



**Basic Rights
Queensland** Inc.
SOCIAL SECURITY & DISABILITY
DISCRIMINATION SERVICES

Submission to the Department of Social Services

National Disability Advocacy Framework

Introduction

Basic Rights Queensland (BRQ) is a state-wide specialist community legal centre, providing advice, advocacy and free legal services to people having problems with social security or disability discrimination.

More than half our clients are people with one or more disabilities, one-quarter have a mental health issue, 90% of our clients are living on under \$500 a week and nearly one-fifth have no income at all at the time they contact us.

With over thirty years' experience of advocating for our clients' rights to their social security entitlements and to live a life free from discrimination, we well understand the challenges facing people with disability and their carers in dealing with systems and organisations and in asserting their right to appeal decisions made by these systems or organisations. While many can navigate on their own, without independent oversight and independent advocacy others will not be able to protect their rights and overcome barriers.

Our submission is based on our expertise in assisting, advocating and representing people through the social security appeals system and in making seeking redress for disability discrimination through the Australian Human Rights Commission or the Anti-Discrimination Commission of Queensland Processes. As such this submission focusses only on relevant aspects of advocating within a community legal centre context.

Submission

Basic Rights Queensland Inc. welcomes the opportunity to contribute to the timely review of the Framework by the Commonwealth.

What is disability advocacy?

We submit that the current definition of disability advocacy within the framework is sufficiently broad to cover all areas where people with a disability need to have their rights protected and barriers overcome.

We note that the definition in the discussion paper includes the specific support to find employment and training. We submit that this is not required as the existing definition encompasses this specific area. If the intention is to include this specific support, then other specific areas where people with a disability require legal advocacy should also be specified. For example, but not exclusive, are specific areas recognised by the *Disability Discrimination Act 1992* (Cth) and various state and territory anti-discrimination laws. We mention these as this is our area of practice.

- In education other than training
- Access to services and facilities
- The provision of goods, services and facilities
- The provision of accommodation
- The disposal or offer of an estate or interest in land
- By clubs and incorporated associations
- In sport
- The administration of commonwealth, state, territory and local government law and programs
- In superannuation and insurance

Also, ensuring that people with disabilities are receiving the appropriate financial assistance outside the NDIS, through the social security system, should also be specified.

Other community legal centres advocate for people with disabilities in other areas of law, for example in guardianship matters, and these should be specified as well. There are other specific areas where non-legal or quasi-legal advocates advocate for people with a disability, for example in hospice care. The specific areas are numerous. Therefore, we submit that the current general definition is the most practical approach to cover all people with a disability in all situations where their rights are protected and barriers are required to be overcome and there should be no reference to specific areas such as in employment and training.

Current Framework

Basic Rights Queensland Inc. believes the current Framework enables advocacy to people with a disability who are participants in the NDIS, and people with a disability who are not.

It allows a funding model to Community Legal Centres that currently exists; for example, we are funded by the Commonwealth and Queensland governments to advise and advocate for our clients with a disability. It also enables further adequate funding that would be required to advise and advocate for individuals and contribute to systemic advocacy to protect people's rights within the NDIS. The further funding should be made available, in our view, outside the NDIS and NDIA to independent organisations, , which can be fearless in advocating for people with a disability without concerns that funding decisions for those organisations are being made by the bodies whose decisions we are assisting our clients to review.

Principles

The current principles of advocacy will continue to be appropriate, and cover people with a disability within and outside the NDIS.

Outcomes

The current outcomes of the Framework will continue to be appropriate, and cover people with a disability within and outside the NDIS.

Outputs

The current outputs of the Framework will continue to be appropriate, and cover people with a disability within and outside the NDIS.

The Framework in the current and future disability environment

Basic Rights Queensland Inc. and other community legal centres are well placed, if appropriately funded, to advocate for clients currently and in the context of the NDIS. We are independent, we are not providers of disability services, ensuring that there would be no risk of conflict of interest and we are available to all people with a disability.

Yours sincerely



Georgina Warrington
Director
Basic Rights Queensland Inc

31 July 2015