

20 June 2016



Disability Access and Inclusion Team
Department of Social Services
Submitted by email to engage@dss.org.au

To whom it may concern

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities. When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone. As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

NCOSS welcomes the opportunity to provide input into the review of the National Disability Advocacy Program (NDAP). The review presents an opportunity to ensure the NDAP continues to facilitate a strong and independent advocacy sector after the NDIS is implemented.

To this end, I recommend that as part of this review, the Australian Government:

1. Increase funding under the NDAP in recognition of the increased demand for advocacy in the NDIS environment and the redirection of state advocacy funding to non-advocacy activities;
2. Ensure current levels of funding for advocacy in NSW are not reduced in the transition to the NDIS, and are also provided at levels which are capable of meeting unmet need; and
3. Commission a disability advocacy needs assessment to identify unmet need and gaps in the services provided by NDAP and the NDIS via collaboration between Governments, advocacy organisations and people with disability. This needs assessment should be used to guide action called for in Recommendations 1 & 2.

It is important to consider this review in the context of uncertainty about advocacy funding in the transition to the NDIS, which is particularly pertinent in NSW. As you would be aware, the NSW Government currently funds approximately \$10 million p.a. to services that provide disability advocacy, information and representation. This money will be directed to the Commonwealth National Disability Insurance Agency (NDIA) by 2018, as part of a commitment by NSW to transfer the entirety of its disability funds. After the transition to the NDIS, these advocacy funds will likely be directed to non-advocacy activities, meaning that people with disability in NSW will experience an immediate gap in their access to advocacy.

At the same time, the introduction of the NDIS will be accompanied by an increased need for advocacy. As people with disability experience greater choice and control and deeper interaction with mainstream services, they are likely to experience barriers which highlight

systemic issues to be addressed. Overcoming these barriers requires advocacy which is independent of service provision, so that people with disability can receive impartial assistance to navigate their supports and hold service providers to account.

Assistance from advocates can act as a crucial enabler to people with disability accessing the supports they need. Even on current levels of advocacy, which will decrease in NSW without further funding, a recent report by the NSW Auditor-General has highlighted that the level of support provided to students with disability can vary between schools.¹ Advocates support parents to work with schools to ensure their child's needs are met, and to enhance the school's culture of inclusion. If a parent wishes to challenge a school's decision, they may rely on advocacy from community legal centres, which are vulnerable in light of recent cuts to Legal Aid around Australia.² As another example of advocacy improving access to supports, NCOSS understands that people living in Large Residential Centres have variable access to modern assistive technology which could improve their lives, partly due to their lack of connection with advocacy.

Advocacy is also important in addressing the issue of violence against people with disability. In its recent report into the violence, abuse and neglect of people with disability in institutional and residential care,³ the Senate Standing Committee on Community Affairs (the Committee) emphasised the crucial role of advocacy in preventing abuse, and specifically urged States and Territories not to reduce advocacy funding with the rollout of the NDIS.⁴ Advocates continue to call on the Federal Government to instigate a royal commission into this issue, as recommended by the Committee.

Dealing with the broader issues of institutional abuse, we note that the Committee has previously recommended that all people with disability under 65 in residential care, or at risk of entering residential care be assigned an advocate to help them explore alternative options.⁵ Implementing this recommendation will require substantial additional investment in advocacy, but would greatly improve the quality of life of the most vulnerable people with disability.

If advocacy is to meet the increased demand, continue to safeguard people with disability and provide an early warning system to Governments, it is crucial that additional resources be invested in the NDAP as part of this review. A division of current funds among more organisations will not address the issue of increasing unmet demand for advocacy services.

¹ NSW Auditor-General (2016) [Supporting students with disability in NSW public schools](#).

² Timms, P (2016) "[Legal Aid Matters: Lack of government funding 'destroying lives', Law Council says](#)"

³ Australian Senate, (2015) [Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability](#).

⁴ Ibid, recommendation 15.

⁵ Australian Senate, (2015) *Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia*, Senate Printing Unit, Canberra, 104.

Recommendation 1

The Australian Government increase NDAP funding in recognition of the increased demand for advocacy in the NDIS environment and the redirection of state advocacy funding to non-advocacy activities.

Recommendation 2

The Australian Government ensures current levels of funding for advocacy in NSW are not reduced in the transition to the NDIS, and are also provided at levels which are capable of meeting unmet need.

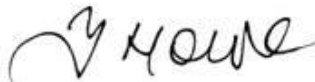
NCOSS believes that the NDIA and the Department of Social Services should conduct an advocacy needs analysis to identify unmet needs. As part of this process, people with disability should be consulted about their unmet needs and funded organisations should be asked to identify gaps in their area of work. This acknowledges the expertise of advocates and the people they work with, which could be combined with other sources of information about emerging need, for example NDIS participant's plans.

Recommendation 3

That the Australian Government commission a disability advocacy needs assessment to identify unmet need and gaps in the services provided by NDAP and the NDIS via collaboration between Governments, advocacy organisations and people with disability. This needs assessment should be used to guide action called for in Recommendations 1 & 2.

NCOSS would be happy to discuss this submission with you in greater depth. Should you have any questions in relation to this proposal, please do not hesitate to contact me or Deputy CEO, John Mikelsons (02) 8960 7916 or via email at: john@ncoss.org.au

Yours sincerely



Tracy Howe
Chief Executive Officer