



Disability  
Justice  
Advocacy inc.

Submission to the Review of the National Disability Advocacy Program  
**Part 2**

## **1.2 What are the drawbacks?**

There are no drawbacks with the current specialisations that are allocated to Disability Justice Advocacy because over time we have developed a fantastic range of network contacts within the legal individual and systemic advocacy frameworks and are able to obtain excellent outcomes for people with disabilities. This is despite having to close our waiting list for many months of the year because we simply cannot meet the demand our services.

We deliberately do not promote our services to diagnostic disability support groups or organisations such as those representing disabilities including cerebral palsy, multiple sclerosis, acquired brain injury or intellectual disability just to name a few. This is because we only receive funding for a target of 80 clients per financial year and we already have to close our waiting list for months on end because we cannot meet the demand for our services..

If people with disabilities were able to access our services from any geographical location in Victoria and expect a service that was relevant to their human rights and the particular type of advocacy required, then we would have to provide a state-wide service and be funded accordingly.

Over time I am sure that we could develop the required skills and knowledge and competencies to do this. However I see nothing in the discussion paper which indicates that additional funding will become available to make this happen.

In fact for the current financial year and the next one to come we have received no indexation in our funding agreement yet our costs have risen by an average of 7.5 % per annum and in order to maintain our service and meet our target we have had to resort to the training of volunteers and a reduction in paid employment.

Just training volunteers is itself problematic because it takes considerable time which could be used by the paid advocates doing the training to actually provide advocacy for people with disabilities.

## **1.3 How do we value and support the various models of advocacy while ensuring equitable access to individualised, fit-for-purpose advocacy, regardless of location?**

There is an underlying assumption in this question that all advocacy agencies will be required to provide people with disabilities with various models of

advocacy which is fit for purpose regardless of location without any indication that additional funding will be made available to enable this to happen.

Unless additional funding is made available smaller agencies will be forced to amalgamate with larger ones like Disability Justice Advocacy to be able to provide a state-wide disability advocacy service using the full range of models of advocacy. This would involve opening regional offices in various parts of the state or offering mobile services at considerable extra expense in terms of staff costs, utilities, rent, vehicles, travel, accommodation and other overheads. The logistics of doing this would require a considerable financial investment.

We have had to develop a policy and a set of procedures to cope with requests for Individual and Legal advocacy support because the demand for our services outstrips our capacity to provide them. This has resulted in DJA having to close its Waiting List at different times during the reporting period.

For example, the most up to date Census information indicates that there are just over 159,000 people with disabilities who are eligible for support under our funding agreement in our geographical intake area. However, the current funding is barely adequate to enable us to meet our annual client target of 80. In fact, we could not do so without the support of volunteers.

In addition, the reporting requirements in the annual Performance and Data Report do not take into account the complexity of client issues and the comparative time that is spent by advocates on respective issues.

For example: an annual client target does not reflect the difference between preparing and lodging an application for an exempt Myki public transport card with the time and resources needed to prepare, lodge and conciliate a disability discrimination complaint under the Disability Discrimination Act. There are major differences in the allocation of resources based on the type of issue that each client might have.

## **2.1 How do we improve access for:**

- **people with disability from Aboriginal and Torres Strait Islander communities and their families?**

This is most likely a question that needs to be put to the Aboriginal and Torres Strait Islander communities themselves because very few of our clients identify with this background. Despite numerous attempts over the years to engage the indigenous community in disability advocacy by Disability Justice Advocacy, it has proven ineffective.

The feedback we have been given is that the ATSIC community has problems identifying with the word disability and its various connotations and prefer to deal with such issues within the family environment.

**How do we improve access for:**

- **people with disability from culturally and linguistically diverse communities and their families?**

The funding that is provided under the NDAP does not take into account the need for interpreters which are extremely expensive and can consume considerable resources in terms of staff hours and expenditure. We are fortunate that several of our staff are fluent in different languages and so far have been able to manage this quite well.

**How do we improve access for:**

- **people with disability in rural, regional and remote locations?**

People with disability in rural, regional and remote locations are entitled to access to disability advocacy under the National Disability Advocacy Program. However the funding under the program is not distributed evenly across geographical regions, nor is it sufficient to provide an equitable access to advocacy services for people with disabilities regardless of where they live.

**How do we improve access for:**

- **people who are very socially isolated including those with communication difficulties and those in institutional care?**

Disability Justice Advocacy specialises in working with very socially isolated clients particularly those with communication difficulties and those in institutional care. We have developed a range of policies procedures and tools for obtaining informed consent including the development of specialised communication aids for people who are non-verbal.

In addition we have a range of network contacts through the Centrelink social workers network and private and public rehabilitation hospitals within our intake area.

We make regular presentations to these networks and receive a large number of referrals particularly for clients who are socially isolated and have communication difficulties. We are only able to do this because we specialise in individual, legal and systemic advocacy and because of this we are able to use our resources to develop and cultivate these networks to enhance the services provided to those most vulnerable as described above.

**2.2 What are the strategies or models that have worked? What are the strategies that do not work?**

The strategies that have worked for us at the Disability Justice Advocacy in terms of a human rights-based approach to the specialised provision of legal, individual and systemic advocacy are as follows:

- the development of partnerships with organisations like Maurice Blackburn lawyers, the Victoria Police Academy and the Victorian Equal Opportunity and Human Rights Commission
- the development of in-house suicide and self harm flowcharts and checklists
- the development of in-house abuse and neglect flowcharts and checklists
- developing and maintaining networks within the community to enhance the advocacy services provided to clients with disabilities

Disability Justice Advocacy believes that unless there is a major commitment to increase funding to the disability advocacy sector under the National Disability Advocacy Program, then the presumption that all funded agencies should be able to provide advocacy regardless of location and the type of advocacy does not reflect the reality on the ground.

### **3.1 What mechanisms could be used to ensure information on systemic issues gets to the right people and organisations?**

The current Performance and Data Reports are totally inadequate to ensure that information on systemic issues is collated and gets to the right people and organisations. Whilst agencies such as Disability Justice Advocacy have provided comprehensive reports on its systemic advocacy campaigns, we are not aware that it has been collated and made available to other NDAP funded agencies in a format that makes it useful.

Not only that, but many of our legal advocacy clients which end up with complaints under antidiscrimination legislation often lead to systemic outcomes which are protected by the respondent's inclusion and insistence on confidentiality clauses.

This means that although systemic outcomes for people with disabilities in areas such as public transport have been achieved, it is impossible to make this information available because of the confidentiality clauses.

In our experience in lodging dozens and dozens of such disability discrimination complaints, we have only ever had one respondent who agreed to allow the systemic implications of the conciliation agreement to be made public. In fact, in these cases Disability Justice Advocacy is unable to even report these achievements in the annual performance and data report.

This is a real barrier to ensuring that information on systemic issues gets to the right people and organisations. However it is also a testimony that the

current specialisation which is afforded to organisations like Disability Justice Advocacy is extremely effective.

In fact we are so effective and successful in this area that we receive referrals from Victorian Equal Opportunity and Human Rights Commission, The Disability Discrimination Legal Service, Victoria Police officers, hospital social workers and even the Office of the Public Advocate. We could not do this without our high public profile in relation to our specialisations in legal, individual and systemic advocacy

Disability Justice Advocacy (DJA) believes collaboration between NDAP agencies will increase knowledge and cooperation with the goal of improving outcomes for NDAP clients.

DJA is keen to share our expertise and experience with other NDAP agencies to benefit clients and advocates, and sustain our mission which is “To be the leader in disability advocacy.”

DJA will encourage collaboration that expands understanding of specific systemic issues, their management and protection and enhancement of human rights.

DJA is keen to develop new methods to collaborate and exchange knowledge more effectively with other agencies.

We believe that collaboration needs to address issues such as:

- The Vision: What?
- The Process: How?
- The Tools: Resources?
- The Outcomes: Measuring results?

**Example: Networking: Exchanging information for mutual benefit re improved access to services and premises**

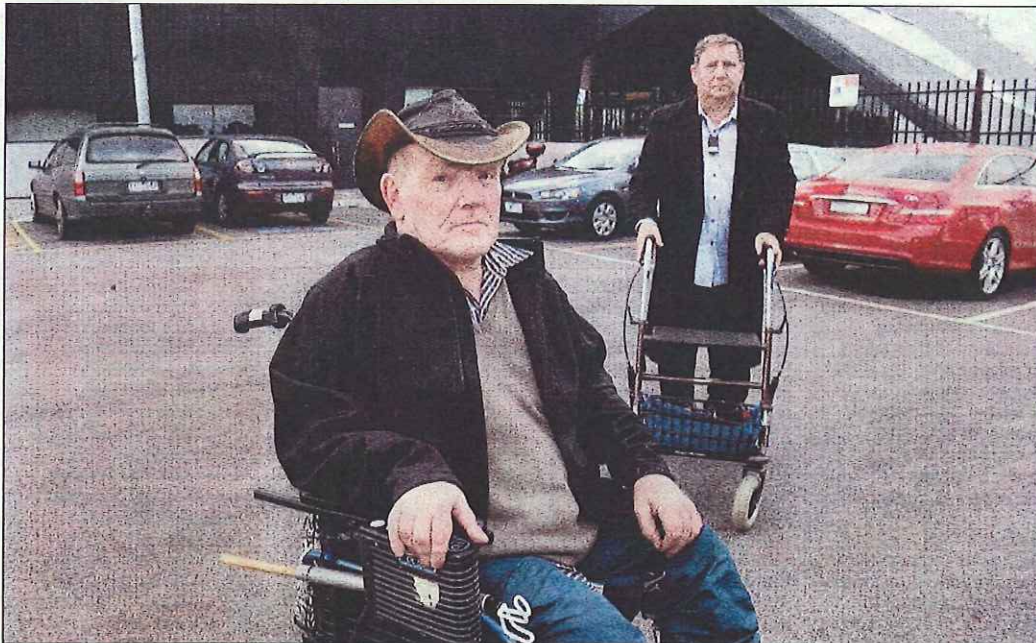
DJA is a member of the Whittlesea Disability Network (WDN) which has over 300 individual and organisational members. It is the largest such network in Victoria. The Executive Officer of DJA has pursued a discrimination claim in the VEOHRC on behalf of the WDN against a provider of cooking classes in relation to disability access to onsite mobile kitchens which has been highly successful in achieving a systemic outcome. This is just the type of activity that ought to be the subject of collaboration. The photo on the next page speaks for itself in terms of disability access to the van.



### **Accessible Public Transport**

DJA is represented on the Accessible Transport Working Group in Victoria which lodged a submission to the federal Attorney General in relation to the 2012 Review of the Disability Standards for Accessible Public Transport 2002. No other NDAP advocacy agencies are represented. DJA has also partnered with other members of the group to achieve a systemic outcome in relation to accessible parking.

See media article on the next page.



Brian Cacclaniga and Trevor Carroll in the carpark at South Morang railway station.

Picture: DENNIS MANKTELOW

# Parking distress

## DISABILITY ADVOCATE RAISES DOUBTS ON CARPARK UPGRADE

Melissa Merrett

DISABILITY justice advocate Trevor Carroll has warned he will take Public Transport Victoria to the Victorian Equal Opportunity and Human Rights Commission if an upgrade to a temporary carpark at South Morang railway station does not include enough parking for the disabled.

Mr Carroll claims PTV's plans to develop up to 500 spaces at the corner of McDonalds Rd and Ferres Blvd do not include additional accessible parking spaces for people with a disability or the elderly.

The new car park will be in addition to 450 already available in the permanent car park east of the station, with Mr Carroll saying only four spaces in total will be marked as spots for the disabled. "PTV has a legal, moral and ethical responsibility to treat people with a disability the same way they treat able-bodied people," Mr Carroll said.

"There are going to be 950 parking spaces for able-bodied users and only four for people with accessible parking permits.

"It's a disgrace and shows a lack of planning on PTV's behalf and their lack of con-

sideration for people with a disability."

Mr Carroll said he would like to see the five PTV staff carparks directly behind the station offices turned into disability parking, with the staff spots moved to the permanent carpark.

"If it is not resolved to the satisfaction of people with disabilities, on their behalf I will be taking it further with a representative complaint to the Victorian Equal Opportunity and Human Rights Commission."

Mr Carroll said there were additional issues with the distance disabled users would have to travel from

their vehicles to the station while negotiation gravel in the temporary carpark.

PTV spokesman Nicholas White said PTV would increase the number of accessible parking spaces at the existing South Morang railway station carpark as part of the upgrade.

"However, the exact number is yet to be determined," he said.

"This will provide passengers with accessibility requirements easier access to the station platform and will allow the relevant authorities to oversee the enforcement of these parking spaces."

It is recommended that DSS should fund quarterly meetings of NDAP agencies in Victoria where issues such as those identified above can be aired and shared. This would encourage greater participation and collaboration on systemic issues of common interest which could be drawn from annual data collection if it was designed better.



**Barriers/obstacles to better collaboration within the NDAP sector are as follows:**

DJA is funded to provide for 30% of its work on systemic advocacy, but the amount is too small to enable us to collaborate with other NDAP agencies because of staff shortages. We do not even have enough money to employ a Systemic Advocacy Project Officer with Individual advocates having to share this responsibility whilst at the same time providing individual and legal advocacy to clients.

Indexation of annual funding used to approximately 1.7% or less but for the current financial year and the next there will be no indexation. Yet wages rise by 4.5% on average each year and rent by 4.00% pa. Wages and rent are the biggest single expense we incur and the greatest barrier to better collaboration within the NDAP sector.

The other barrier is the stringent requirement for Quality Assurance of the National Standards for Disability Services and the responsibility this places on staff for record keeping, continuous improvement and policy development. All NDAP agencies regardless of their size must comply and this is often at the expense of collaboration.

**Suggested themes around better collaboration; ranked the themes in terms of priority using the following ranking scale - Not a priority (1), Low priority (2), Medium priority (3), High priority (4), Essential (5);**

	<b>Themes</b>	<b>Ranking</b>	<b>Suggested strategies</b>
1	Having meaningful reasons/purpose to collaborate to avoid 'collaboration inertia'	5	Each collaborative issue needs to have an agreed vision (outcome) and an agreed Action Plan for achieving it. DJA uses Action Plans for all of our campaigns and find them very useful.
2	The value of learning from other organisations	5	DSS to provide opportunities for the sharing of policies and procedures between NDAP advocacy agencies
3	The sharing of information/data/resources and training	5	Training is difficult to share due to current funding levels and different operational days and hours and geographical location of agencies.

	<b>Themes</b>	<b>Ranking</b>	<b>Suggested strategies</b>
4	Facilitation of joint campaigns	5	This is essential. Each NDAP agency funded for systemic advocacy needs additional funding to employ a Systemic Advocacy Project Officer.
5	Funding to access and facilitate existing networks/partnerships	5	As for 4 above
6	The linkages between individual and systemic advocacy	4	Each agency will be able to identify its own linkages and where they overlap between agencies will provide opportunities for collaboration. DSS can play a role in this by collating and sharing parts of the Annual Performance and Data reports relating to systemic advocacy between agencies. Currently DSS does not share any such information despite collecting it each year.
7	Building on the role of DANA as a peak body	4	DJA cannot afford to send delegates interstate to annual conferences.
8	The involvement of non-NDAP funded disability advocacy agencies	3	There is the potential for conflicts of interest in Victoria, especially those advocacy agencies funded by the state government through the Department of Health & Human Services. The majority of our individual and legal advocacy clients have relationships with DHHS.
9	The need/benefit for Memoranda of Understanding	5	This absolutely vital. Agencies need some training and guidance in this from DSS by way of sample pro-formas that could be used as a starting point for collaboration

#### **4.1 What steps or organisational structures should be put in place to ensure conflicts of interest do not arise, or are minimised?**

Some NDAP organisations already provide certain services, such as plan management or decision-making supports within the NDIS, in addition to their NDAP-funded activities.

However, DJA believes this is an inherent and perceived conflict of interest and that there are no adequate safeguards to prevent this.

Even if there were policies and procedures developed by an NDAP agency it would never resolve the problem of perceived conflict of interest.

We have a Conflict of Interest Policy at Disability Justice Advocacy which identifies the following types of conflicts:

1. An actual conflict of interest is one where there is a real conflict with the duties of Board Members, ordinary members of the Association, employees, volunteers and students on placement and their private interests.
2. A potential conflict of interest arises where a Board Member, ordinary member of the Association, employee, volunteer or student on placement and has private interests that could conflict with their DJA duties.
3. A perceived conflict of interest can exist where a third party could form the view that a Board Member, ordinary member of the Association, employee, volunteer or student on placement's private interest could improperly influence the performance of their duties, now or in the future.

A private interest means anything that can have an impact on an individual or group. The term 'private interests' includes not only a Board Member, ordinary member of the Association, employee, volunteer or student on placement's own personal, professional or business interests, but also the professional or business interests of DJA itself as a provider of NDIS services.

We also have a Conflict of Interest clause in our MOU with Maurice Blackburn Lawyers.

If the Council of Australian Governments' Disability Reform Council (DRC) has agreed that if organisations funded by the government to provide advocacy services, wish to become registered providers of individualised supports under the NDIS, then they ought to employ a consultant to develop

standard policy, procedures and set of tools that address the issue and can be safely used by all NDAP funded agencies who also want to provide services under the NDIS.

#### **4.2 How do we avoid gaps between supports provided by the NDIS and advocacy funded by the NDAP?**

There is currently no funding within the NDIS participant's package for the type of Individual or Legal advocacy that we are funded for under the NDAP or for anyone over the age of 65.

To avoid gaps between supports provided by the NDIS and advocacy funded by the NDAP there needs to be a funded collaborative mapping exercise undertaken by DSS with all NDAP funded agencies within each state.

Although the NDIS is a national program there are subtle differences between different states in relation to issues such as Powers of Attorney, Guardianship, Financial Administration, Supported Accommodation, and Residential Tenancy Legislation that will impact on the delivery of services to participants under the NDIS.

Once this mapping exercise is complete then the gaps should be addressed by increasing the block funding for specialist agencies like DJA under the NDAP.

#### **CASE STUDY**

Client DE is 77 has a physical disability and is a resident of an Aged care facility.

She has been managing her own money for some time but her disability has made it increasingly difficult for her to get to an ATM to withdraw cash.

The aged care facility does not provide assistance in relation to this and the client requires advocacy support to source community accessible transport options that would enable her to do her banking.

We were able to assist her. This client is over 65 and because of age will not qualify as a participant under the NDIS.

However, she will require ongoing Individual advocacy support into the future.

### **4.3 What policies and strategies do we need to protect the rights of people with disability?**

The interface between NDAP funded agencies which is human rights based and the NDIS which aims to meet Australia's obligations under the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 is the development of strategies to protect the rights of people with disability.

In terms of neglect and abuse of people with disabilities from the 01/10/2009 to the 31/03/2015 16.75% of our advocacy clients have been victims of violence, abuse or neglect in residential or respite services in our intake area. Another 4.86% of victims made requests for advocacy but lived outside our intake area so we had to make referrals for them to other services.

This is despite such abuse, neglect and violence being criminal offences yet very few perpetrators are ever interviewed, charged or convicted.

Various inquiries and reports report have identified the need for the reporting of abuse and neglect of people with disabilities.

For this to happen, people with disability need to become informed and empowered to know what neglect and abuse is. They also need to have the personal knowledge, skills and capacity to make a report when it happens. As a consequence many people with disabilities are unable to do this for a variety of reasons, namely;

1. Notifications of allegations by victims are too often treated as Incident Reports by disability services and not referred to relevant authorities such as the police
2. Police sometimes regard abuse allegations as internal residential or OHS issues and fail to investigate the matters further or even attempt to interview the victim
3. Police though apparent lack of training, find it too difficult to interview victims who are non-verbal and/or cannot read or write.
4. Some victims are reluctant to report abuse because of fear of reprisals such as withdrawal of support or accommodation services. In fact a major conflict of interest occurs in the Group home environment when a person with a disability is a victim of abuse and neglect by one of the staff members because the employer is also the victim's landlord. This discourages reporting by the victim.
5. Some victims are unable to communicate the abuse due to a lack of support and appropriate Augmentative and Alternative communication aids.

6. Some victims are prevented from reporting abuse by pressure from family members.
7. Some victims do not know their rights and how to obtain disability advocacy services from agencies like Disability Justice Advocacy.

Up to this point there has been limited commitment by relevant government authorities to build the capacity of people with disability to:

- Identify and understand what constitutes neglect and abuse
- How to report neglect or abuse
- Who to report the neglect or abuse to
- Where to get help to protect their human rights

Disability advocacy agencies have been significantly under-resourced by state and federal governments to support people with disability and families to advocate for their basic human rights, including the right not to be subject to neglect, violence or abuse.

DJA is informed by the principles of core disability human rights legislation, frameworks, strategies and UN conventions such as:

- The UN Conventions on the Rights of Persons with Disability,
- The Disability Services Act 1986 (DSA),
- The Disability Discrimination Act 1992,
- The National Disability Strategy,
- The National Disability Advocacy Framework

While the NDAP outlines six models of advocacy (individual, citizen, family, self, legal and systemic), DJA is funded to provide individual, legal and systemic advocacy as follows:

- 60% Individual Advocacy
- 10% Legal Advocacy, and
- 30% Systemic Advocacy.

At the very core of the organisation is an obligation to promote justice and advocacy for social change. Maslow's 'Hierarchy of Needs' is used to prioritise allocation of available resources in a non-discriminatory manner. Current funding under the NDAP is inadequate as demand far exceeds the capacity to meet it.

Whilst DJA has over 160,000 potential clients it is only funded for an annual target of 80 clients regardless of how complex the issue is or time needed to try to resolve the issue. We have had to close our Waiting List several times

a year for months on end because we don't have the resources to meet the demand from clients.

A number of clients have extremely complex issues that are very time consuming and will take some time, even years to resolve. Many of these issues revolve around accommodation and funding for support packages which are state government responsibilities and are compounded by funding shortages, time consuming bureaucratic processes and long waiting lists. These are areas where sector wide systemic advocacy campaigns are urgently needed but are beyond the resources of DJA.

Not only that, but even time consuming complex cases are only counted as one client for the purpose of meeting our Annual Target which is a highly inaccurate way of reporting on and measuring the type of and amount of work we do as a specialist NDAP funded agency. We have made this very point on numerous occasions in our Annual Performance and Data Reports but they seem to be ignored.

For example in the 2013-14 report we made the following observation:

***“In addition, the reporting requirements in this document do not take into account the complexity of client issues and the comparative time that is spent by advocates on respective issues.***

***For example: An annual client target does not reflect the difference between preparing and lodging a disability discrimination complaint with the time and resources needed to obtain a funding package for individual care and support. There are major differences in the allocation of resources based on the type of issue that each client might have.”***

### **5.1 What forms of legal review and representation do people with disability need most?**

In our experience at DJA, people with disabilities mostly need access to low cost or free legal advocacy in the following areas:

- Abuse, neglect and violence as victims of crime
- Access to justice as witnesses to crime
- Access to justice as jurors in criminal trials
- The making of Powers of attorney and wills
- Probating wills as Executors
- Preparing, lodging and conciliating Discrimination complaints
- Applications for Guardianship and Financial Administration orders from VCAT

- Lodging submission to the Administrative Appeals Tribunal over welfare or NDIS entitlements
- Residential tenancy complaints
- Resolving neighbourhood disputes
- Defending or lodging Intervention orders in the Magistrates Court
- Challenging fines on public Transport

Here are some Case Studies from our files to illustrate some of the legal issues faced by people with disabilities:

### **Case Study 1**

Client AB lives in a community residential unit. He has 24-hour worker support and he is also non-verbal and has an intellectual disability.

He was rushed to hospital during a night shift with a severely lacerated penis that required surgery. His brother came in and gave consent for the surgeons to perform the operation. His penis was so badly lacerated that if he had not had immediate surgery he possibly would have lost enough blood to have died.

The worker completed an incident report, but it was substituted by one completed by management — a different incident report was completed — and it was claimed that it was caused by a plastic urine bottle, such as in the image below.



Our advocates who have worked in the industry in personal care know that you cannot severely lacerate a penis enough to require surgery using one of those bottles unless there is some excessive force involved. We referred the matter to police under the National Standards for Disability Services to protect our client from neglect and abuse.

Under our duty of care we made an immediate report to the local police station and we warned them that management had allegedly fabricated an incident report.



However, the first person the police officer spoke to was the manager of the facility who lodged the incident report, and they took no further action as a result of that conversation.

Client AB's brother, who was his legal guardian, was reluctant to pursue the matter any further because he was frightened that his brother might be removed from the house.

## **Case Study 2**

Client CD had been sexually abused by a taxi driver who regularly drove her from her group home to the Day Service. She was non-verbal and had Cerebral Palsy. Notifications of this abuse were recorded as Incidents using the Group Home Incident Reporting process but the matter was never referred to the police until we were alerted by a member of the House staff.

Police were unable to charge the taxi driver because of the standard of evidence required from the victim. No Independent 3rd person was called by the police. The staff member who made the referral to us was transferred to another house.

## **5.2 What barriers prevent people with disability from accessing justice?**

These are some of the barriers to accessing justice faced by people with disabilities from our files:

- Communication barriers; e.g. needing an Auslan interpreter, or augmentative communication aids due to a lack of speech
- Lack of awareness of legal rights and options
- High dependence on others such as workers, the police, family members or advocates to take action
- Difficulties accessing the necessary support, adjustments or aids to participate in the justice system;
- Fear of retribution
- The complex and stressful nature of legal proceedings
- Issues associated with giving instructions to legal representatives and capacity to participate in litigation;
- Anxiety, stress associated with legal processes
- Misconceptions about people with cognitive impairment
- Disability or impairment is not recognised
- the costs associated with legal representation;
- The reliance on formal written processes
- Under-resourcing of specialist services such as NDAP legal advocacy and Legal Aid; and
- Misconceptions and stereotypes about the reliability and credibility of people with disability as witnesses

### **5.3 What models of legal advocacy are most effective?**

The model of legal advocacy that works best for us to with in tandem with a legal firm like Maurice Blackburn Lawyers under an MOU to provide mutual training for each other and create opportunities to provide adequate representation for people with disabilities.

For example, we have just provided training under our MOU to over 90 solicitors and legal staff at Maurice Blackburn in how to communicate with people with a range of different disabilities. In turn, Maurice Blackburn has provided training to our staff in areas such as common law and OHS.

In the meantime we have secured pro-bono legal advice for a number of our clients in areas where we are not funded to provide legal advocacy. Such partnerships are an excellent model for legal advocacy

### **Other significant issues and ideas that DJA thinks would help DSS improve the future delivery of disability advocacy through the NDAP.**

1. Improve the block funding levels so that every person with a disability has access to specialist advocacy from committed and highly effective existing NDAP agencies like DJA.
2. Reward existing NDAP agencies by resisting the temptation to adopt an open tender process. This is the quickest way to stop collaboration and networking between existing NDAP agencies.
3. Reward existing NDAP agencies by providing annual funding bonuses to pay for the horrendous and outrageous costs of Quality Assurance compliance and registration with external auditors. We have recently completed a full compliance Audit with two external audit officers subcontracted by a nationally accredited Jaz-Anz audit agency at a cost of just over \$5000. This represents the same cost as employing an advocate for over 161 hours or the equivalent of 4.25 weeks.
4. Consult with the NDAP sector about how to improve the data collection in relation to the provision of advocacy under the NDAP. DSS's attempts in the past have been relatively useless.
5. Provide financial incentives for smaller specialist NDAP agencies to amalgamate or partner with larger specialist NDAP agencies to cover larger geographical intake areas.
6. Provide block funding to enable a number of newly created state-wide NDAP agencies to provide specialist Advocacy services which do not overlap. For example, one agency such as DJA might provide a state-

wide service in Legal, Individual and Systemic Advocacy, whilst another might specialise in Citizen and Family advocacy. The advantage of this model is that it retains the specialist knowledge built up over many years and gives certainty to people with disabilities that they will receive a specialised and dedicated advocacy service regardless of where they live..

7. Provide dedicated NDAP telephone line for people with disabilities to and agencies to call to find out more about the services offered in each state. Over 10% of our clients at DJA cannot use a computer to access the NDAP Provider Search at <http://finder.dss.gov.au/disability/ndap/>

A recent example where this would have useful was when one of our staff received a client request for Advocacy who was not a resident of Australia. The Funding Agreement didn't help clarify the matter so the staff member rang DSS directly and after several transfers to other people within DSS was eventually told that the client wasn't eligible for advocacy services under the NDAP. She was then referred to her embassy for advice which lodged a complaint with DSS about the refusal of advocacy support, which turned out to be the wrong advice given by DSS..

We were then advised in future to raise all questions about eligibility with the state contracts manager and when we did this a few weeks later in relation to an Fol request by a former client, the matter was referred to DSS anyway and took several days to get a response.

This type of unnecessary bureaucracy could be avoided with a dedicated NDAP info line telephone number.

Thank you for the opportunity to make this submission



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