Transcript: Interview with Natalie Wade

[Carey Scheer] Hi, it's Carey Scheer and you’re listening to the Purple Orange Podcast. I'm going to bring you a conversation I had with Natalie Wade. She shares her thoughts on a lot of things, including Ann Marie Smith and what needs to change to make sure a tragedy like this never happens again, and also what we can all do to play our part in that. But first, we talk about her law firm, Equality Lawyers, which is run by and for people living with disability.

[Natalie Wade] As far as I'm aware, from all of my googling, and all of my chats around industry, we are the only law firm that is founded and run by people with disabilities for people with disabilities. But turns out, it's a really great idea. The general vibe has been, 'Thank god you are here!

[Carey] What kind of cases do you see?

[Natalie] A little bit of what you'd expect, a little bit of not what you'd expect. So I think people would generally expect us to have NDIS cases, reviews and appeals. We see a little bit of that definitely. We also see discrimination cases, particularly in education for children and young people that are not getting a fair go at school. It's also discrimination in public transport, in cafes, in you know very ordinary settings where the law protects the right for people with disabilities to be treated equally. We see quite a bit of guardianship and administration work. We disproportionately see the presence of people with intellectual disability and cognitive impairments facing those cases. So we are called in to help their families to navigate those matters, and also represent people with disabilities where they need it.

Then I think the one that we do, do, that people wouldn't necessarily think that we do, is planning safe futures. We were doing it before 2020, but the death of Ann Marie Smith was a horrifying wakeup call as to what do we do, we as a community, we as families and we as people with disabilities, what do we do about being safe and secure in our future planning? And so, I'm really glad that quite a few families have found their way to us and have us draft what are pretty boring but very important legal instruments. It's not just a will, it's not just a trust, it's not just a power of attorney. How does that mechanism ensure that not only is a person with a disability safe, but how do we make sure that they get what they need for their lifetime? So, safety is a given. We must create safe futures for people with disabilities. No question. I think the Royal Commission will tell us that in a very harsh and very real way next year, but I'm also really interested to make sure that we're delivering successful futures. Futures where people with disabilities have jobs, have great weekends, have great housing, and have great opportunity. And there's some amazing conversations that we have as lawyers and clients of our service around those topics.

[Carey] I know you didn't exist as Equality Lawyers back then, but what if in 2008 you did, and Ann Marie's parents had come to you and said, “What can we do?" Because, you know, it looked like they had her set up.

[Natalie] I think, absolutely, you're right. I don't think that the lawyers involved in the Smith family could have saved Ann Marie. I think the community could have, better safeguarding could have, and better culture within our community could have. If I had have seen that family in 2008, I definitely could not guarantee the outcome would have been any different. And I think it's also really important to remember the time in which we were in the disability rights movement in 2008. So, in 2008, it was a pre-NDIS world, there was still a heavy focus on the medical and charity model of disability, where people with disabilities were seen to be unemployable. It was fine for them to stay home all day every day. It was fine for them not to be socially included. 2008, in fact, was the year that Australia ratified the Convention on the Rights of People with Disabilities. So, I think if you take it within a context in which that happened, there may not have been a lot of options available to lawyers, advocates, social inclusion experts and community organisations to better support the Smith family at the time. What we are doing now in 2021, with families just like the Smith family, is that we are aware, as disability rights lawyers, that there are advocacy services, there are well-being organisations, that there are community-based initiatives to connect people with disabilities into their community in a really real sense that they're really a part of something. But also, we know that it's, it's not a successful future to plan for a person to be unemployed for their lifetime. It's not a successful future for them to stay at home with block funded services, and have cups of tea all day. That is not a successful future. I think it would be safe to say that people with disabilities and their families in 2021 have a very different dream to families in 2008. And that just shows how quickly the disability rights movement is moving forward in Australia.

[Carey] Yeah, that's such a great way to think about it.But Ann Marie died last year, we still have a long way to go. So, I'm going to put that to you as a question, what else needs to change?

[Natalie] We must call on state governments to reform existing laws to ensure that we have proper legislative protections in place to safeguard people with disabilities and recognise their rights.

The second arm of response is public policy. At the heart of the NDIS is a public policy that says that government should provide funding so that people with disabilities are able to be social and economic participants. So, on that public policy we build law, we build operations, we build an agency, but that public policy sits at the root of what government, community and everyone believes in. And so, this is really the time for us to reform that policy to better protect and promote the rights of South Australians with disabilities.

And then the third response that is arguably the most important is community. Everyone has an opportunity to influence their immediate surrounds. So, if you're a cafe owner that has a step out the front, you could put a ramp there and create an accessible environment. Or if you are the CEO of BHP Billiton, you could make sure that your employment practices reflect that people with disabilities have an equal right to employment. That's something that everyone can do to positively promote the rights of people with disabilities. And if we all leapt from that position, I really believe that we would have less social isolation, more inclusion, and there would be less risk of someone like Ann Marie being left in her house with no one noticing that she's there, and for this absolute atrocity to take place. And it could even be, so if you're not a cafe owner, if you're not the CEO of BHP Billiton, whatever, you could just check in on someone. Say, "Hi", see how they're going, maybe go out for a coffee or a tea and just check in. That is really helpful to proactively preventing what happened.

[Carey] That's Natalie Wade, the founder of equality lawyers, and it's as far as we know, the first Australian law firm run by and for people living with disability. To get in touch with them, go to their website, www.equalitylawyers.com.au. And I'm Carey Scheer from Purple Orange. To get in touch give us a ring 08 8373 8388 or go to our website www.purpleorange.org.au