

# National Disability Advocacy Framework

## 2023 – 2025



The *National Disability Advocacy Framework 2023-2025* is an Associated Plan under *Australia's Disability Strategy 2021-2031*.

## Introduction

Disability advocacy supports people with disability by ensuring their rights are maintained, promoted and valued. It can enable people with disability to actively participate in decisions and processes, which advance their rights, wellbeing and interests. For some people with disability, this involves being supported by advocacy services to participate in the decisions that affect their lives, especially around access to services and support.

The National Disability Advocacy Framework 2023-2025 (the Framework) is a shared commitment to disability advocacy between the Australian, 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.

In 2008, Disability Ministers requested Australian, state and territory government officials develop a nationally consistent framework for 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.

Since the 2012 Framework was established, there has been an ongoing shift within Australia towards recognising and responding to disability through a social model of disability and rights-based approaches. This has been reflected in a significantly changing disability policy and program landscape across all levels of government since the 2012 Framework was established. Individual and systemic advocacy providers are facing challenges operating within increasingly complex and intersecting social support systems administered by the Australian, state and territory governments. These systems include but are not limited to the National Disability Insurance Scheme and mainstream supports such as welfare, healthcare, housing and homelessness, education, employment and justice.

The 2012 Framework has been revised in consultation with people with disability, families and carers, disability advocacy providers, disability representative organisations and peak bodies, to support the implementation of *Australia's Disability Strategy 2021-2031* (the Strategy). The Strategy recognises that advocacy helps safeguard people's rights and overcome barriers to their inclusion and participation in the community. The Safety, Rights and Justice Outcome Area under the Strategy acknowledges 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'.

## Rationale

People with disability often face barriers which impede their ability to participate in society resulting in poor life outcomes. This includes physical, communication, attitudinal, economic, and systemic barriers. Advocacy provides people with disability support and capacity to make and participate in decisions that impact their lives to ensure their rights are promoted and protected.

The Framework acknowledges there are many different types of disability advocacy that can support people with disability, and this acknowledgement extends to informal advocacy supports that may be provided through families, friends and carers of people with disability. The scope of the Framework however is on the provision of disability advocacy funded by Australian, state and territory governments.

The Framework recognises the experience of disability often brings disadvantage and impacts how and whether people with disability can access resources, services and supports. All members of the community including people with disability can experience additional discrimination based on race, sex, gender identity, sexual orientation, impairment, class, religion, age, social origin and other identity markers.

The Framework is underpinned by a person-centred and rights based approach, whereby policies and programs are designed with input from people with disability, are centred on an individual and their strengths, needs, interest and goals, and reflect the rights of people with disability.

## Definitions

The following definitions are used in this Framework to describe disability advocacy. It is not a complete list of disability advocacy types that may be available in each jurisdiction:

**Disability advocacy** enables people with disability to participate in the decision-making processes that safeguard and advance their human rights.

**Individual advocacy** is a one-on-one approach, undertaken by a professional advocate, relative, friend or volunteer, to prevent or address instances of unfair treatment or abuse.

**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 and practices.

**Self advocacy** is undertaken by someone with disability who speaks up and represents themselves. Support and training for self advocacy is available through community-based groups.

**Legal advocacy** upholds the rights and interests of individual people with disability by addressing the legal aspects of discrimination, abuse and neglect.

## Objective

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

*People with disability have access to 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 Framework is informed by, and supports, the implementation of nationally consistent legislation and policies including but not limited to the:

- *United Nations Convention on the Rights of Persons with Disabilities*
- *Disability Discrimination Act 1992*
- *Australia's Disability Strategy 2021-2031*
- National Agreement on Closing the Gap
- NDIS Quality and Safeguarding Framework

Through this Framework, the Australian, state and territory governments accept and adopt the following principles to guide the provision of advocacy for people with disability nationally:

### **Presumption of Rights and Capacity**

- All people have the right to be free from violence, abuse, neglect, discrimination and exploitation.
- All people have the right to dignity and respect.
- All people have the right to communication and access to information.
- All people have the right to safely pursue any grievance or complaint without fear of retribution.
- All people have the right to privacy and confidentiality.
- All adults have an equal right to make decisions that affect their lives, and to have those decisions respected.
- All adults with disability are presumed to have capacity to make and take part in decisions affecting all aspects of their life.
- All children and young people with disability have an equal right to participate, to the extent they are able, in decisions that impact on their lives.
- Decisions that affect people with disability, including people who may require support to make decisions, must be made in accordance with their will, preferences and rights.
- Decisions that affect people with disability made by appointed substitute decision-makers must, to the greatest extent practicable, take into account their will, preferences and rights.

### **Safeguards and Justice**

- Disability advocacy is an essential tool in safeguarding the human rights of people with disability.
- The rights of all people with disability are promoted, upheld and protected.
- All people with disability feel safe and enjoy equality before the law.
- Individuals are supported to identify and understand when they have been subjected to violence, abuse, neglect and exploitation and to understand what actions they can take in response to what they have experienced.
- Disability advocacy is inclusive of legal advice and representation, provided by professional legal services, where it is required to assist people with disability to exercise their rights.

### **Participation, Inclusion and Access to Supports**

- Disability advocacy is an essential tool for fostering the full and effective participation and inclusion of all people with disability in society.
- Facilitating effective and appropriate communication with people with disability is an essential component of disability advocacy.
- All people with disability have the right to access quality and independent advocacy supports, regardless of where they live in Australia.

- Accessibility to disability advocacy considers the locational, communication, cultural and technology needs of people with disability.

### **Self-Determination**

- Disability advocacy should be directed by the will, preferences and rights of the person with disability.
- Keeping in-line with the principle *'Nothing about us, without us'*, disability advocates should:
  - ensure the voice of the individual is understood and heard
  - empower individuals to use their voice through a person-centred approach by identifying a person's strengths, and to use these strengths to maximise their involvement in decisions and outcomes; and
  - foster independence by building an individuals' capacity to self-advocate.

### **Inclusion and Accessibility for First Nations People with Disability**

- Keeping in-line with the National Agreement on Closing the Gap:
  - the views and expertise of First Nations people with disability are heard in the design and delivery of advocacy supports that affect them
  - Partnerships and shared decision-making processes are an essential pathway through which First Nations people with disability can drive the design and implementation of trusted, culturally appropriate, accessible and inclusive disability advocacy
  - the First Nations community controlled sector is an essential pathway through which First Nations people with disability can access culturally appropriate advocacy supports
  - mainstream disability advocacy services implement and practice meaningful and culturally safe advocacy supports for and with First Nations people with disability, recognising their strengths, knowledge and agency
  - First Nations people with disability, communities and organisations are supported to make better decisions about disability advocacy with access to, and the capability to use, locally-relevant data and information.

### **Understanding of and Respect for Intersectionality and Diversity**

- Disability advocacy should recognise people with disability are not a homogenous group and that their individual needs and circumstances should be understood, acknowledged, and met.
- Disability advocacy should address all types of discrimination experienced by a person with disability, including intersecting forms of discrimination and disadvantage due to race, sex, gender identity, sexual orientation, impairment, class, religion, age, social origin and other identity markers.

## Outcomes

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

- All Australians enjoy the same rights and freedoms.
- All 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 support they need to make those decisions.
- All people with disability are able to participate in all aspects of the civil, political, economic, social and cultural life of our communities.
- All people with disability can access quality and independent advocacy support, regardless of where they live.
- All 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.
- All people with disability are empowered and have opportunities to express their views and wishes about supports and services they access and how service provision could be improved; 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 purchase or engage.
- First Nations peoples with disability 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.
- All people with disability, including people with disability from 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.
- All people with disability, including women and girls, and people who identify as lesbian, gay, bisexual, transgender, queer or questioning, non-binary or gender diverse, intersex or asexual, have access to safe, gender-sensitive and inclusive disability advocacy supports.
- The demographics of people with disability receiving individual advocacy reflects the diversity of the communities that support services 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 the rights of people with disability, the strengths and positive contributions they bring to society and communities, and the presence and value of advocacy supports.
- The administration and planning around disability advocacy is informed by a nationally consistent and evidence-based approach to data, and consideration of how advocacy links, coordinates and communicates with other systems supporting people with disability.

## Implementation

The Framework is supported by a Disability Advocacy Work Plan (the Work Plan) that will drive the implementation of its objective, principles and outcomes. The Work Plan outlines actions to be undertaken by nominated jurisdictions to support the Australian, state and territory governments to remain transparent and accountable to the principles and outcomes under the Framework.

The Work Plan has been jointly developed by the Australian, state and territory governments and was informed by engagement with people with disability. Where appropriate, the Work Plan aligns with Australia's Disability Strategy's Targeted Action Plans and other legislation, policies and programs relevant to the provision of disability advocacy.

The Work Plan, further public consultations, and findings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, will inform updates for a renewed Framework commencing in 2026.

## Responsibilities, Reform and Policy Directions

In agreeing to this Framework, the Australian, state and territory governments are committing to:

- Sharing 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.
- 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 outcomes for disability advocacy.
- Ensuring people with disability are at the centre of designing and implementing policy and reform that affect them. This includes implementing 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.
- Building awareness on the importance of disability advocacy.
- Ensuring the funding of disability advocacy is transparent, accountable and supports equitable outcomes, including identifying and addressing geographical coverage and services gaps.
- Collecting, using, and reporting of nationally consistent and 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 better support outcomes for people with disability, including promoting linkages between individual and systemic advocacy.
- Implementing disability advocacy services that are inclusive, accessible and culturally safe for First Nations people with disability, in-line with the National Agreement on Closing the Gap and the Closing the Gap Priority Reforms.