

Review of the National Disability Advocacy Framework 2022 – 2025

Submission by the Queensland Independent Disability Advocacy Network (QIDAN)

Department of Social Services

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About the Queensland Independent Disability Advocacy Network

The Queensland Independent Disability Advocacy Network (QIDAN) is comprised of core members which are organisations delivering individual advocacy services to Queenslanders living with disability. These organisations are the Aboriginal and Torres Strait Islander Disability Network Queensland; Aged and Disability Advocacy; Amparo Advocacy Inc; Capricorn Citizen Advocacy; Independent Advocacy in the Tropics; Mackay Advocacy Inc; People with Disability Australia; Queensland Advocacy for Inclusion; Rights in Action; Speaking Up For You; and TASC National.

QIDAN has three aims:

- **Systemic advocacy:** to take coordinated action to address systemic issues experienced by people with disability,
- **Member support:** to provide a collaborative space for the exchange of information, resources and issues affecting disability advocacy organisations, and
- **Sector advocacy:** to promote the importance and value of independent disability advocacy on a local, state and national basis.

QIDAN's core members provide an array of independent disability advocacy services across Queensland, including general disability advocacy, specialised individual advocacy (including National Disability Insurance Scheme appeals and Disability Royal Commission advocacy), citizen advocacy and systemic advocacy. These experiences inform QIDAN's understanding and recommendations.

QIDAN's recommendations

1. The next review of the National Disability Advocacy Framework (NDAF) should occur with ample time for constructive feedback and the government should proactively work with people with disability using a co-design model.
2. All levels of government should commit to implementing co-design principles with people with disability for all policies, not only disability-specific policy.
3. The NDAF should include supported decision-making support as a safeguard to uphold all persons right to self-determination.
4. The NDAF should use universally inclusive language that does not have unintended consequences of exclusion.
5. The NDAF should acknowledge that people with the skillset to self-advocate sometimes require assistance from a disability advocate.
6. The NDAF should acknowledge that advocacy with and alongside individuals with disability is likely to achieve positive outcomes for the family unit as a whole.
7. The NDAF should explicitly state the additional disadvantages people with disability can experience as a result of intersectionality and diversity.



8. The NDAF should include a stand-alone principle of independence to minimize actual or perceived conflicts of interest.
9. The Commonwealth, state and territory governments should increase funding to disability advocacy organisations to meet the increased demand.
10. The Commonwealth, state and territory governments should work collaboratively to meet the disability advocacy needs of people with disability. This includes meeting the advocacy needs of individuals seeking access to the National Disability Insurance Scheme (NDIS), but must also include meeting the advocacy needs of individuals with disability who are ineligible for the NDIS and whom rely upon state funded services for support (approximately 90% of Australians living with disability).
11. The Commonwealth, state and territory governments should recognise and appreciate the complexities of delivering independent disability advocacy. This is to include recognising disability advocacy as a profession.
12. The NDAF should retain existing definitions of family and citizen advocacy as distinct forms of advocacy, which are different from and separate to individual advocacy.

Introduction

QIDAN welcomes the review of the National Disability Advocacy Framework (NDAF) to ensure the Commonwealth, state and territory governments' commitment to advocacy is contemporary and meets the ever-changing needs of the sector and people with disability.

However, QIDAN holds concerns about the level of consultation that has occurred with people living with disability given the limited notice about face-to-face and online consultations and the relatively short consultation period. QIDAN recommends for the next review, which is set to begin 12 months prior to the cessation of the 2022 – 2025 framework, that the government provides a longer consultation period and proactively works with people living with disability using a co-design model to implement the findings from the Disability Royal Commission.

Additionally, QIDAN recommends all levels of government to be proactive in implementing co-design principles more broadly. It is not only disability-specific policy that affects people with disability; all policies affect people with disability as members of society. With this in mind, all levels of government should be consulting with people with disability more broadly to create accessible and inclusive societies.

Principles

QIDAN welcomes the broad principles which have an overall theme of inclusion for people with disability, facilitated by advocacy. QIDAN supports the explicit reliance on the UN Convention on the



Rights of Persons with Disabilities (CRPD) as one of the foundational documents underpinning development of the NDAF. Nevertheless, QIDAN recommends some additional principles and changes made to the principles in the NDAF, as outlined below.

Presumption of Rights and Capacity

The NDAF should include and ensure that adults and young people who require supported decision making are able to access these supports through independent advocacy to safeguard their right to self-determination. Supported decision-making frameworks, the realisation of which is assisted by independent disability advocates, act as an additional safeguard to exploitation and coercion which people with disability experience at higher rates than other members of society.¹

Stating that children and young people with disability have the right to participate, in whatever capacity, in decisions that impact on their lives may give the impression that children and young people do not have capacity to make their own decisions. Similar to the point about adults, QIDAN encourages the government to provide support for children and young people to make their own decisions. Children and young people can and should be involved in decision-making processes (including providing consent) affecting aspects of their life, similar to their age-appropriate peers. Empowering children and young people to be involved in decision making processes before reaching adulthood can equip them with the skillset to make decisions later in life.

Person-Centered Approach

Whilst QIDAN appreciates the use of wording such as “ensure voices are heard” has traditionally been used in advocacy campaigns, sentences like these can have an unintended consequence of exclusion for those who may not have the physical ability of spoken communication. QIDAN suggests the NDAF use universally inclusive language such as:

- Ensuring the views, wishes and preferences of the individual are acknowledged and understood,
- Empowering individuals to express their views, wishes and preferences by identifying a person’s communication preferences and to utilising these preferences to maximise their involvement in decisions and outcomes, and
- Fostering independence through educating individuals in self-advocacy.

All QIDAN member organisations strive to foster self-advocacy skills where possible. However, QIDAN would like the Commonwealth, state, and territory governments to understand that even when someone may have the skillset to self-advocate, this does not mean that, at a given point in time, they have the capacity to self-advocate. This may be due to an individual experiencing acute ill-health, difficult life circumstances, environmental barriers or due to a particular issue that is further exacerbated by intersectionality.

Living with disability in an ableist society is extremely challenging and requires people with disability to self-advocate from a very young age. People with disability advocate to access education; advocate to

¹ Disability Royal Commission, 16 March 2022, *People with disability face much greater risk of violence than people without disability*, <https://disability.royalcommission.gov.au/news-and-media/media-releases/people-disability-face-much-greater-risk-violence-people-without-disability>

access extracurricular activities; advocate for accessible and inclusive environments; advocate for access to health care; advocate for employment; the list goes on.

Until we live in a society that is truly inclusive, truly accessible, and truly understands all the experiences and barriers people with disability face, the government at all levels must ensure that all people with disability have access to independent disability advocacy, regardless of their ability to self-advocate. We must acknowledge that even the most skilled individuals need assistance sometimes, particularly during periods of crises which often instigate the need for advocacy, and those with the ability to self-advocate should not be excluded from accessing assistance when needed. This is unfortunately the reality for many as the demand for disability advocacy far surpasses the resources.

QIDAN further recommends, under the person-centred approach principle, an extension for advocacy to support family units to achieve outcomes. In some cases, there will be positive outcomes for family units where an individual in the family is supported by advocacy and in other cases, people with disability want their family unit involved throughout the advocacy process. Like in all other decisions about their lives, the views, wishes and preferences of the person with disability on this issue should be respected and should form the basis of any advocacy intervention.

Respect for Intersectionality and Diversity

The inclusion of intersectionality and diversity as a stand-alone principle is very welcomed by QIDAN. With this in mind, QIDAN recommends an additional point be added to strengthen and raise awareness of the additional barriers people with disability face as a result of intersectionality and diversity. This additional point would include wording similar to that of the previous NDAF:

The Framework recognizes and acknowledges that people with disability can experience additional disadvantage including, but not limited to gender, age, education, sexuality, geographic location, ethnicity and cultural backgrounds.²

Independence

QIDAN recommends the NDAF include a stand-alone principle of independence. Independence from government (both on a national and state level), institutions, departments and service providers is a core principle that all QIDAN advocacy organisations agree on. Independence from the aforementioned ensures that people with disability are able to access rigorous advocacy free from actual or perceived conflicts of interest.

Outcomes

The outcomes identified in the NDAF are embraced by QIDAN. Nevertheless, QIDAN has concerns with the outcomes being focused on raising awareness, rather than being action and solution focused. QIDAN

² Department of Social Services, 12 February 2012, *National Disability Advocacy Framework*, p. 1, point 8 https://www.dss.gov.au/sites/default/files/documents/11_2014/attachment_a.2_-_national_disability_advocacy_framework.pdf

strongly believes that the final outcome listed in the NDAF does not go far enough; the NDAF should strive for action and change to an inclusive society rather than awareness raising only.

QIDAN also holds concerns regarding the practicality of the following point:

Regardless of where they live, people with disability can access quality and independent advocacy support.

Given the way disability advocacy is currently funded and the fragmentation between Commonwealth, state and territory governments in relation to their view on responsibilities to fund disability advocacy, simply put, this outcome is currently unachievable. In the first few months that QIDAN has been a collective, QIDAN member organisations have had to turn away hundreds of requests for advocacy due to lack of capacity and resourcing.³ It should be noted that those being turned away are those who have requested advocacy, meaning they know advocacy exists. It is hypothesized that there many more people who have a need for advocacy but do not know it exists, therefore the actual unmet need is expected to be greater than the reported unmet demand.

Additionally, as it stands, many Queensland disability advocacy organisations cover hundreds of square kilometers with limited resources for continuous outreach and regional and remote engagement. Many people with disability do not have access to phones, email, or computers/internet, making the need for a localized workforce even greater. Ensuring advocates are local, with knowledge of local problems and supports, is essential to providing advocacy in a manner which is trauma-informed and effective.

QIDAN also holds concerns in relation to the outcome of:

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.

These concerns, as raised previously, stem from the lack of meaningful engagement with people living with disability and the short consultation period provided for consideration of the draft NDAF.

QIDAN acknowledges that the implementation of the NDAF will occur through disability advocacy work plans. However, QIDAN calls for more information and transparency on how the different jurisdictions will measure the outcomes to ensure Australia is collectively moving towards a more inclusive, accessible and just society.

Responsibilities, reform and policy directions

QIDAN acknowledges that the Commonwealth, state and territory governments share the responsibility for disability advocacy in their jurisdictions. However, this has traditionally been disjointed and meant that ultimately, people with disability have suffered the consequences of bureaucratic processes. QIDAN

³ In the first quarter of 2022 (January – March), QIDAN organisations were unable to provide advocacy services to 402 enquiries.

recommends the Commonwealth, states and territories commit to working more collaboratively, to ensure the needs for each jurisdiction are met.

In addition to working collaboratively, disability advocacy needs a strong and ongoing commitment from all levels of government. There needs to be a commitment to funding disability advocacy that meets the needs of all people living with disability and provides certainty for the sector. This includes meeting the advocacy needs of individuals seeking access to the National Disability Insurance Scheme (NDIS), however must also include meeting the advocacy needs of individuals with disability who are ineligible for the NDIS and whom rely upon state funded services for support (approximately 90% of Australians living with disability). All levels of government must recognise and appreciate the work disability advocates undertake to work towards a more inclusive society. Disability advocacy is more than casework; it is working with a person/s with disability to uphold their human rights; it is working with people with disability to achieve positive outcomes; and it is working with individuals, organisations and departments to develop positive working relationships in order to provide education and systemic change.

Additional comments

The Department of Social Services has existing definitions of advocacy which capture the different types of disability advocacy that currently exist.⁴ QIDAN recommends including citizen advocacy and family advocacy as their own definitions under the NDAF to show the government's commitment to understanding and respecting the different models of advocacy.

The NDAF in its current form unfortunately has a paternalistic tone as it focuses a lot on what people with disability will experience rather than emphasizing what changes need to occur at a social level to move towards an inclusive society. Although QIDAN agrees with the broad principles set out in the NDAF, it is unclear how this framework will be monitored through its implementation to ascertain if advocacy is achieving the stipulated outcomes. QIDAN welcomes any opportunity the Department of Social Services has for collaboration in relation to all aspects of advocacy.

⁴ Department of Social Services, 9 June 2022, *National Disability Advocacy Program*, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability/national-disability-advocacy-program-ndap>

