

# **A Submission to the Review of the National Disability Advocacy Framework**

Creating a Single Framework where National Means National

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## **ABSTRACT**

This submission addresses the creation of a new National Disability Advocacy Framework. The submission expresses concern that a range of processes operating in parallel, along with particular decisions already taken in relation to the new framework, are creating a consultation environment that has the potential to confuse and limit transparency. The submission argues that the funding for individual advocacy must be put front and centre while funding for systemic advocacy should only be allocated to peak bodies. The submission also argues that given information, training and education are not exclusively contained to advocacy, these activities should neither be described as advocacy activities nor funded as such.

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**INTRODUCTORY COMMENT - Putting the National Disability Advocacy Framework in Perspective**

1. The development of a new national framework for disability advocacy is underpinned by a number of factors which have unnecessarily complicated the development of the policy framework.
2. Although the proposed new framework is clearly intended to be a replacement for an already existing advocacy framework, running parallel with the development of the new framework is the necessity of maintaining the existing framework. This has meant that the current framework has continued to fund a number of organisations for its implementation. While the writers acknowledge this parallel process of development of the new while maintaining the old, the significance of this recognition lies in the question as to whether the powers that be will have the wherewithal to defund the old when the new is implemented. The basis of this question is reflected in the argument that if the new framework is to have real impact then the old must not be maintained in any form. To do so would allow the existing framework to compete with the new framework and cause confusion.
3. While the new framework is being developed in order to fit with the National Disability Insurance Scheme (NDIS), decisions already made and actions already taken in relation to the NDIS represent a serious potential to confuse and restrict the development of the new framework, rather than clarify its purpose and definitional parameters.
4. The Federal Department of Social Services (DSS) discussion paper notes that the Council of Australian Governments Disability Reform Council (COAG, DRC) has already made decisions as to what aspects of advocacy are to be funded by the NDIS and what are to be excluded. This is significant in terms of the current consultation on the new framework in that while it sets the parameters for aspects to be funded through the NDIS, it is silent on how other elements of advocacy are to be funded.
5. Given the NDIS is a national program, then the issue of how other elements are to be funded is significant. This being from the point of view as to whether the Commonwealth will fund these other elements through some other Commonwealth programme or whether this paves the way for the expectation that state and territory jurisdictions will fund and manage these other elements.
6. Consultations in relation to other new frameworks associated with the NDIS cannot be ignored in terms of decisions that will be made about advocacy. In short, these consultations relate to the quality and safeguarding framework and the information, linkages and capacity building (ILC) framework.
7. Further to the above, and in the writers view having import for systemic advocacy, is the matter of the possible role that peak bodies might play in terms of this type of advocacy. Based on the available information to date, it seems reasonable to conclude there has been no real consideration given to this matter.
8. In summary, therefore, despite the call for submissions to inform the development of the new advocacy framework, those making such submissions, as is the case of the writers of this paper, are to some degree blindfolded by the parallel actions that are occurring in relation to the NDIS which have some direct or indirect relationship to the future

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arrangements and funding for advocacy. The writers submit that in the absence of the full range of information that may impact on advocacy being provided as part of the entry information to the consultations, any submissions which are made must be considered to be disadvantaged.

9. Notwithstanding the above, this submission is divided into two principal parts. Part One addresses what the writers call the systemic issues affecting the policy direction of the new framework. Part Two provides a response to the questions detailed in the DSS discussion paper.
10. Rather than prescribe recommendations for the review to consider, the writers highlight throughout the submission what they argue are the principal issues that must be addressed and critical questions that must be answered before finalising the framework so that it provides a clear and unambiguous National framework.
11. The National framework must not only determine what constitutes advocacy, but it must also determine the funding arrangements. Just as importantly, the framework must also provide a clear statement that ensures the delineation of roles and responsibilities to be undertaken at the National level, whether this is by way of the NDIS or some other funding arrangement.
12. In relation to other funding arrangements, essentially what this means is that if the way is left open for individual jurisdictions to continue to have some part to play in advocacy by way of a separate funding arrangement at the jurisdictional level, then these jurisdictional activities may well conflict with the National framework. On this point the writers submit that if there is the potential for jurisdictional arrangements to be established, then this must be acknowledged in the National framework as agreed by all Ministers. The importance of this is that given it does potentially present as representing a conflict of interest, COAG DRC must acknowledge this and take steps to deal with it. Expanded comment on this is made further below.

**PART ONE - Addressing the systemic issues and the matter of funding**

13. While the assumption may well be made that the new National Disability Advocacy Framework will be just that - a National framework – the writers argue that this cannot be left simply as an assumption. Therefore, any ambiguity which currently exists must be obliterated.
14. In relation to the framework which is currently operating, and noting this has been endorsed by all governments, because the current framework is being managed by individual jurisdictions, the opportunity has existed for some deviation to occur. While acknowledging that the arrangements operating at the moment relate to the existing framework, nonetheless the writers submit that the current multi-operational arrangements send a warning signal that must be heeded if the new framework is to operate as a single and truly national framework.
15. To continue the argument made by some in relation to other aspects of the NDIS and as concerning 'nationally consistent', in the view of the writers and in the context of the advocacy framework a 'nationally consistent' approach would make a mockery of

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supposedly having a National framework. Therefore, for the new framework to operate as a National framework, it must not only be endorsed by all jurisdictions in its totality, but its implementation must be in accordance with strict guidelines which do not allow for variations to occur.

16. The writers emphasise the above in part because of the way advocacy in all its guises has developed over the past decades, whereby there is a combination of funding arrangements, and organisations who purport to be advocacy organisations seem to run a range of programs which, when it suits, they characterise as advocacy. Thus, to some degree the main focus of advocacy, that is individual and systemic, has to some degree been overtaken by information, education and training initiatives.
17. In terms of defining the National system, ultimately it is the COAG DRC which must be the final arbitrator on what constitutes the advocacy framework. Nonetheless, the decisions made by COAG must take account of:
  - (i) What comprises advocacy;
  - (ii) What the NDIS will fund in terms of advocacy and how these funds will be managed;
  - (iii) An individual jurisdiction's contributions to fund what has been agreed;and, just as importantly,
  - (iv) That the National framework will stand as the advocacy framework across the nation.
18. While the above should be designed to negate any ambiguity as to the framework to be agreed and established through COAG DRC, it does beg the question as to whether or not there are other elements that fit within the current framework of advocacy which may well be excluded from the new framework. Further, whether, if these elements are not to be funded through the NDIS, should they continue to be recognised as advocacy activities? Further again, if they are to be recognised, who then funds them and by what means?
19. The decisions made by the DRC at its April 2015 meeting, as reported in their communique, raise some significant questions which must be addressed.
20. By using the terminology "funded outside of the NDIS", clarification is required as to what is meant by 'outside'. The writers question this terminology on the basis that 'outside' could mean funded by some other arm of the Federal government, as, for example, the Department of Social Services, the Human Rights Commission. Or, does the use of the word 'outside' suggest that this provides the option for state and territory jurisdictions, if they choose, to fund and manage those elements of advocacy not funded by the NDIS? Or does it provide the option for the NDIS to provide the funds, but these are managed 'outside' the NDIS? This last option was flagged by the Productivity Commission.
21. The significance of the above has its roots in the considerations given to advocacy by the Productivity Commission, whereby they considered the potential of the Federal government funding advocacy in all its forms, either, for example, through the then Department of Families, Housing, Community Services and Indigenous Affairs with no involvement by the NDIA; with maybe some merit in the NDIA contributing additional funds though with no associated directives as to how the funds should be used. (Productivity Commission, p 525)
22. On the basis that the NDIS represents a national approach to disability, which the writers argue should include advocacy, nonetheless they also recognise the necessity of ensuring

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that conflict of interest does not occur if funding for advocacy is to be established in any way through the NDIS. Given this, the writers therefore submit that the Federal government should identify an amount of funding to be allocated to a federal agency for the purpose of distributing and funding those elements of advocacy not included under the NDIS funding, and as determined by the COAG DRC.

23. Given that systemic advocacy and legal review and representation are to be funded 'outside' the NDIS, and taking account of the writers' position as in 22 above, the question then becomes one of - To whom will these funds be allocated?
24. In terms of systemic advocacy, the writers consider that the consultations should include discussion on whether or not this is a legitimate activity to be funded, where it could be argued that if this is to occur, it ought to be part and parcel of the activities of Peak Bodies, without the necessity of providing funding specifically for this purpose. Notwithstanding this argument, however, in recognising that systemic advocacy goes well beyond the disability sector and may well encompass other sectors including, for example, transport, health, justice, education, then there is a legitimate argument for supporting the funding of systemic advocacy as a stand-alone activity.
25. Based on the view that systemic advocacy will likely become part of the advocacy framework, the writers submit that the appropriate approach in terms of its funding is that Peak Bodies should be funded to undertake this activity, but that it should be outside the NDIS block of funding. This position is based on the acceptance that Peak Bodies either represent service providers or alternatively represent particular cohorts of people with disabilities, as in, for example, Women with Disabilities Australia, Children with Disabilities Australia.
26. The writers argue that the reasonable assumption must be that in terms of systemic advocacy these entities are not only better placed but are more appropriate to advocate systemic change as required. The writers are aware that the efficacy of funding decisions and processes involved are the subject of a Senate inquiry due to report in August 2015.
27. The other side of the argument is that those entities funded to provide individual advocacy would run the risk of confusing their role and hence individual advocacy could well take a back seat. Added to this of course is the argument that Peak Bodies or entities representing particular cohorts are better placed in terms of access to governments and decision makers to represent their constituents.
28. In terms of how systemic advocacy will relate to the National framework, the writers submit that in the first instance this is by recognising systemic advocacy as being a legitimate arm of advocacy. Secondly, by formally funding it as arm of advocacy. Thirdly, by formally accepting that systemic advocacy has a part to play in monitoring the delivery of the National framework, and fourthly by operating at arm's length, or in other words by avoiding a conflict of interest, from the NDIS.
29. The writers note the COAG DRC decision that legal review and representation will be funded outside the NDIS. However, based on the definition of legal advocacy in the current framework, the writers argue that it is reasonable to conclude that this form of advocacy is acknowledged as constituting individual advocacy. Therefore, given that it does constitute

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individual advocacy and is to be funded outside the NDIS, the question therefore arises as to how best to fund this. The writers argue that given the arguments above concerning systemic advocacy and the funding of peak bodies, the same approach can be taken in relation to supporting legal review and representation by funding providers approved to provide legal review and representation.

30. Although the COAG DRC stated that the NDIS will fund decision support, safeguard supports and capacity building to participants, including support to approach and interact with disability supports and access mainstream services, this wording of itself does not clearly define these activities as constituting individual advocacy. Notwithstanding this, however, the writers submit that each of these elements can be taken to mean that they do represent individual advocacy because of their relationship to “participants”. The question arises, however, as to whether or not the funding for these activities will be provided within the context of the ‘reasonable and necessary’ support for the individual participant. As such, the writers submit that this matter must be clarified and a determination made as to whether such individual funding will be considered as constituting the individual’s opportunity to purchase the necessary individual advocacy to support his or her needs.
31. While the COAG DRC statement addresses participants as defined in Chapter 3 of the NDIS Act, it remains silent on the matter of non-participants as determined under Chapter 2 of the NDIS Act, but who nonetheless may receive funding through the NDIS for general supports. As such, this raises the question as to whether individual advocacy is to be included within the concept of ‘general supports’ for those funded under Chapter 2. Again, this matter must be addressed and clarified.
32. Given that the COAG DRC has agreed to fund from the NDIS “decisions support, safeguard supports and capacity building for participants, including support to approach and interact with disability supports and access mainstream services” the writers contend that in its current language this is somewhat open-ended in terms of fitting with a clearly defined advocacy lexicon..
33. The current Framework includes a Glossary which gives definition to individual advocacy and systemic advocacy. The writers contend that this Glossary must be reviewed whereby the new Framework clearly defines the definitional boundaries. It may well be that new terms need to be added to the advocacy lexicon, given that the DRC has agreed that the NDIS will fund some supports related to individual advocacy.
34. Matters not addressed by the COAG DRC, which to some degree by default are considered by some to have a relationship to advocacy, include information, education and training, albeit it must be noted that these elements have not been specifically identified to be funded through the NDIS. Notwithstanding this, however, the writers recognise that it might be argued by some – or indeed may be the intention of the COAG DRC – that the activities of “capacity building” and “decision support” represent education, information and training, and hence are to be funded through the NDIS.
35. While not being in a position to know whether this was the intention of the COAG DRC, whether it was or was not, the writers challenge the inclusion of these activities as being recognised as constituting formal advocacy activities, as, for example, individual and systemic advocacy are. Primarily this challenge is made on the basis that information,

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education and training constitute far broader activities than simply that of developing knowledge, understanding and support for advocacy.

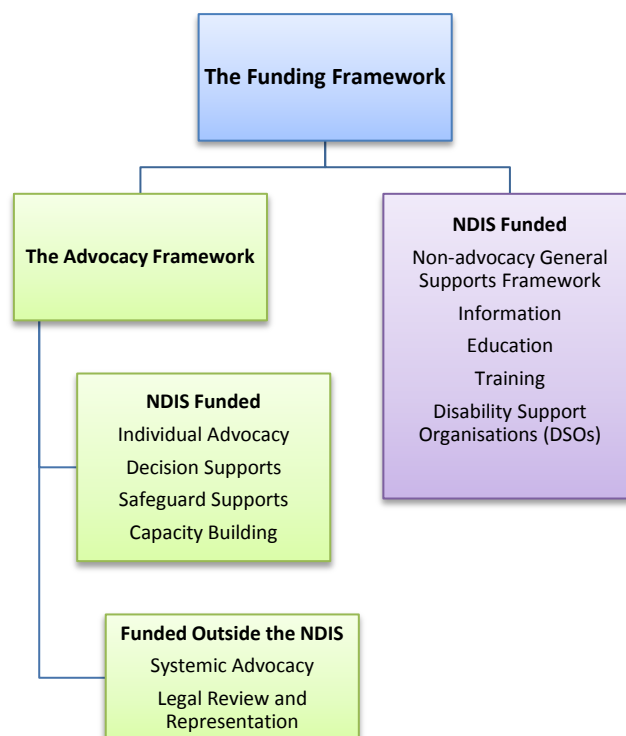
36. The writers acknowledge that the NDIS has currently funded Disability Support Organisations to deliver such activities. While the writers support the establishment of DSOs, they nonetheless note and support the Productivity Commission's consideration that DSOs should not also be funded as advocacy organisations. Given this, the writers therefore argue that the Productivity Commission's considerations support their view that training, education and information should not be considered as advocacy activities in their own right.
37. Therefore given the above, the writers submit that in the development of the new Advocacy Framework, while it should acknowledge the existence of DSOs and the funding of them by the NDIS for the delivery of training, education and information, nonetheless the framework must be very clear in stating that DSOs are not advocacy organisations, and further, that the activities undertaken by them as in training, education and information do not constitute advocacy activities per se.
38. The writers note that in addition to the review of the advocacy framework as currently being undertaken by the DSS, it should not be ignored that the Federally funded National Disability Advocacy Program (NDAP) is also under review, albeit that the writers have been informed that the timetable for this is yet to be determined and it may well be that no public consultation will be part of the review.
39. In part, the significance of the above relates to the fact that the current funding for advocacy is not restricted to Federal funding alone. Advocacy in its various forms is also funded through state and territory governments and in some instances organisations receive funding from both the Federal government and their jurisdictional government.
40. The writers contend that the above is a major consideration in relation to the current review. They argue that all those activities that have some linkage to the development of a National Disability Advocacy Framework must be taken into consideration. Based on the information provided to date, they argue that it cannot be assumed that this is the case. They further argue that if it is that neither of these important reviews are working in concert with each other, and instead are effectively working in isolation, then the outcomes for each will fall short as to what might be considered a desirable outcome for both. Of even greater significance, however, is that ultimately the new National Disability Advocacy Framework may well fail to have taken account of all the necessary considerations.
41. Additional to the above, and adding another layer of complexity that must not be ignored in the development of the National framework, is the current arrangements operating within state and territory jurisdictions as related to the funding of advocacy and associated activities. The writers contend this is particularly important in terms of determining the funds to be transferred from state and territory jurisdictions to the NDIS for the delivery of advocacy services. As well, it could be considered to have some import for testing the waters as to whether there may be a desire within particular state or territory jurisdictions to maintain some level of advocacy, albeit it is funded through their own resources.
42. In relation to the potential of individual jurisdictions maintaining some form of advocacy, albeit funded through their own resources, while the writers acknowledge that in part this

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may raise the question of each having a legitimate authority to do so – so long as they pay for it – they also argue the potential of such a situation compromising the National framework. On this matter, the writers recognise and agree with the importance of avoiding conflicts of interest. They argue that for individual jurisdictions to fund and maintain some form of advocacy in their own right would create the potential for such conflicts to occur. An example being whereby the Federal government may fund a particular entity to undertake systemic advocacy, and yet an individual jurisdiction may fund an entity who has traditionally provided both individual and systemic advocacy within that jurisdiction, and because of the maintenance of their funding by the individual jurisdiction this entity enters the arena of systemic advocacy.

43. Based on the above, and as an overall comment, the writers argue that the significant goal of the new National Disability Advocacy Framework must be to clean up the existing fragmented, inequitable and maze-like arrangements concerning advocacy, and as such establish a clearly defined framework in terms of funding, authorities and responsibilities and clarity as to what constitutes and what does not constitute advocacy.
44. As an overall position, the writers submit that the following schematic diagram represents their view in relation to funding particular activities which includes the National Disability Advocacy Framework. They further submit that the new Advocacy Framework must include explanation of its funding arrangements.





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**PART TWO - Response to questions in the DSS Discussion Paper**

**Question 1: Do you believe the current framework encompasses your vision of advocacy in the NDIS environment? If not, what changes are required?**

45. Question 1 seems to suggest that advocacy, however described, may need to be different in the NDIS environment from that which currently exists. Certainly, while it seems reasonable to suggest that the funding arrangements of particular aspects of advocacy may change as a result of the full roll out of the NDIS, this cannot automatically be translated into what might be considered a significant difference between the NDIS environment and that which currently exists in relation to people with disabilities.
46. Surely it should go without saying that no matter what the environment, advocacy as a principal activity should “enable and support people with a disability to safeguard their rights and overcome barriers.”
47. Working on the assumption that this primary objective applies no matter what the environment, then the critical issue associated with the framework in terms of the NDIS environment is the agreement already made in April 2015 by the COAG DRC that the NDIS will fund decision supports, safeguard supports and capacity building for participants.
48. The writers argue that regardless of whether this is a wise decision or not, the critical consideration in terms of a vision of advocacy is that the funding to underpin its actual practice must not be placed in the hands of entities which are making decisions that a participant may disagree with.
49. Therefore, the writers submit that in terms of a vision for the NDIS, funds for advocacy should neither be placed in the hands of service providers or watchdog entities. However, regardless of this, part of the writers’ vision is that there should be absolute transparency in identifying the funding inputs, in order that they can be better traced and an assessment made of the application of the funds in the context of output and outcome evaluation.
50. The writers base this part of their vision on what they argue is a gap in the current framework, whereby there is a lack of transparency between inputs, output activities and outcomes.
51. While the above may seem simple enough to embrace, the real challenge in terms of the NDIS environment is to avoid having the NDIA sub-contract functions such as information provision and education to entities which are funded as advocacy organisations, whether for an individual or on a systemic or legal basis.
52. Therefore, in relation to this question, the writers submit there are two critical musts for the Framework which is to be developed for the “NDIS environment”:
- (i) Funding for advocacy must be totally separate and transparently so from organisations and individuals responsible for service delivery or safeguarding responsibilities.
  - (ii) Advocacy funding must not be allowed to become a composite of funding for individual advocacy, education, information etc. In other words, the non-advocacy activities must be separate from the advocacy budget and advocacy providers.

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**Question 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?**

53. In relation to Question 2, the writers note that nine principles are listed in the Framework document (10 (a) to (i)). Of these nine, they note that seven relate specifically to activities directly related to the individual requiring advocacy support. Of these seven, the writers have no disagreement.
54. In relation to the other two, the writers note that 10(c) makes reference to disability advocacy seeking to ‘influence positive systemic changes’. It needs to be recognised that advocacy of this nature ought to come in many forms, and there are both legal and moral obligations imposed on service providers, watchdog entities, peak bodies, and specific representative groups who should be seeking to influence positive systemic changes in “legislation, policy and service practice” and working towards promoting inclusive communities and awareness of disability issues.
55. The argument to separate this principle from that of what can be promoted as ‘individual advocacy’ is based on the view, and indeed the way in which advocacy has evolved, that the individual is not necessarily best represented if the same organisation representing him or her also has a responsibility and authority to promote systemic advocacy.
56. Therefore, the question remains as to whether funding provided to service providers, watchdog entities, peak bodies and representative groups is specific funding for systemic advocacy or whether this is simply incorporated as part of their operational brief. As noted further above, the writers contend that funding for systemic advocacy should be directed to peak bodies.
57. The second non-individual advocacy principle is that of 10(i) which makes reference to fostering ‘effective strategic alliances to develop capacity to identify and respond to the needs of people with disability’. While the writers understand and support the general contention of strategic alliances as a way of building capacity and better responding to needs, they nonetheless argue that there is a danger that this can create a situation whereby either no one takes ownership, or alternatively, individual advocacy, which to their mind should be the prime objective, gets lost in the milieu of alliances.
58. Therefore, in relation to this particular principle, if it is to be included the writers argue that the same approach as suggested for principle 10(c) should apply.
59. Notwithstanding the above, however, the writers contend that hidden within this principle is the potential for the diversity of view to be stifled, whereby the government is only interested in hearing and listening to a single view. The writers argue that advocacy is not an exact science, and indeed disability as an industry must allow for diversity as the concept of choice actually dictates.
60. Given this, they therefore submit that principle 10(i) should not be included in the list of principles.

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61. Notwithstanding the above, the writers do express concern that over recent years there has been a propensity for a multitude of principles to be developed specific to a range of activities. Therefore, on this matter the writers argue that whatever principles are established for the National Advocacy Framework, they must marry appropriately with those principles identified in the NDIS Act. Indeed, the writers express concern that the disability sector seems pre-occupied at times with developing yet another set of principles without firstly taking account of the existing principles. They argue that every attempt should be made to rationalise the range of principles into a single set, which of course would encompass those applicable to advocacy.
62. Further on the matter of principles, the writers express some concern there is at times a cross-over in meaning between principles and objectives. As such, the writers argue that this matter must be cleared up to ensure that separate statements on principles and objectives are not being made simply for the sake of making them.

**Question 3: Are the outcomes of the Framework still relevant or should different ones be included?**

**Outcomes**

63. In relation to Question 3, the writers suggest that of themselves there can be little dispute with any of the seven listed Outcomes (12 (a) to (g)). Notwithstanding this, however, they do contend that the Outcomes represent high-level aspirations, which may or may not be able to be met. Certainly in relation to 12 (b) the writers challenge this as being an achievable outcome to its fullest extent in relation to many people with a disability. Apart from this, of course, as an outcome there is no measureable or quantifiable indicator to suggest when this might be achieved.
64. In relation to 12 (c) and (g), the writers argue these ignore important concepts of substitute decision-making or supported decision-making. Essentially, these outcomes seem to suggest that with the right level of advocacy, each individual with a disability will be able to participate in meeting these outcomes. The writers contend that the descriptors for these two outcomes represent more aspirational goals than quantifiable outcomes. As such, they suggest they either should be defined as such or deleted from the outcome list.
65. It must be noted that specifically in relation to 12(g) the outcome statement makes reference to 'people with disability' being 'actively involved'. The writers have assumed this to mean individuals with a disability as opposed to individuals sitting on committees, advisory groups and the like who allegedly represent all others with a disability. They reject the notion that participation and the like represent the true notion of people with disability being actively involved. As such, they believe this needs to be clarified within the context of 12(g)
66. In relation to 12(d), while the writers note the reference to 'support being provided where necessary' to assist people with disability in making decisions, they challenge this outcome as being necessarily possible for all people with a disability. The writers do not deny that given the right kind of support there are many people with disability who can participate in either making or contributing to decisions affecting them. However, they do argue that there are also people with disabilities whose cognitive capacity is such that no matter what the

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level of support, they are not capable of participating in a supported decision-making process. As such, the writers therefore submit that recognition and acknowledgement needs to be given within this outcome that not all people with disabilities have the ability to make or contribute to decisions affecting them, no matter what level of support is given to them.

67. In relation to 12 (f) while the writers acknowledge that advocacy may well contribute to supporting people with a disability experiencing multiple disadvantage having their needs met, they nonetheless contend that this should be seen as more of an aspirational outcome than necessarily one which promotes people with disabilities with multiple disadvantage as having priority over others in the community who also have multiple disadvantages.

**Objectives and Outcomes**

68. In addition to the above comments, the writers submit that the Framework, in establishing two separate headings, that is, Objectives and Outcomes, has in effect sought to manufacture what should rightly be seen as Objectives into Outcomes. As such, they submit that with modifications as noted above, the Outcomes should be subsumed under the heading of Objectives.

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

69. In relation to Question 4 and the concept of Outputs, the writers note that five are listed. While the writers do not necessarily challenge to any significant degree the five statements made under 13(a) to (e) they do nonetheless challenge the descriptor of these statements as constituting Outputs. They argue that essentially they reflect intent. Therefore, while they do not disagree with the intent of each, they do nonetheless contend that each should be re-considered by specifically highlighting the distinctions, both in terms of funding and responsibility, between individual advocacy, systemic advocacy and the promotion of community education and awareness.
70. As such, in response to Question 4, the writers argue that the Outputs as listed would be better identified as objectives. Given this, and acknowledging that a statement on Outputs is desirable, the writers submit that any statement on outputs must be related to upholding people's rights and be able to be measured and reported on.

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

71. .In relation to question 5 and whether or not the framework identifies what is needed in the current and future disability environment, the writers submit that the framework tends to rely on what they call 'repetitious rhetoric'. They therefore argue that if advocacy in all its forms is to be restructured, in order to assure greater efficiency and effectiveness, then the framework both in terms of the current and future disability environments must address the following five critical challenges.

- (i) There must be refinements so it is very clear what constitutes funded advocacy, as opposed to assuming that the broad based activities of providing education, training

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and information constitute advocacy. Elsewhere in this paper the writers have argued that these are broad-based activities, whereby the provision of education, training and information by definition should address the broad parameters of the disability sector, noting that advocacy may only be one of these. Again, therefore, they repeat their view that it would be wrong to fund education, training and information as purely advocacy activities, when advocacy is but one part of these functions.

- (ii) That funding and the continuation of funding must be premised on transparent accountability, and accountability must be premised on delivery of what is required by a funding agreement.
- (iii) That an entity funded for advocacy should not be assumed to have a right of continued funding purely on the basis of longevity.
- (iv) That in relation to individual advocacy, people appointed to undertake individual advocacy must operate on the basis of having a suitably endorsed qualification.
- (v) That advocacy should not be considered as the panacea for quality and the promotion of rights but must instead be considered as part of a broader system and range of activities where the common obligation is to meet the legislative framework associated with quality and rights.

**Question 6: Do you have any other comments, thought or ideas about the Framework?**

- 72. The consultation on an advocacy framework is being conducted without the full 'facts' associated with advocacy being on the table. The writers contend that it is totally unacceptable that a separate 'targeted' consultation is being held about the National Disability Advocacy Program while at the same time consultation is being undertaken in relation to the new framework.
- 73. The writers also argue that it is unacceptable that this framework consultation is being held with no consideration being given the Peak Bodies program, which in essence performs a systemic advocacy function.
- 74. Further, there is no consideration being given to what actually is the 'NDIS environment', for example, that there are people with disabilities funded under Chapter 3 as participants, and those individuals and entities, including people with disabilities who are not participants, but funded under Chapter 2 of the NDIS Act. Although it might be assumed that given that Chapter 2 and Chapter 3 are both part of the NDIS Act and therefore each constitutes part of the NDIS environment, nonetheless the writers contend that the very nature of Chapter 2 requires clarification as to whether it does in fact constitute part of the NDIS environment being considered for the advocacy framework. The writers note that the Information, Linkages and Capacity Building Framework (ILC) is being developed to supposedly include Chapter 2 considerations.

**CONCLUDING COMMENT**

- 75. While the writers appreciate that this submission is made in response to a DSS discussion paper and as such is part of a consultative process, nonetheless they do note that the discussion paper and the outcomes of the consultation constitute only part of the work being done to develop a new framework for endorsement by COAC DRC Ministers by December 2015.

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76. Given the significance of what is likely to be the final product in terms of the new advocacy framework, and particularly given the disjointed approach taken to various consultations associated with advocacy and other frameworks, the writers contend that there should be opportunity for the public to be able to make comment on a penultimate draft before a final draft is established and submitted to the COAG DRC for endorsement.
77. To give context to their considerations regarding organisations involved in ‘advocacy’, the writers direct attention to their Attachment A, which shows the organisations currently funded for ‘advocacy’ in Victoria and Federally funded peak bodies.
78. As a final comment, the writers contend that as a public program receiving public funds, advocacy should not escape scrutiny. While some might argue that advocacy by its very nature represents a ‘public good’, and therefore should automatically be accepted as providing that good, the writers reject any such claim as self-serving rhetoric. Instead, they argue that the expenditure of any public funds should not escape scrutiny. In relation to advocacy, those entities or activities or programs that are funded must be subject to transparent and testing evaluation for value for money, quality, quantity and outcomes.
79. If this does not occur as part of the new advocacy framework, then what has tended to occur in the past, whereby advocacy has not been subject to the highest level of accountability, will continue. Not one single person or entity has an automatic right to be funded to deliver advocacy services.
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**End of Submission**

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**ATTACHMENT A**

Table 1 below shows those organisations funded under the Victorian advocacy program, and those funded by the Federal Disability Advocacy, and thus identifies those which are jointly funded. Table 2 shows Federally funded Peak Bodies.

**Table 1: Organisations funded in Victoria as advocacy organisations**

<b>VICTORIA ADVOCACY PROGRAM</b>	<b>FEDERAL ADVOCACY PROGRAM</b>
ADEC - Action on Disability in Ethnic Communities	ADEC – Action on Disability in Ethnic Communities
	AED - Association of Employees with Disability Inc
	AMIDA – Action for More Independence and Dignity in Accommodation
Association for Children with a Disability*	
Barwon Disability Resource Council (Assert 4 All)	
Blind Citizens Australia	
Brain Injury Matters	
	Citizen Advocacy Sunbury and Districts Inc
	Colac Otway Region Advocacy Services
CAUS - Communication Rights Australia	
Collective of Self-Help Groups	
Cystic Fibrosis Victoria	
Disability Advocacy and Information Service	Disability Advocacy and Information Service Inc
DARU – Disability Advocacy Resource Centre	
Deaf Victoria (formerly Victorian Council of Deaf People)	
	Disability Justice Advocacy
Disability Resources Centre	
Disability Resources Centre – Outer South East	
Eastern Access Community Health – New Horizons	
Gippsland Disability Advocacy	Gippsland Disability Advocacy

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Grampians Disability Advocacy – Ararat, Ballarat and Horsham	Grampians Disability Advocacy Association
Leadership Plus Inc (formerly Action for Community Living)	Leadership Plus Inc (formerly Action for Community Living)
	Melbourne East Disability Advocacy
Migrant Resource Centre, North West Region – Disability Advocacy and Diversity and Disability Self-Advocacy	
	North East Citizen Advocacy
Regional Information and Advocacy Council (now called Rights Information and Advocacy Centre)	Regional Information and Advocacy Council (now called Rights Information and Advocacy Centre)
Reinforce	
SARU – Self Advocacy Resource Centre	
	Southern Disability Advocacy
South West Advocacy Association	Southwest Advocacy Association
STAR Victoria	
VALID – Victorian Advocacy League for Individuals with Disability*	
	Victorian Mental Illness Awareness Council
	Villamanta Disability Rights Legal Service
Women with Disabilities Victoria	
Youth Affairs Council of Victoria – Youth Disability Advocacy Service (YDAS)	
26 organisations	17 organisations

\* Also in receipt of Federal DSS-NDIS funds as a Disability Support Organisation



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**Table 2 – Federally Funded Peak Bodies**

<b>DISABILITY PEAK BODIES</b>	<b>NATIONAL CROSS-DISABILITY ALLIANCE – announced 9 Feb 2015</b>	<b>AFDO FUNDED TO WORK WITH 10 NATIONAL ORGANISATIONS</b>
Australian Federation of Disability Organisations (AFDO)		Australian Federation of Disability Organisations
		A4 Autism Aspergers Advocacy Australia
Blind Citizens Australia		Blind Citizens Australia
Brain Injury Australia		Brain Injury Australia
Children with Disability Australia (CDA)	Children with Disability Australia (CDA)	
Deaf Australia		Deaf Australia
Deafness Forum of Australia		Deafness Forum of Australia
Disability Advocacy Network Australia (DANA)		Disability Advocacy Network Australia (DANA)
		Down Syndrome Australia
First Peoples Disability Network*	First Peoples Disability Network*	
		Mental Health Australia
National Council on Intellectual Disability		National Council on Intellectual Disability
National Ethnic Disability Alliance	National Ethnic Disability Alliance	
	People with Disability Australia*#	
Physical Disability Australia		Physical Disability Australia
Women With Disabilities Australia	Women With Disabilities Australia	
12 organisations	5 organisations	11 organisations

\* Also funded as a Disability Support Organisation

# Also funded as a National Disability Advocacy Agency in NSW and Queensland

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SOURCES

1. Productivity Commission 2011, Disability Care and Support, Report no. 54, Canberra  
<http://www.pc.gov.au/inquiries/completed/disability-support>
2. Department of Social Services, Discussion Paper – Review of the National Disability Advocacy Framework June 2015  
<https://engage.dss.gov.au/ndaf-2/discussion-paper/>  
Current Framework  
<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/national-disability-advocacy-program/national-disability-advocacy-framework>
3. National Disability Peak Bodies, downloaded July 2015  
<https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/consultation-and-advocacy/national-disability-peak-bodies>
4. National Disability Advocacy Agencies funded by the Australian Government (by state or territory), downloaded July 2015  
<https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability/national-disability-advocacy-program/models-of-disability-advocacy/national-disability-advocacy-agencies-funded-by-the-australian-government-by-state-or-territory>
5. NDIS DSO Capacity Building project December 2014  
<http://www.ndis.gov.au/document/1236>
6. National Cross-Disability Alliance & Peak Body funding 6 February 2015  
<http://mitchfield.dss.gov.au/media-releases/new-voice-for-all-australians-with-disability>
7. Australian Federation for Disability Organisations 2 July 2015 – funding to work with 10 national organisations  
<http://www.afdo.org.au/news-media/afdo-news/afdo-update-2nd-july-2015/>
8. Funding extensions for NDAP and other disability and carer programs 13 March 2015  
<http://mitchfield.dss.gov.au/media-releases/funding-extensions-for-disability-and-carer-programmes>
9. Senate inquiry into the Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services, due to report in August 2015  
[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/G\\_rants](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/G_rants)
10. Disability Advocacy Network Australia – members, downloaded July 2015  
<http://www.dana.org.au/members/our-members/>
11. COAG Disability Reform Council – Communiqués December 2014 and April 2015  
<https://www.dss.gov.au/our-responsibilities/disability-and-carers/programmes-services/government-international/disability-reform-council>

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12. Federal Joint Standing Committee on the NDIS  
[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/National\\_Disability\\_Insurance\\_Scheme](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme)  
Public hearings – advocacy hearing Canberra 27 March 2015  
[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/National\\_Disability\\_Insurance\\_Scheme/Public\\_Hearings](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/Public_Hearings)
13. Office for Disability Victoria  
<http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/our-groups/office-for-disability>  
Organisations funded through the advocacy program  
<http://www.dhs.vic.gov.au/for-service-providers/disability/protecting-rights/disability-advocacy/disability-advocacy-organisations>

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