

Submission on National Disability Advocacy Framework 2022-25

The following is a direct response to the document we downloaded from [the DSS webpage](#).

The first line says:

Disability advocacy supports people with disability by ensuring their rights are maintained, promoted and valued.

This statement sums up the whole “framework”. Under Australian law, Australian have no rights¹. The framework does not need to do anything to maintain and promote nothing.

I am sure that the Australian Government *values* its position of not needing to do anything to maintain or promote Australia’s non-existent human rights.

There is little point in talking about *advancing nothing*.

The document mentions “access to advocacy services for all people with disability”. But people with autism need access to effective and appropriate advocacy services. Unfortunately, there are no funded advocacy services for autistic people. Few if any of the disability advocates available to autistic people understand the needs of autistic people so they are unable to offer an appropriate or effective advocacy service.

¹ Australia has no Bill of Rights, so people in Australia have little or no protection of their human rights under Australia’s federal and state legal systems. The [Disability Discrimination Act 1992](#) defines “lawful discrimination” and it is well protected both in law and in practice.

For example, an NDAP advocate trying to advocate for a severely autistic man in an AAT review of a NDIS Plan withdrew their advocacy support for the man because the man's parents would not settle with the NDIA for a new NDIS Plan that stipulated the man should be kept in bed unreasonably and unnecessarily, and in his bedroom overnight. The settlement offered required that the man be restrained in bed and in his bedroom; that he not visit the toilet during the night. The settlement terms offered expect the man be subject to illegal (unnecessary) physical restraint. The advocacy service was not acting in the interests of their client.

This advocacy did not help safeguard "people's rights and overcome barriers". It is more likely to do the opposite.

The paper mentions promoting "greater consistency across government funded advocacy programs". It would be better to ensure better quality – consistently bad advocacy should not be a goal.

The "implementation" section is a plan to do more planning. It plans to wait until there's just 12 months left before it is updated. That gives 2 years to come up with a new planning plan but leaves insufficient time to deliver meaningful implementation and outcomes.

The rationale section justifies ongoing advocacy. It talks about decision making and rights.

A better rationale for advocacy is that effective advocacy improves outcomes including quality of life for people with disability.

The document describes the following objective.

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.

Australia law does not protect explicitly human rights of Australians with disability (or Australians generally). Disability advocacy does not have to do anything to "*ensures their full and equal enjoyment of all human rights*" in Australia since there are no human rights. The Objective of the Framework is completely hollow.

The Principles section mentions *United Nations Convention on the Rights of Persons with Disabilities*. There are several other relevant UN Conventions that should bestow human rights on Australians with disability, including:

- Social and economic rights, and
- Right of the Child.

The Presumption section claims all people have rights. That is simply untrue under Australian law. These claims, raising of false hope especially for people with disability, are despicable.

Advocacy practice delivers the opposite to the claim “All people have the right to privacy, dignity and confidentiality”. If a person has the temerity to question decision of government agencies in the Administrative Appeals Tribunal, their privacy, dignity and confidentiality is immediately under attack. For example, the NDIA as Respondent often requires an Applicant and their informal carers to provide:

a timetable setting out the Applicant’s current day to day activities, including morning schedule, evening schedule, therapy and medical appointments, community activities and personal care type activities

Disability advocates routinely advise their clients to comply with this massive invasion of privacy. The information requested is enormous over-reach: it undermines dignity and may intrude on confidentiality.

Advocacy is about achieving outcomes. It involves more than participation in decisions; it involves getting results through having decisions enacted and goals realised.

Government needs to monitor outcomes for people with disability from the disability advocacy that it funds. Let us be clear: outcomes are not money spent or boxes ticked delivering bureaucracy. The outcomes that need to be measured are improvements in the lives of people with disability. They need better health, education, employment, economic, etc. outcomes. They don’t get much benefit from lots of reports, policies, strategy, etc.

Disability advocacy in the so-called “justice sector” is failing to such an extent that it is more accurate to refer to the *Injustice System*, at least in relation to people with disability.

The section on “Person-Centred Approach” is overly simplistic. While the principle of *Nothing about us, without us*’ is admirable, it ignores the experience of people with severe intellectual, cognitive and/or psycho-social disability who are routinely excluded from discussions, decisions, and outcomes. Their exclusion is ignored.

The approach also disrespects and diminishes family and friends who make substantial personal sacrifices so people with disability have a better life.

The Safeguards section fails to mention that a Quality and Safeguards Commission limited to the NDIS demonstrates failure to appreciate the disability sector, that is far broader than the NDIS.

The outcomes section has no outcomes, just motherhood statements.

It wants to contribute to “People with disability are accorded the same rights and freedoms as all Australians”. This has already been achieved because Australian have no rights or freedoms under Australian law.

If this section is going to refer to “civil, political, economic, social and cultural life” then it should refer to the relevant legal instruments in the Principles section, as indicated above.

Yes, autistic people should be able to access quality advocacy, but until steps are taken to explicitly ensure advocates with specific knowledge and skills that include autistic advocacy for autistic individuals are available, this outcome will remain a fantasy.

The conservative ideal of ensuring “opportunity” does not deliver outcomes. Such a model says, ensure the lights are switched on whenever a person enters a room, so everyone has an equal opportunity to see. This opportunity-based strategy does not help blind people: it does not deliver an outcome for them.

While opportunities are a good start, outcomes are what is required.

Some of the definitions could be improved. They need to be outcome focused. Individual advocacy is often done best as a team: advocates who know better than families (who’ve been with a person with disability for far longer) rarely deliver best outcomes. Systemic advocacy also requires substantial social and attitude change; and may involve funding. Self-advocacy needs to be about outcomes, not just about speaking up.

The above argues that the objects of this framework are inadequate. The focus on rights, which simply don’t exist, means that there is nothing to actually do. There is nothing to deliver ... so that is too easy to achieve.

It looks like the measurement will be focused on some money being spent. There may even be some reports produced.

But those are not the outcomes people with disability and the associates need.

Currently, we have the NDIS spending millions of dollars on corporate lawyers in AAT cases against people with disability who cannot get even the most basic of advocacy support. The Nations Disability Advocacy Framework is a minor exercise in government self-delusion.

A consultation video mentioned a “workplan”, but there is no mention of this is this “framework”.

The framework does nothing to develop and improve recognition and respect for disability advocacy and the people who provide it.

The previous framework from 2012 failed to recognise increasing numbers of autistic Australians. Or that their needs were not being addressed. That the continued and substantial increases spread existing service even thinner so autistic people have enormous need of both individual and systemic advocacy to develop and access services that are largely non-existent, that need active development.

This framework has no excuse for continuing failure.

If these frameworks cannot recognise and address this issue for what is now the largest primary disability in the NDIS, then advocacy for less recognised or emerging disability types have no hope.

This framework document seems to be designed to let government tick a box for “advocacy framework”. It has an inadequate objective and will not deliver what is needed: that is, outcomes and benefits through advocacy for people with disability.

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Autism Aspergers Advocacy Australia, known as *A4*, is the national grassroots organisation and recognised Disability Representative Organisation (DRO) advocating for autistic people, their families, carers, and associates. A4 is internet based so that Australians anywhere can participate.

Note for politicians and bureaucrats – *Autism Aspergers Advocacy Australia's* policy on unanswered questions is available at <https://a4.org.au/node/1419>.

A4 recognises and respects the traditional owners, the elders past and present of lands in Australia. Sovereignty was never ceded.