



Submission to the review of the National Disability Advocacy Framework

Advocacy Tasmania Inc. ('ATI') is an independent, non-government organisation that has been providing individual and systemic advocacy services across Tasmania since 1990. Our client groups consist of people with disability, older persons, people who have experienced mental illness and people who use or have used alcohol, tobacco and other drugs. We are also responsible for the operation of Tasmania's Elder Abuse Helpline, providing volunteer representatives for people who appear before Tasmania's Mental Health Tribunal and providing External Merits Review Support for people seeking review of National Disability Insurance Agency decisions.

We welcome the opportunity to provide feedback to the review of the National Disability Advocacy Framework ('Framework') and endorse the feedback provided separately by the Disability Advocacy Network Australia and the ACT Disability, Aged and Carer Advocacy Service.

Please note that we have used italics and bold to mark any recommended changes and additions to the current Framework.

1. Do you believe the current Framework encompasses your vision of advocacy in the NDIS environment? If not, what changes are required?

We believe that the current Framework generally provides a solid foundation for the continued delivery of disability advocacy alongside the full National Disability Insurance Scheme ('NDIS'). The NDIS fundamentally recognises the right of people with disability to exercise maximum choice and control over their lives and the delivery of their supports.¹ Independent disability advocacy that is entirely on the side of people with disability and free from any conflict of interest, whether actual, perceived or inherent, has a long history of empowering people with disability to exercise this exact choice and control.

Continued access to partisan disability advocacy that is independent of service delivery ought to be recognised as a fundamental aspect of achieving many of the objects and principles underpinning the NDIS.² These objects and principles align well with those that underpin all disability advocacy,

¹ *National Disability Insurance Act 2013 (Cth)* s 3.

² *Ibid* pt 2.

and we believe an updated Framework will reflect this and encompass our vision for advocacy in the NDIS environment.

2. Are the principles of the Framework 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?

The principles underpinning the Framework remain largely appropriate in the changing disability environment. The principles could be strengthened to better reflect the fundamental rights of people with disability, including under international conventions,³ and the principles underpinning the *National Disability Insurance Scheme Act 2013* (Cth). People with disability guide and direct all disability advocacy, and their strengths, choices, voice and leadership should be clearly recognised by the principles.

We recommend the following changes and additions to the principles:

- A) Disability advocacy operates under relevant Commonwealth, State and Territory legislation and the principles of the United Nations Convention on the Rights of Persons with Disabilities and other relevant United Nations Rights Treaties, to protect and promote the legal and human rights of people with disability;
- B) Disability Advocacy promotes **and protects the rights**, interests, **safety and** wellbeing of people with disability and promotes their full and valued inclusion as contributing and participating members of the community;
- C) Disability advocacy seeks to influence positive systemic changes in legislation, policy and service practice and works towards promoting **caring, equitable, inclusive and safe** communities and awareness of disability issues;
- D) Disability advocacy promotes leadership and capacity building **by people with disability in all aspects of life, including for people with disability**;
- E) Disability advocacy ensures that views represented **are those expressed by people with disability and empowers people with disability to decide their own** individual preferences, goals and needs;
- F) Disability advocacy strengthens the capacity of people with disability to speak for themselves by actively supporting and encouraging self-advocacy;
- G) Disability advocacy recognises and respects the diversity of people with disability;
- H) Disability advocacy ensures that the rights of people with disability to privacy, dignity and confidentiality are recognised and upheld;
- I) Disability advocacy will foster effective strategic alliances **in collaboration and partnership with people with disability**, to develop capacity to identify and respond to the needs of people with disability;

³ Principally the United Nations Convention of the Rights of Persons with Disabilities, although other human rights conventions such as the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights also inform the human rights of people with disability.

- J) ***Disability advocacy respects and defends the inherent dignity, individual autonomy and independence of all people with disability, including the right of people with disability to exercise maximum choice and control and determine what is in their own interests;***
- K) ***Disability advocacy is independent from service delivery and fiercely partisan, on the side of people with disability, and free from all conflict of interest, whether actual, perceived, or inherent.***

3. Are the outcomes of the Framework still relevant or should different ones be included? If so, what should be included?

We are generally supportive of the current outcomes in the Framework. We recommend the following changes and additions are made to better reflect the approach and principles that underpin the NDIS and disability advocacy.

- A) People with disability are accorded the rights and freedoms described in the United Nations Convention on the Rights of People with Disabilities and other relevant United Nations Rights Treaties;
- B) People with disability achieve economic participation and social inclusion;
- C) People with disability enjoy ***maximum choice and control over their lives, including in the pursuit of their goals and in the planning and delivery of their supports;***
- D) People with disability make decisions that affect their lives, determine what is in their own interests, ***and have their decisions respected and supported;***
- E) People with disability receive advocacy support that is free from conflict of interest and ***independent from service provision;***
- F) The needs of people with disability ***who experience additional barriers to exercising their full and equal rights*** are met;
- G) People with disability ***have their direct input sought and*** are actively involved in all aspects of the development, delivery and evaluation of disability and broader government policies, programs and services that impact them;
- H) ***People with disability are satisfied with disability advocacy services received and disability advocacy providers actively seek their feedback and use it to shape and improve their services;***
- I) ***People with disability are aware of their full and equal human rights and freedoms, and live lives free from abuse and neglect;***
- J) ***People with disability live in a society and in communities that are caring, equitable inclusive and safe, where the rights of people with disability are known and respected.***

4. Are the outputs of the Framework still relevant or should different outputs be included?

We consider the outputs of the Framework to be of continuing relevance in the changing disability environment. However, we recommend the following changes to better reflect the central and directing role of people with disability in all disability advocacy.

- A) Individual advocacy that is ***directed by people with disability to meet their own*** individual needs, ***choices and goals, especially where they may experience other barriers to exercising their full and equal rights;***
- B) ***Systemic*** advocacy that is informed by an evidence base and is provided in an accountable and transparent manner;
- C) Disability advocacy that is planned and delivered in a coordinated manner, ***in partnership with people with disability,*** and supports communication between disability advocacy support, disability services, mainstream services and governments;
- D) Disability advocacy that promotes community education and awareness of disability issues and rights;
- E) Systemic advocacy that positively contributes to legislation, policy and practice that will support the agreed outcomes.

5. Does the Framework identify what is needed in the current and future disability environment? If not, what changes are required?

We support the current identified future policy direction that '(b) *Governments will ensure that disability advocacy is free from conflict of interest and independent from the broader service system that provides support to people with disability*'. Effective advocacy often depends on the perception of real independence from the broader service system, where all views and positions expressed are recognised as being those of people with disability.

The Framework ought to reference the NDIS in the reform and policy direction section and recognise generally the vital importance of independent advocacy to the people for whom any new systems and services are created. The principles and outcomes underpinning independent disability advocacy discussed above will all empower individual people with disability in relation to accessing and using the NDIS and taking control of their own supports and the direction of their lives.

Disability advocacy assists people with disability in a vast range of situations, such as where they are experiencing abuse or neglect, at risk of homelessness or facing substitute decision making. Disability advocacy also has a key role to play in achieving many of the principles and objectives underpinning the National Disability Strategy 2010-2020, including rights protection and full and equal community participation. We believe it is important for the Framework to recognise the full range of advocacy services continuing to protect and promote the rights, interests, and most fundamentally, choices, of people with disability outside of the NDIS.

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