

Inclusive Communities Fund Consultation

Submission to the Australian Government
Department of Health, Disability and Ageing

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Northern Territory Public Guardian and Trustee

Darwin Corporate Park
Building 3, Level 1, 631 Stuart Highway, Berrimah

Postal: GPO Box 1722, Darwin NT 0801

Tel: 1800 810 979

<https://pgt.nt.gov.au>

Executive Summary

The Northern Territory Public Guardian and Trustee supports the objectives of the Inclusive Communities Fund and welcomes investment to strengthen the capability of mainstream community organisations to include people with disability and increase opportunities for people with disability to participate meaningfully in ordinary community life.

The Public Guardian and Trustee's central position is that more inclusive communities and individual disability supports are complementary. Building the capability of mainstream community organisations can remove barriers and create greater opportunities for participation, connection and belonging. However, it cannot replace the individual supports that many people with disability require to leave their home, access community opportunities and participate meaningfully once there.

There are also practical limits to the support mainstream community organisations can reasonably provide, particularly smaller organisations operating with limited resources and relying heavily on volunteers. Community participation also extends beyond organised activities and includes ordinary aspects of life such as attending appointments, shopping, maintaining relationships and pursuing individual interests. These activities will continue to require individually funded support.

These considerations are particularly important in the Northern Territory, where geographic isolation, thin or absent service markets, workforce shortages, transport barriers and limited community infrastructure already significantly constrain opportunities for participation. A Fund model designed primarily around the capacity of established organisations risks providing the least benefit to communities experiencing the greatest barriers.

The Public Guardian and Trustee therefore considers that the Fund should:

- recognise that building community capacity does not remove the need for individual disability supports
- clearly define what increased community capacity is intended to achieve and the reasonable limits of what mainstream organisations will be expected to provide
- recognise the substantially different operating environment of regional, remote and very remote communities
- support culturally safe, locally led approaches for Aboriginal and Torres Strait Islander people with disability
- ensure people with cognitive or communication disability, people with complex support needs and people subject to guardianship orders are not unintentionally excluded from the opportunities created by the Fund
- prioritise practical, sustainable changes and evaluate success by the lived outcomes experienced by people with disability.

About the Public Guardian and Trustee

The Public Guardian and Trustee provides guardianship, advocacy, information, education and financial management services, supporting adults with impaired decision-making capacity to exercise their rights and participate in decisions about their personal lives and finances to the greatest extent possible. These functions are exercised under the *Guardianship of Adults Act 2016* (NT), *Advance Personal Planning Act 2013* (NT), *Health Care Decision Making Act 2023* (NT) and other relevant legislation.

The Public Guardian and Trustee is committed to promoting autonomy, dignity, inclusion and supported decision-making. Its work is aligned with the principles of the *United Nations Convention on the Rights of Persons with Disabilities*, which recognises the right of all people to make their own choices and participate fully in society.

The Public Guardian and Trustee supports adults with impaired decision-making capacity resulting from a range of impairments, including intellectual disability, acquired brain injury, psychosocial disability, neurodevelopmental conditions and dementia (see Figure 1).

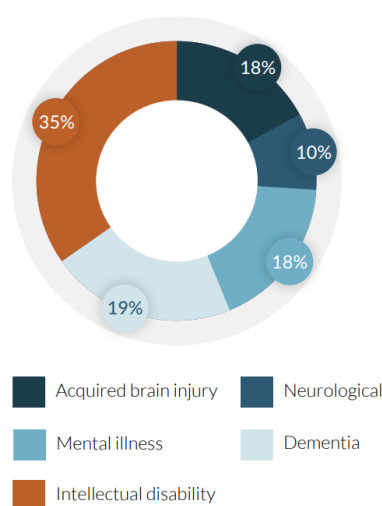


Figure 1 - Percentage of people with guardianship orders involving the Public Guardian and/or Public Trustee in 2024–25, by primary impairment¹

Through its guardianship, advocacy and financial management functions, the Public Guardian and Trustee regularly engages with disability services, mainstream services and community organisations on behalf of adults with impaired decision-making capacity. This provides the Public Guardian and Trustee with direct insight into the practical barriers that can affect a person's ability to exercise choice, access appropriate supports and participate meaningfully in community life.

¹ Public Guardian and Trustee Annual Report 2024–2025.

The Northern Territory context

The Northern Territory presents unique challenges for the delivery of disability and other essential services due to its vast geographic size, dispersed population and high proportion of residents living in regional, remote and very remote locations. Service delivery is also affected by significant workforce, transport, infrastructure and market constraints.

These factors can significantly affect a person's ability to access services and community activities and participate meaningfully in community life. As a result, initiatives designed to increase community inclusion may operate differently in the Northern Territory than in metropolitan areas.

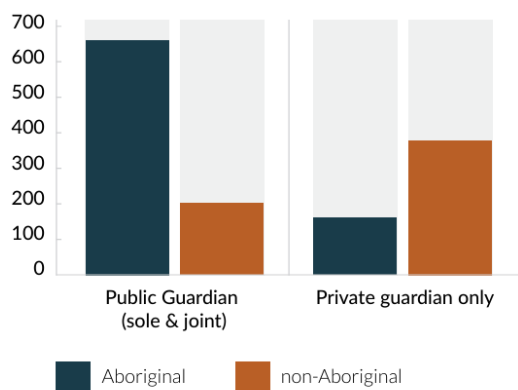


Figure 2 - Guardianship type in 2024-25 by Aboriginal and non-Aboriginal identity

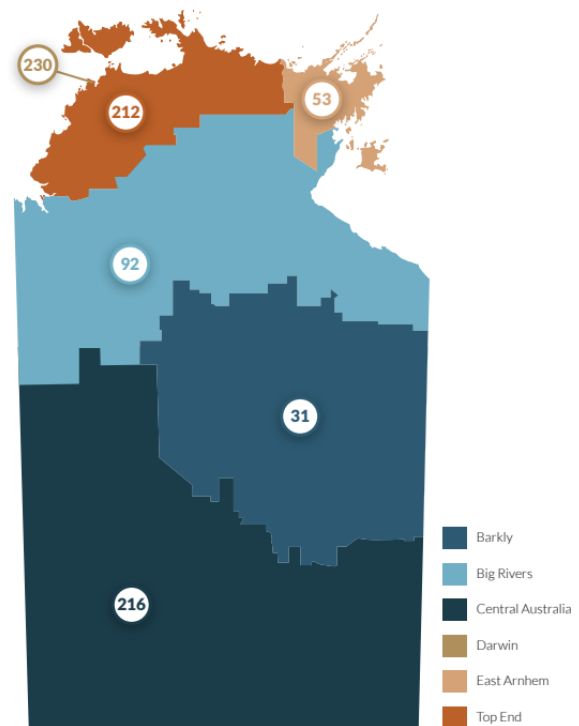


Figure 3 - Primary location of persons with guardianship orders where Public Guardian and/or Public Trustee appointed in 2024-25

A significant number of adults supported by the Public Guardian and Trustee for decision-making identify as Aboriginal and many reside in regional, remote and very remote communities.

These regional and remote communities often experience limited or non-existent disability service markets, chronic workforce shortages, language and literacy barriers, digital exclusion and significant gaps in mainstream health, housing and crisis supports. Together, these factors can create substantial barriers to accessing services and participating in community life.

Aboriginal people with disability in the Northern Territory may also experience intersecting barriers associated with poverty, overcrowded housing, trauma, racism, justice-system involvement and reduced access to culturally safe services. These factors can compound existing barriers to participation and community inclusion, particularly in remote and very remote communities.

This operating environment is important to the design of the Inclusive Communities Fund. Approaches that may be effective in metropolitan areas, where established community organisations and infrastructure are more readily available, may not translate directly to regional, remote and very remote Northern Territory communities.

Considerations for the design of the Fund

Human rights and individual supports

The Fund should be informed by both a human rights-based approach and the social model of disability. The social model of disability recognises that disability is shaped not only by a person's impairment, but by attitudinal and environmental barriers that limit their participation.² The Fund should also be informed by the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD), including Article 19, which recognises the right of people with disability to live in the community with choices equal to others and to have access to both inclusive mainstream community services and the individual supports required to enable community participation.

From the Public Guardian and Trustee's perspective, it is important that investment in more inclusive communities is not treated as an alternative to disability supports. The Public Guardian and Trustee regularly works with adults who require significant assistance to participate in community life, including communication assistance, personal care, mobility support, behavioural support, transport and assistance to understand options and express choices.

Improving the accessibility of a sporting club, community centre or cultural activity will not, by itself, enable participation if the person cannot access the individual support they require to attend. Equally, an individual support package cannot create genuine community inclusion where there are few accessible opportunities available. These two elements must operate together.

There are also practical limits to the support that mainstream community organisations can reasonably be expected to provide. Many community organisations, particularly smaller organisations, operate with limited staffing and rely heavily on volunteers. While these organisations can be supported to become more welcoming and inclusive, they cannot reasonably be expected to provide individual assistance with needs such as eating and drinking, personal care, toileting, mobility or behavioural support. For some people with disability, continued access to an appropriately funded support worker will therefore remain essential to their ability to participate, regardless of how inclusive the community organisation becomes.

Community participation also extends beyond participation in organised community activities. For some people with disability, individual support enables them to undertake ordinary activities such as attending appointments, having a haircut, shopping, maintaining relationships, pursuing personal interests or establishing a microbusiness. These forms of participation may not involve a community organisation whose capability can be strengthened through the Fund. The Fund should therefore be understood as one component of supporting community inclusion, rather than as a mechanism capable of addressing the full range of supports people may require to participate in community life.

The Public Guardian and Trustee also recognises that increasing mainstream accessibility will not necessarily make every activity suitable for every person. People have different interests, abilities and support needs, and some activities may have inherent participation requirements. Genuine inclusion should therefore be understood as increasing meaningful choice and the range of opportunities available, rather than assuming that every mainstream activity will meet every person's needs.

For many people, meaningful participation relies on a combination of mainstream opportunities, appropriately adapted activities and individual disability supports. Without these supports, opportunities for participation may be significantly reduced or unavailable.

² United Nations, *Convention on the Rights of Persons with Disabilities*, Preamble para (e) and art 1.

This approach is consistent with key findings and recommendations of the Disability Royal Commission. The Royal Commission's vision for an inclusive Australia emphasised belonging, connection, participation in ordinary community life, accessible information and communication, supported decision-making, co-design and reducing segregation. These themes are particularly relevant to the Fund's objective of strengthening the capability of mainstream community organisations to include people with disability.

Northern Territory and remote communities

The Northern Territory context outlined above has important implications for the design and delivery of the Fund. In particular, the Fund must recognise the significant differences in community and organisational capacity between metropolitan, regional, remote and very remote Australia.

The Public Guardian and Trustee's operational experience is that many represented adults in the Northern Territory can face significant barriers to participation arising from workforce shortages, provider instability, geographic isolation, transport barriers and limited disability, mainstream and community services. These challenges are particularly significant in remote and very remote communities.

In practice, there may be no alternative provider when a service ceases operating or cannot meet a person's needs. There may also be few community activities or facilities available locally, limited transport to enable participation and significant distances between a person's home and the services or activities available to them. These circumstances can substantially limit the choices that are realistically available to a represented adult.

This means that in some Northern Territory communities the challenge is not simply that an existing sporting club, arts organisation or community group needs disability inclusion training. There may be very few established organisations, activities, facilities or workers whose capability can readily be strengthened.

A model that prioritises building the capacity of established organisations risks reinforcing existing inequities, with the least benefit flowing to communities already experiencing the greatest service gaps and unmet need.

The Public Guardian and Trustee is concerned that a standard competitive grants process may similarly favour larger and better-resourced organisations or communities that already have the staff, governance systems and grant-writing capability required to seek Commonwealth funding. Smaller organisations and organisations operating in remote communities may have the greatest need for capability-building while having the least capacity to navigate complex application and reporting requirements.

The Fund should therefore:

- recognise the higher costs of operating, travelling and building capability in remote and very remote locations
- provide flexible application, delivery and reporting requirements
- provide practical assistance to smaller and locally based organisations to apply for and administer funding
- consider demonstrated community need, rather than existing organisational capacity alone
- allow flexible models of capability-building where there are few formal community organisations.

Without these safeguards, the communities in which the Public Guardian and Trustee sees some of the greatest barriers to participation may also be the communities least able to benefit from the Fund.

Aboriginal and Torres Strait Islander people with disability

The Public Guardian and Trustee's work in the Northern Territory includes working with Aboriginal adults with disability and impaired decision-making capacity, including people living in remote communities. This experience reinforces that accessibility must be understood more broadly than physical access to a building or activity.

A person's ability to participate may also depend on whether information is available in a form and language they understand; whether communication support is available; whether the organisation operates in a culturally safe way; whether participation supports connection with family, community, culture and Country; and whether the activity is designed around the way the local community operates.

For represented adults, accessible and culturally appropriate information and communication are also essential to ensuring they can understand their options and express their wishes and preferences about community participation.

Individualised supports are critical to enabling meaningful community participation for Aboriginal people with disability. These supports need to respond to a person's cultural identity, family and community relationships, communication needs, geographic location and individual goals. A standardised approach may not adequately recognise the different cultural obligations, family structures and community contexts that shape how a person participates in community life.

For many Aboriginal people with disability, culturally safe support may be best provided through Aboriginal organisations, Aboriginal workers or other trusted local supports with established community relationships and cultural knowledge. This can be particularly important where participation involves returning to Country, maintaining family and community connections, taking part in cultural practices or fulfilling cultural responsibilities. Cultural brokers may also play an important role by bridging cultural, language and communication differences between people with disability, their families, services and mainstream community organisations. This can include helping organisations understand local cultural protocols, supporting people to understand and engage with available opportunities and building the trust and communication needed for sustained participation.

Aboriginal and Torres Strait Islander people with disability should be meaningfully involved in designing initiatives intended to benefit them. Funding should also support locally led approaches and partnerships with Aboriginal community-controlled organisations.

The Fund should avoid assuming that metropolitan models of community participation or organisational capability can simply be transferred to remote Aboriginal communities. Locally identified priorities, existing community structures and trusted organisations should be able to form the basis of funded initiatives. This approach would also be consistent with the Disability Royal Commission's recommendations concerning First Nations people with disability, including strengthening the community-controlled sector, disability-inclusive cultural safety and development of local First Nations disability workforces in remote communities.

Choice, autonomy and supported decision-making

The Public Guardian and Trustee considers choice, autonomy and supported decision-making to be particularly important considerations in the design and delivery of the Fund. Through its guardianship work, the Public Guardian and Trustee sees that physical access to an activity does not necessarily translate into genuine participation, choice or autonomy.

Adults subject to guardianship orders may require assistance to identify available activities, understand their options, express whether and how they wish to participate and communicate their preferences to service providers and community organisations.

A guardianship order should not result in an organisation assuming that the guardian, carer or disability provider should make ordinary lifestyle choices on the person's behalf. Nor should a person's need for decision-making support result in them being excluded from an activity because communicating with or supporting them is perceived as more difficult.

People should be supported to express their own views, preferences and choices rather than relying solely on guardians, carers or service providers to speak on their behalf.

These principles are consistent with the *Guardianship of Adults Act 2016 (NT)*, including its emphasis on supported decision-making, the least restrictive approach, independence, dignity and wellbeing. The Act also recognises the importance of an adult's ability to live in the general community, participate in community activities and maintain or develop supportive relationships.

This approach is also consistent with the Disability Royal Commission's recommendations on supported decision-making. In particular, Recommendation 6.6 calls for equitable access to decision-making support and for decisions to be directed by a person's will and preferences, while Recommendation 6.13 recognises the importance of information, education and training in building a culture of supported decision-making. The Northern Territory has accepted these recommendations in principle.

The Public Guardian and Trustee therefore recommends that capability-building funded through the program include practical assistance for mainstream organisations to:

- communicate directly with people with cognitive and communication disability;
- understand the role and limits of guardianship;
- seek and respond to the person's own wishes and preferences;
- provide information in accessible formats; and
- work constructively with families, guardians and disability supports without displacing the person's own voice.

This would go some way towards addressing barriers that the Public Guardian and Trustee encounters in practice while supporting the broader objective of ensuring that people with disability participate in community life on an equal basis with others.

Activities that would be beneficial

From the Public Guardian and Trustee's perspective, grants provided through the Inclusive Communities Fund should prioritise practical and sustainable changes that enable people with disability, including people with complex support needs, people with impaired decision-making capacity and people subject to guardianship orders, to exercise choice, develop relationships and participate meaningfully in ordinary community life.

Activities that may be particularly beneficial include:

- **building disability capability in mainstream organisations**, including practical training for staff and volunteers in disability inclusion, supported decision-making, accessible communication and trauma-informed practice
- **improving cognitive and communication accessibility**, including Easy Read and other accessible information formats, visual and alternative communication methods, accessible websites and simpler registration processes and information about activities
- **improving physical accessibility**, including accessibility audits and reasonable modifications to community, cultural, recreational and sporting facilities
- **removing organisational barriers**, including reviewing policies, eligibility requirements, registration processes and practices that may unintentionally exclude people with disability
- **building culturally safe capability**, including partnerships with Aboriginal community-controlled organisations, local communities and Aboriginal people with disability

- **developing inclusive approaches for people with complex support needs and people subject to guardianship orders**, to reduce avoidable barriers for people requiring significant physical, communication, behavioural or decision-making support
- **strengthening supported decision-making**, including helping community organisations engage directly with people who require decision-making support, seek their views and preferences and support their participation rather than relying solely on guardians, carers or service providers
- **strengthening social connection and reducing isolation**, particularly for people with limited informal support networks, by creating opportunities for ongoing relationships, belonging and participation rather than one-off engagement
- **building capability in remote and very remote communities**, including outreach, mentoring and practical assistance for small and locally based organisations and supporting collaboration where individual organisations have limited capacity
- **developing pathways into mainstream community life**, including partnerships between disability services, mainstream community organisations and Aboriginal community-controlled organisations to identify and remove barriers to participation
- **supporting co-design and leadership by people with disability**, including advisory groups and other ways for people with disability, including people who require communication or decision-making support, to identify barriers, influence organisational practices and assess whether initiatives are achieving meaningful inclusion.

While these forms of capability-building have the potential to increase opportunities for participation, the Public Guardian and Trustee is gravely concerned about the potential interaction between the Fund and proposed changes to NDIS Social and Community Participation supports. While recognising that these reforms are subject to separate consultation, any reduction in access to individualised supports for community participation could undermine the objectives of the Fund.

This is particularly relevant for people living in supported independent living accommodation. Increasing the availability of inclusive community opportunities will have limited benefit if a person does not have sufficient funded support to leave their home and access those opportunities. The Public Guardian and Trustee considers that the impact of broader NDIS reforms on the availability of support for people to access community life should therefore be carefully considered alongside the design of the Fund.

The importance of maintaining access to individual supports is also evident in the circumstances of represented adults with limited informal networks. Some represented adults may have most of their daily contact with paid support workers or service providers. Access to funded disability services should not be treated as equivalent to friendship, belonging or participation in ordinary community relationships.

Capability-building that enables mainstream organisations to welcome and sustain the participation of people with complex disability can therefore have value beyond attendance at an individual activity. It can support the development of relationships, community connection and a life that is less defined by formal service systems.

Where transport or geographic barriers affect participation, funded organisations should be encouraged to consider these barriers in the design, location and scheduling of activities and to coordinate with other relevant programs and supports. This should occur within the Fund's stated scope and should not duplicate transport services funded through other systems.

The Public Guardian and Trustee considers that the Fund should prioritise practical changes that build lasting community capacity, rather than one-off awareness activities. Success should be demonstrated through practical improvements in accessibility, participation and the experiences of people with disability.

Flexibility will be particularly important in remote and very remote Northern Territory communities. Where few formal organisations exist, the Fund should allow capability to be developed through trusted local organisations and existing community structures rather than requiring approaches designed for metropolitan or urban settings.

Role of local government

Local governments can play an important role in community inclusion through their connections with local organisations, facilities and community activities.

In some Northern Territory locations, local government may be well placed to identify participation barriers, coordinate local partnerships and strengthen accessibility within council-operated facilities and activities.

However, the Public Guardian and Trustee does not consider local government should be the default or exclusive mechanism for locally based initiatives. In remote Aboriginal communities in particular, Aboriginal community-controlled organisations, local organisations or other existing community structures may be better placed to identify community priorities and lead the work. The Fund should retain sufficient flexibility to reflect these local differences.

Creating lasting inclusion

As a three-year capability-building initiative, the Fund should focus on changes capable of continuing after individual grants end.

This is more likely where funding results in changes to an organisation's ordinary policies, practices, communication, workforce capability and partnerships rather than creating a separate disability-specific activity dependent on continuing grant funding.

The Fund should therefore encourage projects that:

- embed inclusive practice within normal organisational operations
- establish sustainable partnerships and local capability
- involve people with disability in identifying barriers and assessing whether they have been addressed
- create improved coordination or linkages between existing community infrastructure and organisations
- demonstrate how improvements will continue after grant funding concludes.

Evaluation should focus on outcomes experienced by people with disability rather than organisational outputs alone.

Measures of success should include whether people experience fewer barriers, greater choice and autonomy, stronger relationships and belonging, and increased meaningful participation in ordinary community life.

Key recommendations

The Public Guardian and Trustee recommends that the Fund:

1. design the Fund around the practical barriers experienced by people with disability, including people with cognitive or communication disability, people with complex support needs, people with impaired decision-making capacity and people subject to guardianship orders

2. recognise that individual disability supports and inclusive communities are complementary and that improving community capacity does not remove the need for individual supports, including supports that enable a person to leave their home, access community opportunities and participate meaningfully once there
3. clearly articulate what increased community capacity is intended to achieve and the reasonable limits of the support mainstream community organisations will be expected to provide
4. recognise the substantially different operating environment in regional, remote and very remote communities, including workforce shortages, provider instability, geographic isolation, transport barriers and limited mainstream and community infrastructure
5. ensure grant processes do not favour organisations and communities that already have greater organisational and administrative capacity
6. provide flexible funding, application and reporting approaches appropriate to remote and very remote communities and smaller locally based organisations
7. support culturally safe and locally led approaches for Aboriginal and Torres Strait Islander people with disability, including through Aboriginal community-controlled organisations and existing community structures
8. build the capability of mainstream organisations to engage directly with people who require communication or decision-making support and to understand the role and limits of guardianship
9. ensure funded initiatives do not unintentionally exclude people with significant physical, behavioural, communication or decision-making support needs;
10. prioritise practical and sustainable changes to ordinary organisational practices rather than one-off awareness activities
11. evaluate success by whether people with disability experience fewer barriers, greater choice and autonomy, stronger social connection and increased meaningful participation in ordinary community life.

Conclusion

The Public Guardian and Trustee supports the objectives of the Inclusive Communities Fund. The Fund provides an opportunity to advance the human rights of people with disability by addressing barriers within communities, organisations and systems and creating greater opportunities for genuine participation and belonging.

The Public Guardian and Trustee's experience is that the barriers preventing people with disability from participating in community life are often practical, interconnected and highly dependent on where a person lives. This is particularly evident in the Northern Territory, where represented adults may face limited service and provider choice, significant distances, transport barriers, workforce instability and very limited mainstream community opportunities.

The Public Guardian and Trustee also sees that people with cognitive and communication disability, people with significant support needs and people subject to guardianship orders can be excluded in less visible ways. An activity may technically be open to them while its communication, organisational processes or assumptions about decision-making make meaningful participation difficult or impossible.

Importantly, building the capability of mainstream community organisations will not replace the need for individual disability supports. For many people with disability, particularly people with significant physical, communication, behavioural or decision-making support needs, individualised support will remain essential to enable them to leave their home, access community opportunities and participate once there. An inclusive community opportunity has little practical value to a person who does not have the support required to access it.

The Fund provides an important opportunity to address barriers within mainstream community organisations. To achieve equitable outcomes, however, its design must be sufficiently flexible to respond to the circumstances of remote and very remote communities and sufficiently inclusive to reach people whose support needs are more complex.

The ultimate measure of the Fund's success should be whether people with disability, including people subject to guardianship orders and people with complex support needs, experience fewer barriers and greater choice, autonomy, connection, belonging and meaningful participation in community life on an equal basis with others.