

National Disability Advocacy Framework

2022-25

Introduction

Disability advocacy supports people with disability by ensuring their rights are maintained, promoted and valued. It can enable people with disability to actively participate in decisions and processes, which advance their rights, wellbeing and interests. For some people with disability this involves being supported by advocacy services to participate in the decisions that affect their lives, especially around access to services and support, and to be actively involved in their communities.

The National Disability Advocacy Framework 2022-25 (the Framework) is a shared commitment to disability advocacy between the Commonwealth, state and territory governments to ensure there is access to advocacy services for all people with disability nation-wide. The Framework will allow governments to work towards the alignment of advocacy services and standards to improve outcomes and access for people with disability.

In 2008, Disability Ministers requested Commonwealth, state and territory officials develop a nationally consistent framework for advocacy that covered individual and system wide advocacy, common definitions and desired outcomes and data issues. The National Disability Advocacy Framework 2012 (the 2012 Framework) established key outcomes to guide the provision of advocacy for people with disability and promote greater consistency across government funded advocacy programs.

The 2012 Framework is being revised in consultation with people with disability, to support the implementation of Australia's Disability Strategy 2021-2031 (Strategy). The Strategy recognises advocacy helps safeguards people's rights and overcome barriers to their inclusion and participation in the community. The Safety, Rights and Justice Outcome Area under the Strategy acknowledges disability advocacy as being an important way to enable and support people with disability to protect and uphold their rights. This Outcome Area aims to ensure 'the rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law'. This outcome statement is the core principle underpinning the Framework.

Implementation

The Framework will be supported by a disability advocacy work plan which will drive the implementation of its objective, principles and outcomes. The work plan will be developed and implemented between the Commonwealth, state and territory governments. The work plan will be informed by engagement with people with disability and where appropriate, align with the Strategy's Targeted Action Plans.

Updates to the Framework will be considered 12 months prior to the cessation of this Framework in 2025, incorporating the progress of the advocacy work plan and public consultations and findings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Rationale

People with disability often face barriers which impede their ability to participate in society resulting in poor life outcomes. This includes physical, communication, attitudinal, economic, and systemic barriers. Advocacy provides people with disability support and capacity to make and participate in decisions that impact their lives to ensure their rights are promoted and protected.

The Framework recognises all members of the community can experience discrimination based on gender, age, education, employment, sexuality, geographic location, socio-economic group, ethnicity and cultural background. The experience of disability often brings additional disadvantage and stigma.

The Framework is underpinned by a person-centred and rights based approach whereby policies and programs are designed to respond to individual needs and aspirations, and reflect the rights of people with disability.

Objective

Through this Framework, the parties commit to the following objective as the long-term goal governments should strive for in the provision of disability advocacy in Australia:

People with disability access effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights, enabling full community participation and inclusion.

Principles

The Framework is informed by and supports the implementation of the following:

- *United Nations Convention on the Rights of Persons with Disabilities*
- *Disability Discrimination Act 1992*
- *Australia's Disability Strategy 2021-2031*
- *Closing the Gap National Agreement.*
- *NDIS Quality and Safeguarding Framework*
- *Information Linkages and Capacity Building program*

The parties to this Framework accept and adopt the following national disability advocacy principles as guiding the provision of advocacy for people with disability:

Presumption of Rights and Capacity

- All people have the right to be free from abuse, neglect, and discrimination.
- All people have the right to pursue any grievance or complaint.
- All people have the right to privacy, dignity and confidentiality.
- All adults have an equal right to make decisions that affect their lives, and to have those decisions respected.

- Children and young people with disability have the right to participate, in whatever capacity, in decisions that impact on their lives.
- Adults with disability are presumed to have capacity to make and take part in decisions affecting all aspects of their life.

Access to Supports

- Facilitating effective and appropriate communication for people with disability is an essential component of disability advocacy.
- The will, preferences and rights of people with disability who may require decision-making supports, must direct the decisions that affect their lives.

Participation and Inclusion

- Disability advocacy is an essential tool for fostering the full and effective participation and inclusion of people with disability in society.

Justice

- Disability advocacy is inclusive of legal advice and representation where it is required to assist people with disability to exercise their rights.

Person-Centred Approach

- Keeping in-line with the principle *'Nothing about us, without us'*, disability advocates should:
 - ensure the voice of the individual is understood and heard
 - empower individuals to use their voice by identifying a person's strengths, and to use these strengths to maximise their involvement in decisions and outcomes; and
 - foster independence through educating individuals in self advocacy.

Aboriginal and Torres Strait Islander People with Disability

- In-line with the Closing the Gap National Agreement, for Aboriginal and Torres Strait Islander people with disability, ensuring:
 - partnerships and shared decision-making processes are implemented to support the design and implementation of disability advocacy
 - the community controlled sector is strengthened to deliver advocacy
 - cultural safety and capabilities of non-Indigenous disability advocacy are strengthened; and
 - access to, and the capability to use, locally-relevant data and information to contribute to, set and monitor disability advocacy.

Respect for Intersectionality and Diversity

- Diversity of people with disability is respected including where they are affected by additional forms of discrimination and disadvantage due to their age, gender, culture, heritage, language, faith, sexual identity, relationship status, and other relevant factors.

Safeguards

- The rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law.
- Individuals are supported to identify and understand when they have been subject to violence, abuse, neglect and exploitation and to understand what actions they can take in response to what they have experienced.

Outcomes

Disability advocacy supports provided in-line with this Framework will contribute to the following outcomes:

- People with disability are accorded the same rights and freedoms as all Australians.
- People with disability enjoy increased choice, control and wellbeing, exercise their right to make decisions, are involved in all decision-making processes that affect their lives, and receive the support they need to make those decisions.
- People with disability are able to participate in all aspects of the civil, political, economic, social and cultural life of our communities.
- Regardless of where they live, people with disability can access quality and independent advocacy support.
- People with disability, including those experiencing multiple disadvantage, are supported to have effective interactions and access to disability supports and services and/or mainstream services and facilities including supportive, flexible and timely access to justice and legal advocacy.
- Aboriginal and Torres Strait Islander peoples with disability will have a greater say in how advocacy is designed and delivered; have access to culturally and linguistically appropriate, and culturally safe, disability advocacy, including access to community controlled organisations delivering disability advocacy; and have access to, and the capability to use, locally-relevant data and information.
- Culturally and linguistically diverse communities, have access to culturally and linguistically appropriate, and culturally safe, disability advocacy that features the engagement and input of relevant local communities.
- People with disability have a range of ways to express their views and wishes about supports and services, play an active role in working out how things will improve, and can access a complaints mechanism and independent support and advice when providing feedback or making a complaint in relation to the supports and services they purchase or engage.
- The demographics of people with disability receiving individual advocacy reflects the diversity of the communities that the agencies are operating in.
- People with disability have the opportunity to be actively involved in all aspects of the development, delivery and evaluation of disability and broader government policies, programs and services that impact them.
- There is increased community awareness of barriers to people with disability, the stigma associated with disability and the presence and value of advocacy supports.

Definitions

Disability advocacy enables people with disability to participate in the decision-making processes that safeguard and advance their human rights.

Individual advocacy a one-on-one approach, undertaken by a professional advocate, relative, friend or volunteer, to prevent or address instances of unfair treatment or abuse.

Systemic advocacy involves working for long-term social change to ensure the collective rights and interests of people with disability are served through legislation, policies and practices.

Self advocacy undertaken by someone with disability who speaks up and represents themselves. Support and training for self advocacy is available through community-based groups.

Responsibilities, Reform and Policy Directions

- In agreeing to this Framework, the Commonwealth, state and territory governments are committing to share the responsibility for disability advocacy in their jurisdictions. How each advocacy program is developed, funded and managed is the decision and subsequent responsibility of the funding government.
- In agreeing to this Framework, the Commonwealth, state and territory governments are committing to working together to achieve an effective network of disability advocacy across Australia. This includes supporting the capacity building of disability advocates and the development of nationally consistent guidelines and processes.
- In agreeing to this Framework, all Commonwealth, state and territory governments are committing to:
 - Ensuring policy and reform that affect people with disability are designed and implemented include people with disability at the centre of the design. This includes implemented person-centred approaches and co-design principles.
 - Ongoing policy and reform directions in the provision of disability advocacy to achieve the objective and outcomes of this Framework.
 - Building awareness across the disability sector and the community of the rights of people with disability and the importance of disability advocacy.
 - Ensuring the funding of disability advocacy is transparent, equitable and accountable, and geographical coverage and services gaps are identified and addressed.
 - The collection, use, and reporting of evidence based data for administration and planning of disability advocacy and improvement of services systems.
 - Improving coordination and communication between disability advocacy organisations, disability services, the National Disability Insurance Agency, mainstream services, community-based services and governments to develop the overall capacity of the disability sector, including promoting linkages between individual and systemic advocacy.
 - To implement advocacy in-line with the Closing the Gap National Agreement Priority Reforms.