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To Whom it may concern

**Re: Queenslanders with Disability Network (QDN) submission to the National Disability Advocacy Framework (NDAF) Review**

QDN welcomes this opportunity to make this brief submission to the NDAF Review. QDN is an organisation of, for, and with people with disability. QDN operates a state-wide network of over 3,000 members and supporters who provide information, feedback and views from a consumer perspective to inform disability legislation, policies, services and products.

QDN makes our response acknowledging the current landscape of disability advocacy in Australia. QDN generally supports the principles outlined in the NDAF however acknowledges that essentially, the NDAF is a values framework and further consultation is required by government to undertake work that informs implementation and measurement of this strategy. This involves work to establish partnerships and genuine co-design and consultation mechanisms with people with disability, their families and supporters, and advocacy and disability representative organisations to determine factors such as how advocacy organisations are funded and how they will operate to ensure advocacy is available Australia-wide for people with disability who require it. Without this important work, the NDAF remains a document in isolation.

QDN also acknowledges that since the last NDAF in 2015, there has been much transformational change in how services are delivered to people with disability, with the National Disability Insurance Scheme (NDIS) now operational in all States and Territories in Australia. QDN understands there is still much to work through between State, Territory and Commonwealth governments to reach agreement about how advocacy is funded. QDN is hopeful that the development of this NDAF is a steppingstone towards resolving some of these interface issues.

QDN provides feedback on the following key areas to enhance and deliver a framework that covers the diversity and experiences of our disability community and measures that reflect on lessons of decades of advocacy in Australia and key foundational principles.

## *NDAF Principles*

### *Access to timely advocacy and support*

QDN sees that it is critical that the principles of the NDAF make reference to access to timely disability advocacy when needed which is currently missing. Key to getting fair, equitable outcomes for people with disability is a strong and effective advocacy sector that has the capacity (funding/ resources) to respond in a timely manner, and that advocacy support should be free to people who need it. QDN also acknowledges the importance of advocacy being available to people with disability in remote and very remote communities and loadings would need to be paid for organizations operating in regional and remote areas to address the costs of getting to people needing advocacy.

### *Full, meaningful and measurable community participation*

The need for advocacy for vulnerable people with disability is a complex issue. Despite the intent of the NDIS, many people with disability are still living segregated lives in the community where their only interactions with community involve segregated disability services, with limited opportunity for meaningful relationships and broader community inclusion and participation outside of service provision. Therefore, QDN recommends that the objective around 'full community participation' needs to be strengthened to 'full, meaningful and measurable community participation'.

### *Independent advocacy*

QDN notes that the term independent advocacy is missing from the NDAF. QDN believes it is critical that advocacy remains independent from service provision to avoid conflict of interest. QDN stands alongside our colleagues in Queensland based advocacy organisations and asserts that the NDAF should be reflective of the principles of social advocacy which means advocacy is speaking, acting and writing with minimal conflict of interest on behalf of the sincerely perceived interests of a disadvantaged person or group:

- to promote, protect and defend their welfare and justice
- being on their side and no-one else's
- being primarily concerned with their fundamental needs
- remaining loyal and accountable to them in a way which is emphatic and vigorous and which is, or is likely to be costly to the advocate or advocacy group

Elements of social advocacy include:

- Taking positive, ethical action
- Being on the side of someone who is vulnerable
- Being understanding of the position and the vulnerability of the person
- Remaining loyal and accountable over the long term where necessary
- Being independent with minimised conflicts of interest
- Focusing on fundamental needs, welfare and best interests of the person
- Doing advocacy with vigour and a sense of urgency<sup>1</sup>

### *Leadership and capacity building*

QDN supports the principle around leadership and capacity building by people with disability and the importance of this in ensuring individuals are in positions of leadership is all parts of our community

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<sup>1</sup> For more information, see: <https://www.sufy.org.au/guiding-principles>



as well as having a strong understanding of systems and navigating them, along with influencing systemic change. Disability advocacy promotes leadership and capacity building by people with disability, however this needs to be adequately resourced and supported, not only through the limited funding pool of the Tier 2 of NDIS – Information, Linkages and Capacity Building but through other areas of Government at local, state and commonwealth levels. QDN acknowledges the importance of building capacity for people to speak for themselves and self-advocacy however, this must always be accompanied by a strong independent individual and systemic advocacy system that delivers safeguards for everyone who may need advocacy at some point in their life.

### *Supported decision making*

QDN supports the important work that has been done in decision making and supported decision making and the principles in this framework, however, like leadership and capacity building, this needs to be resourced to support cultural change across disability and mainstream service workforces and the broader community to translate principles into reality and practice so people with disability are given the opportunity and space able to make decisions that affect their lives, or where necessary are supported in making those decisions as a fundamental human right.

### *Human rights*

QDN believes the NDAF requires a stronger focus on human rights by recognising all the human rights conventions to which Australia is a party, not just the Convention on the Rights of Persons with Disability (CRPD). Additional to the CRPD, QDN believes the NDAF should also incorporate and fully recognise the following conventions and their optional protocols to ensure more thorough coverage of people with disability in the context of upholding their human rights:

- the [International Covenant on Civil and Political Rights- external site](#) (ICCPR)
- the [International Covenant on Economic, Social and Cultural Rights- external site](#) (ICESCR)
- the [International Convention on the Elimination of All Forms of Racial Discrimination- external site](#) (CERD)
- the [Convention on the Elimination of All Forms of Discrimination against Women- external site](#) (CEDAW)
- the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment- external site](#) (CAT)
- the [Convention on the Rights of the Child- external site](#) (CRC)

The Australian Government also supports the [United Nations Declaration on the Rights of Indigenous Persons](#) as a non-legally binding document.

Australia is also a party to:

- the [Optional Protocol to the International Covenant on Civil and Political Rights- external site](#) establishing an individual communication mechanism
- the [Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty- external site](#)
- the [Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict- external site](#)
- the [Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography- external site](#)
- the [Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women- external site](#) establishing an individual communication mechanism

- the [Optional Protocol to the Convention on the Rights of Persons with Disabilities- external site](#) establishing an individual communication mechanism
- the [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.- external site](#)<sup>2</sup>

### *Intersectionality*

QDN also commends the approach to intersectionality taken in the proposed NDAF. QDN believes to truly understand disadvantage and discrimination, it is important to acknowledge the interconnected nature of social categorisations such as race, class, and gender as they apply to a given individual or group and how they create overlapping and interdependent systems of discrimination or disadvantage.

### *Specific cohorts and targeted groups*

QDN believes there needs to be a commitment to funded and appropriately resourced specialist individual advocacy services for First Nation's people and Culturally and Linguistically Diverse (CALD) communities, in the NDAF. QDN takes this opportunity to highlight that Queensland is the only state not to receive funding from the Commonwealth Government for advocacy for people with disability from CALD backgrounds. Additionally, there needs to be a commitment to supporting advocacy services that specialise in the understanding of the needs of specific cohorts, for example, people living with Autism and people who are engaged in mainstream service systems health facilities; residential aged care and aged under 65 years old; corrective services and youth justice facilities; child safety systems and voluntary out of home care; residential services (privately owned hostels and boarding houses); and crisis and short-term homeless accommodation or who are sleeping rough. For a significant number of people with disability living in these environments, they have a range of support needs and experience challenges navigating across complex systems and have often been labelled as complex people instead of acknowledging the complexity of the systems they are interacting with. The lack of identified the lack of integration, systems operating as silos and the lack of coordinated approaches with the individual at the centre means that people with disability experience barriers, disadvantage and fall through the cracks and have a high need for access to individual and systemic advocacy.

Furthermore, QDN believes it is important for the NDAF to including a specific gender framework or strategy as men and women, girls and boys and non binary people with disability experience disadvantage and discrimination differently because of their gender and assumptions made about their gender and capacity to make decisions that affect their lives.

### *Family advocacy*

QDN notes that reference to family advocacy is missing from the NDAF. QDN acknowledges the important role families play in the lives of people with disability who may not have anyone else in their lives to advocate for them. QDN supports the development of targeted strategies to ensure families have resources and support to ensure they can effectively advocate for their family member with disability.

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<sup>2</sup> For more information, see: [https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Forms%20of%20Racial%20Discrimination%20\(CERD\)](https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Forms%20of%20Racial%20Discrimination%20(CERD))



## Framework implementation

QDN agrees with assertions made by advocacy organisations that Governments need to agree on processes of data collection; service agreements; and funding models.

### *Co-design, collaboration and engagement*

QDN commends the government regarding the elements of co-design in the NDAF. QDN firmly believes that services, programs and products for people with disability are better when people with disability are involved from the start of the design process through to implementation and evaluation. As advocacy is also meant to reflect the voice and wishes of people with disability, it is fundamental that any framework around advocacy is inclusive of self-advocacy and reflective of the voice and lived experience of people with disability. QDN believes that all efforts to build awareness across the disability sector and the community of the rights of people with disability and the importance of disability advocacy<sup>3</sup> should be co-designed and delivered by people with disability.

A national conference between state and federal governments and advocacy organisations could assist in reaching agreement on responsibilities and cooperation between levels of government. This process could also be used to establish clear lines of communication between advocacy organisations and governments so that advocacy organisations are in the best position to inform government of issues, strategies and solutions to represent the systemic impacts being experienced by people with disability at state and national levels.

Effective systems are achieved when there is strong collaboration, engagement and mechanisms to share information, practice and research. QDN supports that there should be more funded opportunities for individual and systemic advocacy organisations to collaborate. This is essential to ensure the issues of people at the grassroots level are picked up and addressed by systemic advocacy organisations and fed back to governments.

QDN is pleased to provide this submission on the NDAF Framework. A framework for advocacy that has strong elements of co-design with people with disability and other stakeholders and is inclusive of intersectionality and human rights is fundamental to ensuring people with disability across Australia have access to effective advocacy support.

QDN acknowledges more work is needed concerning funding and service models to ensure advocacy remains effective, targeted and available to people with disability most in need of advocacy. QDN welcomes the opportunity to be further involved in how these processes sit alongside an effective advocacy framework. Please contact me for further information.

Yours sincerely



Michelle Moss

Director, Policy and Strategic Engagement

Queenslanders with Disability Network

Co-authored, Karin Swift, Senior Policy Officer

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<sup>3</sup> Page 6 of the National Disability Advocacy Framework Discussion Paper.