National Disability Advocacy Framework 2022-25

Kin Advocacy Submission

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**About Kin Disability Advocacy (formerly EDAC):**

Kin Disability Advocacy formerly (EDAC) is Western Australia's peak not‐for‐profit organisation advocating for the rights of people with a disability, from a Culturally and Linguistically Diverse (CALD) background and their family and carers. Kin Disability Advocacy is a member of the National Ethnic Disability Alliance (NEDA).

Kin Disability Advocacy currently receives recurrent funding from the Australian Department of Social Services (DSS) and the WA Department of Communities Disability Services (DS).

Kin Disability Advocacy delivers individual and systemic advocacy services in the metropolitan, regional and remote areas of WA. This includes state-wide CALD advocacy services and individual generalist advocacy to WA's North-West region (Kimberley and Pilbara).

Additional project funding is used to deliver human rights-based self-advocacy training for people with disability and their families/carers.

Kin Disability Advocacy generates extra income from its cultural competency training for the disability services sector. This training is delivered in line with the National Disability Services Standards.

Kin Disability Advocacy also has a Digital Communication Project where issues of disability and ethnicity are discussed in terms of new and existing services, policies, legislation, etc.

Kin Disability Advocacy appreciates the opportunity to provide comments in response to the National Disability Advocacy Framework

Kin Advocacy commend the development of a framework which supports people living with disability by ensuring their rights are maintained, promoted, and respected. We value the demonstration of a shared commitment to disability advocacy between the Commonwealth, state and territory governments to ensure access to advocacy services for all people living with disability. We support this simple and succinct framework which will allow governments to work towards the alignment of advocacy services and standards to improve outcomes and access for people with disability. We acknowledge that people with disability and the entire community benefit when people with disability are able to access and is supported by long-term Advocacy Service.

Kin Advocacy therefore fully supports a strengthened, well-resourced and effective program of independent advocacy for people with disability through the National Disability Advocacy Program.

Our submission responds to the specific questions in the draft NDAF, but provides some initial overarching comments to frame the views of Kin Advocacy:

* Advocacy Service being responsive and inclusive of all disability types and geographic locations as well as diverse groups, including Aboriginal and Torres Strait Islander people with disability, women with disability, children and young people with disability, older people with disability, people from Culturally and Linguistically Diverse (CALD) /Non-English Speaking Backgrounds (NESB) with disability and people with disability from LGBTIQA communities;
* interconnections with both the NDIS, the NDS and other national reform agendas;
* a nationally consistent data collection system that provides the evidence base and benchmarks for progress in achieving human rights as well as emerging human rights issues for people with disability;
* a consistent and equitable funding model that recognises and is commensurate with the critical role that independent advocacy performs in advancing the human rights of all people with disability.
1. **Comments on the Definition of a good advocacy**

Good advocacy must provide people with disability support and capacity to make informed choice and participate in decisions that impact their lives and to ensure their rights are promoted and protected. 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.

People with disability can potentially 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.

Therefore, in developing the Framework, it should be underpinned by a person-centred approach, a co-designed element and rights-based approach whereby people with disability are the focus.

The following provide a description of a good advocacy services desired:

* Disability advocacy that enables people with disability to participate in the decision-making processes that safeguard and advance their human rights;
* Advocacy service that supports people with disability to exercise their rights, through either one-to-one support (individual Advocacy), supporting people to advocate for themselves individually once empowered (Self Advocacy);
* An Advocacy Service that seeks to improve the quality of lives of persons with disability by constantly introducing and influencing longer term changes to ensure the rights of people with disability are attained and upheld (Systemic Advocacy);
* Recognition of Advocacy as a right rather than a service to be accessed by people with disability;
* Advocacy service that is accessible to all on an equal basis where advocacy agencies are in a position to gain access to all forms of interpreting services;
* Consideration of funding decisions to Specialised agencies that have a track record or expertise in working in a culturally inclusive and safe manner – Supporting Specialist Independent Advocacy Organisations Where a need has been identified that specific groups are not able to access advocacy that meets their particular needs with capital funding to provide advocacy targeted at the specific cohort who best understand the needs of the group .

For the outcomes and the outputs of the NDAF to be relevant and inclusive of people from CaLD background and those of Aboriginal and Torres Strait Islanders, Kin Advocacy recommends that:

* Advocacy services should be tailored to individual needs;
* Recognise that advocacy for people with complex needs would be multi-dimensional and complex;
* Work together with people with disability, their families, and carers in minority groups to develop more appropriate strategies to engage them in the NDIS and in the wider community in employment, health, education, housing, etc.
* People from CaLD background with disability continue to present gaps in knowledge and accessibility and require information advocacy on what supports, and services are available for them and how to access those services;
* Funding is provided for advocacy services that are totally independent of service provision to ensure no conflict of interest;
* Individual advocacy work requires a level of systemic advocacy to influence change, so any advocacy services purchased by government should reflect this demand;
* The NDAF should support people with disability who are not Australian citizens or permanent residents of Australia. Neglecting this cohort group is contrary to the UNCRPD as it a discriminatory policy. NDAF must recognise the advocacy needs of those people with disability to be afforded basic supports and protection for them to reduce / eliminate any form of discrimination against them.
1. **Comments to the draft principles**

We endorse that the framework is informed by and supports the implementation of the following principles:

• 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

• United Nations Convention on the Rights of Persons with Disabilities

systemic advocacy is absolutely necessary to influence changes to the services, policies and practices to improve the lives of people from NESB with disability and that systemic advocacy must be well resourced in all states and territories. However, Australia’s Disability Discrimination Act (1992) currently does not apply to the Migration Act (1958); the Social Security Act (1991) and many other commonwealth parliamentary acts. This may discriminate against people from CaLD backgrounds with disability. If the DDA is not strengthened to apply to the Migration Act and the Social Security Act, applying the principles of the United Nation’s Convention on the Rights of People with Disability (UNCRPD) would be more difficult to apply to the NDAF.

Kin Disability Advocacy recommends that the NDAF principles to include the Substantive Equality Framework to reduce/eliminate systemic discrimination in legislation, policies, programs, and services. Substantive equality recognises that:

* Rights, opportunities, entitlements, and access are not always distributed equally throughout the community;
* Equal application of rules to unequal groups may produce unequal outcomes;
* If the services are tailored for the dominant, majority group then the people in disadvantaged minority groups who are not part of the majority group may miss out on the essential services;
* Systemic discrimination occurs when practises, policies, programs, services and legislation discriminate unfairly on the impact or outcome irrespective of the intention.
* Substantive equality requires intentionally achieving equitable outcomes and equal opportunity by promoting sensitivity to the different and unique needs of people from CaLD, Aboriginal and other disadvantaged backgrounds with disability and by eliminating systemic discrimination in legislation, policy, programs, services and practice;
* Practise and services must be tailored to the individual needs; should be culturally responsive, free from discrimination and developed in partnership with CaLD, Aboriginal and other disadvantaged people with disability, their families and carers; and
* Services are provided by staff who understand, value and respect cultural diversity.
* We are concerned the propensity of this Framework to become a bureaucratic cog if a person-centred approach and the priority of involving people with disability in a co-design is not adopted.
* However, the correlation between the framework and the CRPD is important, and this instrument should be a reference point throughout the development of the NDAF consistent with the co-principles in advocacy.
1. **Comments on accepting, adopting the national disability advocacy principles guiding the provision of advocacy:**

A - 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.

The word “presumption” is not the best word for this purpose as some people may not have the capacity to make decisions or may not have the information to enable them make informed choice.

B - Access to Supports

• Facilitating effective and appropriate communication for people with disability is an essential component of disability advocacy – the right to access advocacy in whatever form.

* Advocacy must remain independent and independent of services and free from conflicts of interest.

• The will, preferences, and rights of people with disability who may require decision-making supports, must direct the decisions that affect their lives.

C - Participation and Inclusion

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

It is important that systemic advocacy and advocacy through community engagement is supported to ensure barriers to being included and considered in the context of cultural identity and ensuring that people with disability from CaLD backgrounds can participate safely in events.

D - Justice

• Disability advocacy is inclusive of legal advice and representation where it is required to assist people with disability to exercise their rights –there needs to be greater access to Legal Aid services for people with disability.

1. 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.

F. 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 –avoid conflict of interest. Example, if Community controlled sector agencies in the local area provide other services such as delivers NDIS or Community aged care services in providing independent disability advocacy.
* Other community-controlled services should be considered where there is no conflict of interest e.g. Community Legal Service or Aboriginal Legal service.
* 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 – having local staff to provide culturally safe advocacy is a good outcome for clients.

Currently there is no consistent model of data reporting for systemic advocacy across the states and territories.

1. 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.

1. 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 – Advocacy to provide increased information advocacy on what is abuse neglect and exploitation in a culturally specific manner. Advocacy services and staff should ensure that they remain update on reporting processes and referral pathways for clients impacted by abuse/ neglect or exploitation. Advocacy Service should report instance of abuse, neglect and exploitation through the relevant reporting channels.

1. **Comments on desired outcomes**
* Advocacy is an important way to enable and support people with disability through developing these outcome areas.
* The above Outcome Area will ensure the rights of people with disability are promoted, upheld and protected, and people with disability feel safe while experience equality before the law.
* Understandably, the Framework will be supported by a disability advocacy work plan which will drive the implementation of its objective, principles and outcomes by engaging with people with disability and where appropriate, align with the Strategy’s Targeted Action Plans.
* However, this process is not clear if it is going to be static or flexible.
* Our concern is that if it is static, the process will be bureaucratic and not have influence.
* However, if the process will be flexible, participatory and inclusive, it will be developmental and can potentially influence change.
1. **Comments on data Reporting**

In order to be most effective, Systemic Advocacy need to be appropriately resourced and managed.

This is the only way to achieve significant outcomes for the wider population of people with disability.

Therefore, Systemic Advocacy needs to have dedicated resources and good linkages to enable a flow through of information about the issues affecting people with disability through designed data information system.

The NDAF need to outline reporting process as currently the reporting system is fragmented because:

* No simplified data collection and reporting arrangements – States and Federal provide different models.
* No consistency in the model of reporting.
* Organisations are required to report on the number and types of advocacy support provided. However, this data on advocacy issues may not effectively provide a good reflection of the proportions of people experiencing particular advocacy issues.

**Conclusion**

In response to all the questions posed and comments provided above about the NDAF, Kin Disability Advocacy support the framework, and are satisfied:

* That it meets the needs of existing and emerging responsibilities, reform, and policy directions;
* That the principles outlined are appropriate for guiding advocacy in a changing disability environment, including in the context of the NDIS;
* That the outcomes are very clear and achievable, and
* That it identifies what is needed in the current and future disability environment.