints, may be even more difficult for people where they identify with more than one of these identities.³

A human rights based approach

The Royal Commission is committed to promoting and protecting the rights of people with disability. Australia has ratified the *UN Convention on the Rights of Persons with Disabilities (CRPD)*.⁴ This means Australia has agreed to ensure, promote and fulfil the rights described in the *CRPD*, for all people without discrimination on the basis of disability. A number of other treaties are also important, and there are six other core international human rights treaties that Australia has ratified in addition to the 1951 *Convention relating to the Status of Refugees*.⁵

The *CRPD* includes specific principles recognising the diversity of persons with disabilities,⁶ and expresses concern about the 'difficult conditions faced by persons with disabilities who are subject to multiple forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status'.⁷

A life-course approach

A life-course approach recognises that all stages of a person's life are connected. We want to better understand how culturally and linguistically diverse people with disability have experienced violence, abuse, neglect and exploitation throughout their lives. This means looking at their experiences in early childhood, during schooling years, as young people and adolescents, and into adulthood and ageing. It also means we want to understand the experiences of migrants and refugees as part of their life course.

People with disability often access services throughout their life. These services may be disability-specific or 'mainstream' services such as health, education, domestic violence and victims-support services. Culturally and linguistically diverse people with disability face a range of barriers, including language barriers such as accessing interpreter services and material translated from English to other languages when accessing services, including disability-specific services within the NDIS.⁸

We want to understand how culture and language may affect the life course of someone with a disability from a culturally and linguistically diverse background. Examples of this may include certain beliefs and attitudes leading to decisions not to access services or support, or feelings of shame leading to neglect⁹ which may affect children with disability.¹⁰

We want to understand how culturally and linguistically diverse people with a disability access support, and the pathways they follow to ask for assistance. Given the diversity of experiences within culturally and linguistically diverse communities, the supports people approach will differ depending on how long they have been in Australia, as well as how they came to be here, whether their continued presence in Australia is certain or not, as well as their cultural background.

We also want to know about the experiences of different generations within culturally and linguistically diverse groups, and what barriers or opportunities they have faced as people with disability in Australia.

Attitudes toward disability

Different cultures may interpret disability differently.¹¹ This may affect how communities respond to disability.¹² Attitudes towards people with disability can vary with the cultural background of the individual.¹³

We want to understand cultural attitudes and the language of disability within culturally and linguistically diverse communities. We want to hear about how these influence individuals with disability, and how they interact with their communities. For example, we want to know how communities can have positive or protective attitudes towards disability. We want to understand the reasons that people may not identify as having a disability even though they have an impairment.

Particular cultural beliefs, and some community attitudes that may stigmatise disability, can result in people with disability from culturally and linguistically diverse backgrounds being viewed and treated in negative ways. Poor understanding of disability by some, services not being culturally aware and distrust of government agencies can result in essential supports and services not being accessed. Cultural interpretations of disability can be barriers to participation for people with disability.¹⁴ This stigma may mean a child with disability might be hidden in the house or restrained in a bedroom.¹⁵ This could be due to families feeling it is their responsibility to entirely care for their child as well as feelings of shame.

The way disability is understood can impact what supports are available and what barriers exist in the community, and may prevent individuals with disability from participating in social, economic, cultural and political life.¹⁶

Previous reports have found that people with disability from culturally and linguistically diverse backgrounds are 'often stigmatised and isolated because of attitudes and misconceptions in their own communities'.¹⁷ This can be exacerbated by attitudes held by the broader community towards disability and cultural and linguistic diversity.¹⁸

Research has also identified that Australian disability service providers lack cross-cultural understanding and communication.¹⁹ This may prevent the provision of culturally appropriate and accessible services.²⁰

Some barriers to access and inclusion include:

- lack of information and interpreters²¹
- language barriers²²
- lack of culturally appropriate services²³
- negative stereotypes in the general community²⁴
- cultural stigmas around disability²⁵

- distrust of government agencies.²⁶

We want to understand how culturally and linguistically diverse communities view the issue of violence, abuse, neglect and exploitation of people with disability. We want to know how the different ways disability is understood in culturally and linguistically diverse communities may support and include people with disability, or how they might exclude or disadvantage them.

Experiences of particular groups

We want to know more about the experiences of particular groups within culturally and linguistically diverse communities, including refugees, people with disability on temporary visas, and people with disability in immigration detention, community detention or 'alternative places of detention'. We also want to know more about culturally and linguistically diverse women and children and young people with disability.

Migrants with disability

The migration journey may affect a person's exposure to violence, abuse, neglect and exploitation.²⁷ This includes the stages of arrival, being part of a new community and belonging to established, multi-generational communities.

Systemic and other barriers, including attitudinal barriers preventing people from choosing to share information about disability, to access and use disability services and supports can amount to neglect.²⁸ Available information suggests migrants with disability are also likely to be especially vulnerable to violence and abuse.²⁹

People from refugee backgrounds with disability living in Australia may have experienced stigma in their country of origin and their communities may maintain these negative views of disability in Australia.³⁰ They often have a limited voice in government policies, and lack the knowledge and support needed to access services.³¹

There is a lack of data documenting the diversity of disability in culturally and linguistically diverse communities.³² We want to know more about the challenges faced by people with disability from refugee backgrounds. We recognise that people with disability are not all the same, and we want to hear about the diversity of disability in culturally and linguistically diverse communities.

Children and young people with disability

Young people from refugee and migrant backgrounds with disability have reported that the combination of their youth, living with disability and coming from a culturally and linguistically diverse background makes it easier to fall through service gaps and prevents them from seeking support.³³

They also identified the difficulties parents of young people with disability from culturally and linguistically diverse backgrounds face, especially newly-arrived refugees and asylum seekers, when attempting to navigate disability support networks on behalf of their children.³⁴

We understand that parents of children with disabilities may face difficulties in attempting to navigate migration pathways or in identifying a disabled family member for services because of migration laws.

Access to services may be limited for children with disability within culturally and linguistically diverse families. Feelings of isolation and difference are worsened when supports and accommodations are not culturally sensitive.³⁵ This is connected to the fear of government, the fear of bad outcomes for their families, or the negative perception of government health providers or support agencies held by many culturally and linguistically diverse families. In particular, families who have recently arrived in Australia may be suspicious of intrusion, for example, by others caring for their children.

Questions

Please answer as many of these questions as you wish. You do not need to answer them all and your response does not have to address any of the questions. Please consider different areas of life in your response, for example, immigration, disability services, health care, workplaces, criminal justice and home environments. Please also consider different life stages (for example, childhood, adulthood) and transition points (for example, school to work).

Question 1: How is disability understood or described in your family, culture, community or language?

Question 2: How are the concepts of violence, abuse, neglect and exploitation understood or described in your family, culture, community or language?

Question 3: How are autonomy, safety, inclusion and belonging understood or described in your family, culture, community or language?

Question 4: What can you tell us about the experiences of violence, abuse, neglect and exploitation for culturally and linguistically diverse people with disability?

Question 5: How are people with disability included, supported and welcomed by your cultural community? Are there any ways in which your cultural community excludes (for example, ignores or stigmatises) people with disability?

Question 6: What barriers do culturally and linguistically diverse people with disability face when reporting violence, abuse, neglect or exploitation or making a complaint? What might help address these barriers?

Question 7: What should governments, institutions and the community do to encourage reporting and ensure effective investigations of violence against, and abuse, neglect and exploitation of culturally and linguistically diverse people with disability?

Question 8: What are the experiences of children and young people with disability from culturally and linguistically diverse backgrounds? What are the main issues and concerns

they face? What do culturally and linguistically diverse children and young people with disability identify as being important in their lives?

Question 9: What are the experiences of women, refugees and asylum seekers, people in immigration detention, and temporary visa holders with disability from culturally and linguistically diverse backgrounds? What are the main issues and concerns they face?

Question 10: How do culturally and linguistically diverse people with disability access support? What pathways do they follow to ask for assistance? (For example, do they reach out for *direct* help when experiencing violence, abuse, neglect or exploitation, or do they *indirectly* seek support through other channels such as seeking visa assistance, migration advice etc.).

Question 11: How accessible are services for culturally and linguistically diverse people with disability in different settings, for example, justice, health, education. What sorts of culturally-appropriate supports and services should be made available?

Question 12: What are the hopes for the future of culturally and linguistically diverse people with disability? Are there any examples of promising practice? What needs to change to make things better for culturally and linguistically diverse people with disability?

Question 13: What else should we know about?

Responding to this issues paper

Responses to this issues paper can be provided by:

- email to DRCEenquiries@royalcommission.gov.au
- letter to GPO Box 1422, BRISBANE QLD 4001
- phone on 1800 517 199 or +61 7 3734 1900 (between 9:00am to 6:00pm AEDT Monday to Friday). We can make a time with you to take your response over the phone. If you require support in another language you can use the free Translating and Interpreting Service (TIS National), by calling 131 450 and asking to be connected to Blue Knot Foundation's national hotline on 1800 421 468.

Responses can be in writing, an audio recording or a video recording. Responses can be in any language. The Royal Commission will translate the response to English.

We encourage responses by **15 July 2021**. Responses will also be accepted after this date.

Support to respond to this issues paper

Blue Knot Foundation offers specialist counselling support and a referral service for anyone affected by the Disability Royal Commission.

For support please call their national hotline on **1800 421 468** (9am-6pm AEST Monday – Friday, 9am-5pm AEST Saturday, Sunday and public holidays).

In addition to the Blue Knot Foundation, the Australian Government provides support to assist people to engage with the Royal Commission. This support includes:

- free legal advisory services provided by National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services through the Your Story Disability Legal Service
- advocacy support services provided under the National Disability Advocacy Program.

Further information about these supports, including how to access them, is available on our website: disability.royalcommission.gov.au/counselling-and-support.

How we will use your response

All responses will inform the work of the Royal Commission.

We may make your response public, unless you tell us not to. Responses can be made anonymously. We may publish your response on our website. Your response may also be referenced in any public document prepared by the Royal Commission, for example, our interim and final reports.

If you refer to individual experiences or case studies that are not your own, we may need to confirm that the person identified has provided consent for their information to be made public.

Your information will not automatically be made public, even if you would like it to be. Any publication of information is a decision for the Royal Commission.

Attachment A – Definitions

The Royal Commission has provisionally defined these key terms as follows:³⁶

Violence and abuse – include assault, sexual assault, constraints, restrictive practices (physical and chemical), forced treatments, forced interventions, humiliation and harassment, financial and economic abuse and significant violations of privacy and dignity on a systemic or individual basis.

Neglect – includes physical and emotional neglect, passive neglect and wilful deprivation. Neglect can be a single significant incident or a systemic issue that involves depriving a person with disability of the basic necessities of life such as food, drink, shelter, access, mobility, clothing, education, medical care and treatment.

Exploitation – means the improper use of another person or the improper use of or withholding of another person’s assets, labour, employment or resources including taking physical, sexual, financial or economic advantage.

Autonomy – refers to a person being able to make their own decisions and exercise choice and control over their own life.

¹ There is debate about the use of the term, see: Pooja Sarwikar and Ilan Katz, 'How useful is the term "Culturally and Linguistically Diverse" (CALD)', 2009, Paper presented at the Australian Social Policy Conference (ASPC), UNSW. The term culturally and linguistically diverse 'encompasses the previously used terms of NESB [non-English speaking background] or LBOTE', which were 'dropped from many public and government discourses in favour of the term CALD because country of birth and language were not seen to be adequate alone as indicators of the complexity of cultural identity': Kylie Heneker, Gabriella Zizzo, Mary Awata & Ian Goodwin-Smith, *Engaging CALD Communities in the NDIS*, December 2017, p 15.

² We consulted on this at the Disability Royal Commission's National Roundtable on Culturally and Linguistically Diverse (CALD) Engagement Principles, conducted on 26 May 2020.

³ Ben Smith, *Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective*, 2016, [16], *The Equal Rights Review*, p.73; Scott Avery, *Culture is Inclusion: A narrative of Aboriginal and Torres Strait Islander people with disability*, 2018, First Peoples Disability Network (Australia), p.36.

⁴ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 999 UNTS 3 (entered into force 3 May 2008).

⁵ These include: *International Convention on the Elimination of All Forms of Racial Discrimination* 1969; *International Covenant on Civil and Political Rights* 1976; *International Covenant on Economic, Social and Cultural Rights* 1976; *Convention on the Elimination of All Forms of Discrimination against Women* 1981; *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* 1987; and *Convention on the Rights of the Child* 1990. The key definitions of human rights are comprised in the nine core international human rights treaties and in nine optional protocols. United Nations human rights work is largely undertaken within this normative framework.

⁶ *Convention on the Rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008), Preamble (i).

⁷ *Convention on the Rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008), Preamble (p).

⁸ AMES, Submission in response to *Emergency planning and response issues paper*, 16 July 2020, ISS.001.00266_01, p 3.

⁹ Nora Ellen Groce and Irving Kenneth Zola, 'Multiculturalism, chronic illness, and disability', (1993), vol 91, *Pediatrics*, p 1049. The authors describe this as the situation where disability is understood, '[B]y many cultures as a form of punishment. The individual with a disability, his or her family, or an ancestor, according to the particular belief system, has been either cursed by God or the Gods, sinned, or violated a taboo.'

¹⁰ Nora Ellen Groce and Irving Kenneth Zola, 'Multiculturalism, chronic illness, and disability', (1993), vol 91, *Pediatrics*, p 1050.

¹¹ Jessica Sheer & Nora Groce. 'Impairment as a Human Constant', (1988), vol 44 (1), *Journal of Social Issues*, pp 23-27. Indeed, even organisational cultures influence the rights that persons with disability are afforded within society and their associated ability to participate and be included, see Nora Ellen Groce, *Parent Advocacy for disabled children and the disability rights movement: similar movements, different trajectories*, PONPO Working Paper no. 237, November 1996.

¹² Julie A King & Mark J King, 'The Lived Experience of Families Living with a Spinal Cord Disability in Northeast Thailand', (2011), Vol 32 (8), *Third World Quarterly*, pp 1475-1491.

¹³ M Westbrook, V Legge & M Pennay, 'Attitudes towards disability in a multicultural society', (1993), vol 36 (5), *Social Science and Medicine*, pp 615-23. 'The greatest acceptance of people with disability came from those of German-speaking

background, followed by Anglo, Italian, Chinese, Greek and Arabic ... The authors noted that these findings had important implications for people with disability in a multicultural country like Australia, as well as for health practitioners.' As cited in Denise Thompson, Karen R Fisher, Christiane Purcal, Chris Deeming & Pooja Sawrikar, *Community attitudes to people with disability: scoping project*, 2011, p 12. See also Nora Groce & Jessica Scheer, 'Introduction', (1990), vol 30 (8), *Social Science & Medicine*, pp v–vi.

¹⁴ Nora Ellen Groce, 'Disability in cross-cultural perspective: rethinking disability', (1999), vol 354, *The Lancet*, p 756.

¹⁵ Julie A King, Niki Edwards, Ignacio Correa-Velez, Sara Hair & Maureen Fordyce, 'Disadvantage and disability: Experiences of people from refugee backgrounds with disability living in Australia', (2016) 3 *Disability and the Global South*, pp 844, 849.

¹⁶ Nora Ellen Groce, 'Disability in cross-cultural perspective: rethinking disability', (1999), vol 354, *The Lancet*, p 756.

¹⁷ Human Rights and Equal Opportunity Commission, *On the Sidelines – Disability and People from non-English speaking Background Communities*, 2000, p 23.

¹⁸ Human Rights and Equal Opportunity Commission, *On the Sidelines – Disability and People from non-English speaking Background Communities*, 2000, p 23.

¹⁹ Julie A King, Niki Edwards, Ignacio Correa-Velez, Sara Hair & Maureen Fordyce, 'Disadvantage and disability: Experiences of people from refugee backgrounds with disability living in Australia', (2016) 3 *Disability and the Global South*, pp 844, 845.

²⁰ Federation of Ethnic Communities' Councils of Australia, National Ethnic Disability Alliance, Refugee Council of Australia & Settlement Council of Australia, *Barriers and Exclusions: The support needs of newly arrived refugees with disability*, February 2019, p 24.

²¹ Human Rights and Equal Opportunity Commission, *On the Sidelines – Disability and People from non-English speaking Background Communities*, 2000, p 9.

²² Settlement Services International, *Still outside of the tent: Cultural diversity and disability in a time of reform – a rapid review of evidence*, October 2018, p 20.

²³ Human Rights and Equal Opportunity Commission, *On the Sidelines – Disability and People from non-English speaking Background Communities*, 2000, p 9.

²⁴ Human Rights and Equal Opportunity Commission, *On the Sidelines – Disability and People from non-English speaking Background Communities*, 2000, p 9.

²⁵ Settlement Services International, *Still outside of the tent: Cultural diversity and disability in a time of reform – a rapid review of evidence*, October 2018, p 20.

²⁶ Settlement Services International, *Still outside of the tent: Cultural diversity and disability in a time of reform – a rapid review of evidence*, October 2018, p 20.

²⁷ While, overall, issues relating to violence against people with disability, women with disability and children with disability have been subject to extensive, focused research, the experiences of culturally and linguistically diverse people with disability has not been subjected to the same academic scrutiny. See, Australian Human Rights Commission, *A Future Without Violence: Quality, safeguarding and oversight to prevent and address violence against people with disability in institutional settings*, 2018, p 82.

²⁸ See for example Settlement Services International, *Still outside of the tent: Cultural diversity and disability in a time of reform – a rapid review of evidence*, October 2018, p 17. People with disability from non-English speaking backgrounds are accessing disability services up to two-thirds less than Australian-born people despite having similar rates of disability, according to the report.

²⁹ Phillip French, Julie Dardel & Sonya Price-Kelly, *Rights denied: Towards a national policy agenda about abuse, neglect & exploitation of persons with cognitive impairment*, Report by People with Disability Australia, 2010, p 59 [6.1]; Disabled People's Organisations Australia and National Women's Alliances, *The Status of Women and Girls with Disability in Australia*, Position Paper to the Commission on the Status of Women (CSW) twenty-fifth anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), November 2019, p 23; Women with Disabilities Australia, First Peoples Disability Network, People with Disability, Children with Disability Australia, National Ethnic Disability Alliance, *Joint Submission from National Cross Disability Disabled People's Organisations (DPO's)*, Submission to the Senate Standing committee on Finance and Public Administration Inquiry into Domestic Violence in Australia, Submission 142, September 2014, p 19 [1.4]; Council of Australian Governments, *2010-2020 National Disability Strategy*, 2010, p 14.

³⁰ Julie King, Niki Edwards, Ignacio Correa-Velez, Sara Hair & Maureen Fordyce, 'Disadvantage and disability: Experiences of people from refugee backgrounds with disability living in Australia', (2016) 3, *Disability and the Global South*, pp 856–7.

³¹ Julie King, Niki Edwards, Ignacio Correa-Velez, Sara Hair & Maureen Fordyce, 'Disadvantage and disability: Experiences of people from refugee backgrounds with disability living in Australia', (2016) 3, *Disability and the Global South*. A submission to the Royal Commission has suggested that there has been a 'tendency in Australia for migrants with disabilities to be forgotten, invisible or actively excluded'. This has been the case whether or not they become Australian citizens and has made migrants and culturally and linguistically diverse people with disability prone to violence, abuse, exploitation and neglect; see: Sydney Centre for International Law, Submission on laws, policies and practice affecting migrants, refugees and citizens from culturally and linguistically diverse backgrounds, 29 September 2020. [SUB.001.00638, p 5].

³² See Victorian Refugee Health Network, *Service responses for people with disabilities from refugee backgrounds in northern Melbourne*, Victorian Foundation for Survivors of Torture, 2018, p 30.

³³ The Multicultural Youth Advocacy Network (MYAN) and the National Ethnic Disability Alliance (NEDA) National Meeting on 'Young People from Refugee and Migrant Backgrounds with Disabilities: Exploring Experiences and Gaps' on Wednesday 12th August 2020, at Multicultural Youth Advocacy Network Australia (MYAN), 'Young People from Refugee and Migrant Backgrounds with Disabilities', website, <<https://news.nswtf.org.au/blog/columns/2020/08/young-people-refugee-and-migrant-backgrounds-disabilities>>

³⁴ The Multicultural Youth Advocacy Network (MYAN) and the National Ethnic Disability Alliance (NEDA) National Meeting on 'Young People from Refugee and Migrant Backgrounds with Disabilities: Exploring Experiences and Gaps' on Wednesday 12th August 2020, at Multicultural Youth Advocacy Network Australia (MYAN), 'Young People from Refugee and Migrant Backgrounds with Disabilities', website, <<https://news.nswtf.org.au/blog/columns/2020/08/young-people-refugee-and-migrant-backgrounds-disabilities>>

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³⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2019.