03 June 2022

Disability Advocacy Policy
GPO Box 9820
Department of Social Services
Canberra ACT 2601

Via email: disabilityadvocacysecretariat@dss.gov.au

Dear Disability Advocacy Secretariat,

Thank you for the opportunity to comment on the draft National Disability Advocacy Framework (NDAF).

As the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making capacity. [1]

I note the department previously called for submissions in 2015 to inform their review of the National Disability Advocacy Framework, following its initial endorsement in 2012. At that time, the department recognised the significant changes to the delivery of services and support to people with a disability that were occurring with the commencement of the National Disability Insurance Scheme (NDIS) across Australia in 2013.

The previous Public Advocate of Queensland provided a submission to the department in 2015, in response to the then review of the NDAF.

In April 2015, the former Council of Australian Governments' Disability Reform Council agreed that NDIS would fund decision support, safeguard supports and capacity-building for participants which included supporting NDIS participants to approach and interact with disability supports and access mainstream services.

At that time, it was also agreed that systemic advocacy and legal review and representation would be funded outside of the NDIS.[2] Further to this, in 2019 it was agreed that funding of independent disability advocacy is a responsibility that is to be shared by all jurisdictions.

I welcome the draft of the new NDAF and am pleased to see that many of the recommendations suggested by the previous Public Advocate have been addressed in the new framework.

The new NDAF outlines the principles of the framework, and recognises it is informed by, and supports the implementation of the:

- 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; and
- Information Linkages and Capability Building Program.

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[1] *Guardianship and Administration Act 2000* (Qld) s 209.

[2] COAG Disability Reform Council Communique, 24 April 2015, COAG Disability Reform Council Communiqué | Former Ministers and Parliamentary Secretaries (dss.gov.au)
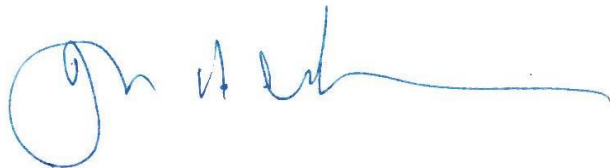
While I support recognition of the above, it is highly likely that people with a disability may need to access several different systems throughout their life and may require advocacy support across these systems. The systems include, but are not limited to; health, housing, transport, aged care, criminal justice and welfare and social services, in addition to the NDIS.

Given the funding of independent disability advocacy is the responsibility of all jurisdictions and is to be funded outside of the NDIS, I believe it is important to acknowledge other government system frameworks in the new NDAF. This should include, as a relevant example, the Aged Care Diversity Framework (2017)[3] and the National Aged Care Advocacy Framework (2018).[4] I anticipate that other systems will also have relevant frameworks and principles in place that need to be acknowledged and considered as a component of the NDAF.

Thank you again for the opportunity to comment on the new draft of the National Disability Advocacy Framework.

If you require clarification of any recommendations raised in this correspondence, please contact my office on 07 3738 9513.

Yours sincerely

John Chesterman (Dr)
Public Advocate

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[3] Department of Health, "*Aged Care Diversity Framework*", December 2017. Aged Care Diversity Framework (health.gov.au)
[4] Department of Health, "*National Aged Care Advocacy Framework*", December 2018. NATIONAL AGED CARE ADVOCACY FRAMEWORK (health.gov.au)