



# **NATIONAL DISABILITY ADVOCACY FRAMEWORK**

**Submission by**

**Legal Aid Western Australia**

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**4 July 2022**

## **INTRODUCTION**

1. Legal Aid WA welcomes the opportunity to provide feedback on the National Disability Advocacy Framework 2022-2025 ('NDAF').
2. A large proportion of our clients are people with disabilities. In the 2020/2021 financial year:
  - a. Legal Aid WA provided 34,053 services to people with disabilities, representing 31% of all the services we provided in which we record client demographics and 35% of all legal aid grants were to people with disabilities.
  - b. In the criminal law area Legal Aid provided 26,702 services to people with disabilities, representing 38% of all the services we provided in which we record client demographics and 47% of all grants were to people with disabilities.
  - c. In the civil law area Legal Aid provided 1,802 services to people with disabilities, representing 26% of all the services we provided in which we record client demographics and 41% of all grants were to people with disabilities. In the NDIS appeals area Legal Aid provided 159 services to people with disabilities.

## **CONSULTATION QUESTIONS**

### ***1. DO YOU BELIEVE THE NEW NDAF ENCOMPASSES YOUR VISION OF ADVOCACY? IF NOT, WHAT CHANGES ARE REQUIRED?***

3. The NDAF defines disability advocacy in the justice area as including 'legal advice and access to lawyers when required' and talks about the goal of wanting disability advocacy to involve legal advice, so that people with disability can exercise their rights and fix their legal problems.
4. Legal Aid WA agrees that the NDAF should cover both disability advocacy in the non-legal and legal sense.
5. It is considered that Legal Aid Commissions are ideally placed to provide all aspects of legal and non-legal advocacy for people with disabilities as they have

state-wide reach and skilled staff to provide wholistic services to people with disabilities and already have established infrastructure including information infrastructure such as websites and social media.

6. Legal Aid WA currently provides legal advocacy for people with disabilities in relation to criminal, civil and family law areas. In the civil law area Legal Aid provides assistance in appealing access and funding decisions relation to the NDIS in the AAT and in relation to service disputes with providers.

***2. ARE THE PRINCIPLES OF THE NDAF APPROPRIATE FOR GUIDING THE DELIVERY OF ADVOCACY FOR PEOPLE WITH DISABILITY IN A CHANGING DISABILITY ENVIRONMENT, INCLUDING IN THE CONTEXT OF THE NDIS? IF NOT, WHAT CHANGES ARE REQUIRED?***

7. Legal Aid WA supports the principles outlined in the NDAF – the presumption of rights and capacity, the access to supports, participation and inclusion, justice, a person-centred approach, First Nations principles and respect for intersectionality and diversion.

***3. ARE THE OUTCOMES OF THE NDAF CLEAR AND ACHIEVABLE? SHOULD DIFFERENT ONES BE INCLUDED? IF SO, WHAT SHOULD BE INCLUDED?***

8. Legal Aid WA supports the outcomes in the NDAF and consider they are clear and achievable.
9. Particularly important is the outcome of people receiving advocacy support ‘regardless of where they live’. In a large State like Western Australia, it is important to pursue an outcome of equal access to advocacy support.
10. It is also very important that First Nations peoples can design how advocacy is delivered.
11. Legal Aid WA has the common goal with the NDAF outcome of people with disability accessing supportive, flexible, and timely access to justice and legal advocacy. Legal Aid WA considers it is the leading organisation delivering legal advocacy to people with disability across criminal, civil and family law areas in

WA. Ongoing funding and support for these services are vital to ensure this NDAF outcome is met.

***4. ARE THE RESPONSIBILITIES, REFORM AND POLICY DIRECTIONS OF THE NDAF RELEVANT OR SHOULD DIFFERENT ONES BE INCLUDED?***

12. Yes.

13. Legal Aid WA considers it plays a key role in helping to achieve the outcomes in the NDAF, specifically in relation to legal advocacy. Legal Aid WA considers that Legal Aid Commissions should be included in the NDAF commitment to ‘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.’

***5. DOES THE NDAF IDENTIFY WHAT IS NEEDED IN THE CURRENT AND FUTURE DISABILITY ENVIRONMENT? IF NOT, WHAT CHANGES ARE REQUIRED?***

14. Yes.

***6. DO YOU HAVE ANY OTHER COMMENTS, THOUGHTS, OR IDEAS ABOUT THE NDAF?***

15. No.