National Disability Advocacy Framework

2022-25

# **Introduction**

Independent disability advocacy is a vital mechanism which plays a key role in protecting, promoting, and realising the human rights of people with disability, and promoting respect for their inherent dignity. It can enable people with disability to actively participate in decisions and processes, which advance their rights, wellbeing, and interests. It can also enable people with disability to seek redress for violations of their rights. For some people with disability this involves being supported by independent advocates and advocacy services to participate in decisions that affect their lives, in accessing services and supports, and in being actively involved in their communities.

The *National Disability Advocacy Framework 2022-25* (the Framework) is a shared commitment to disability advocacy between the Commonwealth, state, and territory governments to ensure there is access to advocacy services for all people with disability nation-wide. The Framework will allow governments to work towards the alignment of advocacy services and standards to improve outcomes and access for people with disability. The Framework is underpinned by a person-centred and rights-based approach whereby policies and programs are designed to respond to the rights, will and preferences of people with disability.

In 2008, Disability Ministers requested Commonwealth, state, and territory government officials to develop a nationally consistent framework for disability advocacy that covered individual and system wide advocacy, common definitions and desired outcomes and data issues. The *National Disability Advocacy Framework 2012* (the 2012 Framework) established key outcomes to guide the provision of advocacy for people with disability and promote greater consistency across government funded advocacy programs.

The 2012 Framework is being revised in consultation with people with disability, to support the implementation of *Australia’s Disability Strategy 2021-2031* (Strategy)*.* The Strategy recognises advocacy helps safeguards people’s rights and overcome barriers to their inclusion and participation in the community. The ‘Safety, Rights and Justice Outcome Area’ under the Strategyacknowledges disability advocacy as being an important way to enable and support people with disability to protect and uphold their rights. This Outcome Area aims to ensure ‘the rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law’. This outcome statement from the Strategy is the core principle underpinning the *National Disability Advocacy Framework 2022-25*.

# **Rationale**

Many people with disability in Australia face and experience disadvantage and intersecting forms of discrimination which impedes their right to participate equally in society and realise their human rights on an equal basis as others.

Disability affects many people, directly or indirectly. Increasingly, disability is recognised as something that affects most people, to varying degrees and at different life stages. People with disability are not a homogeneous group. They have different types and levels of impairments; come from all demographic and socioeconomic groups; and interact, in varying degrees, with every aspect of life in Australia across a multitude of social policy and program areas. Importantly, how people experience disability is affected by structural and other factors – including community attitudes and the opportunities, service provision, and assistance they can access.

Disability advocacy can support people with disability to make and participate in decisions that impact (or may impact) their lives to ensure their rights, will and preferences are respected, promoted, and protected. It can also assist people with disability in building their capacity to speak up and advocate for their rights. Importantly, disability advocacy can also act as a critical mechanism in safeguarding people with disability from violence, abuse, exploitation, and neglect.

# **Objective**

Through this Framework, the Commonwealth, state, and territory governments commit to the following objective as the long-term goal governments will strive for in the provision of disability advocacy in Australia:

*People with disability access effective disability advocacy that promotes, protects, and ensures their full and equal enjoyment of all human rights, enabling full community participation and inclusion.*

**Principles**

The **core principle** underpinning the Framework is:

*‘the rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law’.*

As parties to this Framework, the Commonwealth, state, and territory governments accept and adopt the following principles as guiding the provision of advocacy for people with disability across Australia:

**Participation and Inclusion**

* Everyone has the right to participate in decisions which affect their lives. Participation must be active, free, meaningful and address issues of accessibility, including access to information in a form and a language which can be understood.
* Facilitating effective, accessible, timely and appropriate communication for people with disability is an essential component of disability advocacy.
* Disability advocacy is an essential tool for fostering the full and effective participation and inclusion of people with disability in society.
* The provision of independent disability advocacy enables people who may require help in speaking for themselves to participate in decisions that affect them.
* Independent disability advocacy should be available to any person with a disability, regardless of their impairment/s, their place of residence; their geographical location and/or their identity/ies.

**Presumption of Capacity**

* All people with disability enjoy decision-making capacity on an equal basis with others in all areas of life.
* Support in the exercise of capacity must respect the rights, will and preferences of persons with disability.
* Disability advocacy is inclusive of legal advice and representation when required to assist people with disability to exercise their rights.
* Capacity must be presumed, and people with disability must be provided the supports they require to exercise legal and decision-making capacity.
* All adults with disability have the 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. The evolving capacities of children with disability are respected and promoted.

**Person-Centred Approach**

* Disability advocacy plays an essential role in helping people with disability to know, understand and advocate for their human rights.
* In-line with the principle *‘Nothing about us, without us****’,*** disability advocates should:
  + ensure the voice/views of the person with disability are understood and respected
  + identify the strengths of the person with disability, and to use these strengths to maximise their involvement in decisions and outcomes
  + foster independence by building the capacity of the person with disability to advocate for themselves.

**Safeguards**

* All people with disability have the right to pursue any grievance or complaint.
* All people with disability have the right to be free from all forms of violence, abuse, exploitation, and neglect.
* People with disability are supported to identify and understand when they are at risk of, or have been subject to, violence, abuse, neglect, and exploitation and to understand how to seek support and redress.
* All people with disability have the right to privacy, confidentiality, and respect for their inherent dignity.
* Disability advocacy plays a vital role in safeguarding the human rights of people with disability.

**Accountability**

* Accountability requires effective monitoring of human rights standards as well as effective remedies for human rights breaches.
* Disability advocacy helps people with disability to access a wide range of accountability mechanisms such as complaints processes, courts, and tribunals.

**Intersectionality and Diversity**

* Intersectionality recognises that a person or group of people with disability can be affected by multiple forms of discrimination and disadvantage due to their race, sex, gender identity, sexual orientation, class, religion, age, social origin, and other identity markers.
* Intersectional discrimination can impact on how these groups are viewed, understood, and treated, and also impacts on how they access – or are unable to access – resources, services and supports.
* Disability advocacy services are delivered with an intersectional and diversity lens that values the views and lived experiences of people with disability.
* Disability advocacy provision is gender-sensitive, recognising that women and girls with disability are subject to multiple discrimination and are often at greater risk of violence, abuse, exploitation, and neglect.

**First Nations People with Disability**

* In-line with the Closing the Gap National Agreement, for Aboriginal and Torres Strait Islander/First Nations people with disability:
  + 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
  + 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, establish and monitor disability advocacy.

# **Outcomes**

Disability advocacy supports provided in-line with this Framework will contribute to the following outcomes:

* People with disability are accorded the same rights and freedoms as all Australians.
* People with disability enjoy increased choice, control, and wellbeing,exercise their right to make decisions, are involved in all decision-making processes that affect their lives, and receive the supports they need to make those decisions.
* People with disability are able to participate in all aspects of the civil, political, economic, social, and cultural life of society.
* Regardless of impairment, geographic location, place of residence, and/or identity/ies, people with disability can access quality and independent advocacy support.
* People with disability, including those experiencing multiple disadvantage, are supported to have effective interactions and access to disability supports and services and/or mainstream services and facilities including supportive, flexible, and timely access to justice and legal advocacy.
* Aboriginal and Torres Strait Islander peoples with disability will have a greater say in how advocacy is designed and delivered; have access to culturally and linguistically appropriate, and culturally safe, disability advocacy, including access to community-controlled organisations delivering disability advocacy; and have access to, and the capability to use, locally relevant data and information.
* Culturally and linguistically diverse communities, have access to culturally and linguistically appropriate, and culturally safe, disability advocacy that features the engagement and input of relevant local communities.
* Women and girls with disability, feminine identifying and non-binary people with disability have access to gender sensitive and inclusive independent advocacy supports.
* People with disability have a range of ways to express their views and wishes about supports and services, play an active role in working out how things will improve, and can access a complaints mechanism and independent support and advice when providing feedback or making a complaint in relation to the supports and services they use.
* The demographics of people with disability receiving individual advocacy reflects the diversity of the communities that the agencies are operating in.
* 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.
* There is increased community awareness of barriers to people with disability, the stigma associated with disability and the presence and value of advocacy supports.

**Conventions, Legislation & Plans Underpinning the Framework**

The Framework is informed by and supports the implementation of the following:

* *United Nations Convention on the Rights of Persons with Disabilities*
* *United Nations Convention on the Elimination of All Forms of Discrimination against Women*
* *United Nations International Covenant on Civil and Political Rights*
* *United Nations Covenant on Economic, Social and Cultural Rights*
* *United Nations Convention on the Rights of the Child*
* *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
* *United Nations Convention on the Elimination of All Forms of Racial Discrimination*
* *United Nations Declaration on the Rights of Indigenous Persons*
* *Disability Discrimination Act 1992*
* *Age Discrimination Act 2004*
* *Racial Discrimination Act 1975*
* *Sex Discrimination Act 1984*
* *Australia’s Disability Strategy 2021-2031*
* *Closing the Gap National Agreement*
* *National Plan to Reduce Violence Against Women & their Children (2022-2032)*
* *NDIS Quality and Safeguarding Framework*
* *NDIS Information Linkages and Capacity Building program*

# **Implementation**

The Framework will be supported by a Disability Advocacy Work Plan which will drive the implementation of its objective, principles, and outcomes. The work plan will be developed and implemented between the Commonwealth, state, and territory governments. The work plan will be informed by engagement with people with disability and where appropriate, align with Australia’s Disability Strategy ‘Targeted Action Plans’.

Updates to the Framework will be considered 12 months prior to the cessation of this Framework in 2025, incorporating the progress of the advocacy work plan and public consultations and findings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

# **Responsibilities, Reform and Policy Directions**

In agreeing to this Framework, the Commonwealth, state, and territory governments are committing to share the responsibility for disability advocacy in their jurisdictions. How each advocacy program is developed, funded, and managed is the decision and subsequent responsibility of the funding government.

In agreeing to this Framework, the Commonwealth, state, and territory governments are committing to working together to achieve an effective network of disability advocacy across Australia. This includes supporting the capacity building of disability advocates and the development of nationally consistent guidelines and processes.

In agreeing to this Framework, all Commonwealth, state, and territory governments are committing to:

* Ensuring policy and reform that affect people with disability are designed and implemented with people with disability at the centre of the design. This includes implementation of person-centred approaches and co-design principles.
* Ongoing policy and reform directions in the provision of disability advocacy to achieve the objective and outcomes of this Framework.
* Building awareness across the disability sector and the community of the rights of people with disability and the importance of disability advocacy.
* Ensuring the funding of disability advocacy is transparent, equitable and accountable, and geographical coverage and services gaps are identified and addressed.
* The collection, use, and reporting of evidence-based data for administration and planning of disability advocacy and improvement of services systems.
* 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.
* To implement advocacy in-line with the Closing the Gap National Agreement Priority Reforms.
* To contribute to Australia’s international human rights obligations under the human rights treaties to which Australia is a party, including the Declaration on the Rights of Indigenous Persons

# **Definitions**

**Independent advocacy:** provides a mechanism for enabling individuals and groups to make decisions for themselves. The independent advocacy relationship does not have the conflicts of interest that may be inherent in other relationships with family, friends, service providers and professionals. People accessing independent advocacy are protected from undue pressure, advice, or others’ agendas.

**Disability advocacy** can support people with disability to make and participate in decisions that impact (or may impact) their lives to ensure their rights, will and preferences are respected, promoted, and protected. It can also assist people with disability in building their capacity to speak up and advocate for their rights. Disability advocacy can also act as a critical mechanism in safeguarding people with disability from violations of their human rights.

**Individual advocacy** is oftena one-on-one approach, undertaken by a professional advocate, relative, friend or volunteer, to support a person with disability to realise their human rights.

**Systemic advocacy** involves working for long-term social change to ensure the collective rights and interests of people with disability are served through legislation, policies, services, and practices.

**Self-advocacy** isundertaken by someone with disability who speaks up and represents themselves, either independently or with support.