

The Secretariat  
National Disability Advocacy Program Review  
Department of Social Services  
GPO Box 9820  
Canberra ACT 2601

6 June 2016

Dear Sir or Madam

Thank you for the opportunity to provide a submission to the Review of the National Disability Advocacy Program (NDAP).

The Queensland Council of Social Service (QCOSS) is the state-wide peak body representing the interests of individuals experiencing or at risk of experiencing poverty and disadvantage, and organisations working in the social and community service sector. For more than 50 years QCOSS has been a leading force for social change to build social and economic wellbeing for all.

We know that Queenslanders with disability, especially those who experience multiple disadvantage, depend on advocacy organisations to navigate the complex service system and ensure they get a fair go. As competition in human and other essential services increases, the most vulnerable in our society are at greater risk of missing out. Advocacy organisations play a critical role in ensuring services respond to those who might otherwise remain invisible or overlooked by services.

Our response to the key issues raised in the Review discussion paper is provided below.

1. *Models of advocacy*

We agree with your proposal that the focus should be on providing choice for people with disability to access the model of advocacy that works best for them, wherever they are located. Choice offers agency, dignity and control, and has the potential to improve outcomes for clients.

Being able to make choices relies on having a diversity of providers and models to choose from and reliable information about those providers and models. These conditions are not always present for the most vulnerable clients requiring services and efforts need to be made to ensure people understand their choices.

In funding an appropriate mix of advocacy models, it is important to consider a mix of provider types. Large providers tend to have an advantage in tender arrangements. The pressure on governments for efficiency leads program managers look for scale in service delivery in order to reduce the number of contracts and associated transaction costs.<sup>1</sup> But it is often the small not-for-profit organisations that have the specialised skills and networks to engage with the most vulnerable clients.

One type of individual advocacy will be increasingly in demand is consumer advocacy. With the deregulation of essential services, particularly the energy market, consumers with disability who experience barriers to communicating, accessing or understanding information are experiencing poor consumer outcomes such as energy disconnection or higher prices in a competitive market. Advocates can play a crucial role in ensuring people with disability are not disadvantaged in this environment.<sup>2</sup>

## 2. *Improving access to advocacy supports*

As noted in the Department's 2009 research on the models of advocacy funded under NDAP, specialist individual advocacy is important for people from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander communities and people with specific types of disability, for example, psychiatric disability and sensory disabilities. For these groups, the advocate needs detailed knowledge of specific legislation, an understanding of specialist service systems and procedures, non-English language skills, alternative communication skills and cultural knowledge.<sup>3</sup>

Increasingly, we are recognising that women with an intellectual disability are another group in particular need due to their extra vulnerability to violence. This group may also require additional support to access advocacy services. Research indicates that the majority of women with intellectual disability have been sexually exploited by the time they reach adulthood.<sup>4</sup> A complex set of issues underlies their exposure to violence as well as the fact that they are less likely to report incidences, and to seek help when needed.<sup>5</sup> Specialist advocates, with the ability to reach out to these groups, can help them recover and seek redress.

One way of improving access to services is through quality management systems. Providing rewards for a strong focus on providing a quality service to the most vulnerable clients will incentivise providers to reach out to these groups. Care needs to be taken when implementing a set of 'minimum standards' as this provides an incentive to just get over the line, rather than strive for excellence in delivery of services.

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<sup>1</sup> Kerr, R. (2014). *Competition is good for us – or is it?* Brotherhood of St Laurence

<sup>2</sup> QCOSS. (2016). *Submission to Productivity Commission Inquiry into electricity pricing*

<sup>3</sup> Jenny Pearson and Associates. (2009). *Research of the Models of Advocacy Funded under the National Disability Advocacy Program.*

<sup>4</sup> MacDonald, S. (2008). *Which way is justice? A practice manual for supporting people with an intellectual disability in the criminal justice system.* Nundah, Brisbane: Community Living Association Inc

<sup>5</sup> Women with Disabilities Victoria. (2013). *Voices Against Violence: paper two, Current Issues in Understanding and Responding to Violence against Women with Disabilities*

The most isolated and vulnerable people with disability are more likely to access advocacy support if organisations are a stable, established presence in the service system. The recent Harper Review of Competition Policy notes that because human services are relational in nature, users benefit from the continuity of service provision from a trusted and responsive provider.<sup>6</sup> This is confirmed by other research which shows that stable, secure, and longer-term funding is a critical for servicing the most vulnerable clients. Short-term funding is considered a risk to disrupting the critical processes of relationship building both with hard-to-reach groups and other services. Furthermore, short-term funding may enhance pressures on services to adopt a one-size-fits-all approach and risk compromising the flexibility required to meet diverse needs.<sup>7</sup> If clients perceive there is a risk that the support will be removed before their needs have been addressed, they will be less likely to engage.

### 3. *Improving the advocacy evidence base and coordination on systemic issues*

We agree that work is needed to ensure the right data is collected and disseminated to the right organisations to promote systemic change and we are pleased to note that the Department is working on an improved data collection system.

In collecting data about the work of advocacy organisations, care needs to be taken to ensure all outcomes are taken into account. Delivering an advocacy service can involve measurable outputs such as achieving a review of a decision, but also involves 'unmeasurables', such as providing a sounding board or a safe place to talk, which can be just as important. These wider benefits or positive externalities can be missed when formal outcome measures are crafted.<sup>8</sup>

There is a range of ways to ensure information on systemic issues gets to the right organisations and receive the right level of attention, including formal triggers for referral to statutory organisations, such as government departments, ombudsman organisations and mental health and human rights and anti-discrimination commissions; regular interagency forums; formal systematic reviews that report to the Human Rights Commission; and effective use of the media.

The national network of Councils of Social Service would be a useful channel for reviewing and analysing data on disability advocacy and lobbying governments for responses. The Councils are well-placed to bring together the right stakeholders and drive solutions to systemic issues.

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<sup>6</sup> Harper et al. (2015). *Competition Policy Review*, Final Report, March 2015.

<sup>7</sup> Unger, Cuevas, & Woolfolk. in Cortis, N. Katz, I. & Patulne, R. (2009) *Engaging hard to reach families and children*, Occasional paper no. 26, Department of Families, Housing, Community Services and Indigenous Affairs

<sup>8</sup> Kerr, R. (2014) *op. cit.*

4. *The interface with the NDIS (National Disability Insurance Scheme) and addressing conflict of interest*

We agree that there is potential for conflict of interest when advocacy organisations are providing both NDIS and NDAP services. As the Disability Advocacy Network Australia (DANA) has noted, structural arrangements should ensure that organisations are allowed to advocate solely in the interests of people with disabilities by not allowing agencies that deliver advocacy support to also provide disability services; and by funding and administering advocacy agencies through a part of government that is unlikely to be subject to disability advocacy.<sup>9</sup> We would be wary of any arrangements that allow the same organisation to provide advocacy and disability services.

Under the NDIS, independent advocacy services will be needed more than ever. People with disability will become more skilled and confident in exercising power over their lives and be seeking support to challenge situations that they have not addressed in the past. People will also be dealing with many more service providers and engaging more readily in the community, which exposes them to greater potential for mistreatment and disputes. The Senate Community Affairs Committee concurs with this assessment. It reported in 2015:

*that there is a strong support for increased funding for formal advocacy services and self-advocacy training, and greater recognition of the important role played by informal advocates particularly under the NDIS.<sup>10</sup>*

The roles and responsibilities of Local Area Coordinators, NDIA (National Disability Insurance Agency) planners, NDIS registered service providers and disability advocates will need to be clearly established to avoid gaps and overlaps in services and to ensure people with disability understand which organisations are responsible for what.

5. *Understanding and improving access to justice*

Many people with disability (particularly intellectual and psychiatric disabilities) require advocacy support in their dealings with the justice system and in other legal matters such as tribunal hearings. Access to legal advocacy is important for ensuring natural justice and protecting human rights. The senate committee which investigated violence abuse and neglect of people with disability highlighted that legal support services are particularly important for young people with disability (aged 0-25 years).<sup>11</sup>

<sup>9</sup> Disability Advocacy Network of Australia. (2012). *Independent Advocacy and the NDIS*.

<sup>10</sup> Senate Community Affairs Committee. (2015). *Report into 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*.

<sup>11</sup> *ibid*.

We are concerned by the significant funding shortfalls and funding uncertainty for organisations providing legal assistance to vulnerable and disadvantaged members of the community<sup>12</sup> and hope that NDAP will be able to compensate to some extent for this funding loss. People with disability need both skilled lay advocates to help them prepare for a hearing and speak on their behalf as well as legal advocates to provide legal advice, case work and representation.

We would welcome the opportunity to discuss these issues in more detail with the Department. If you have any questions about our response, please contact Valmae Rose, Senior Manager, Practice Research and Policy, on 07 3004 6918 or [valmaer@qcross.org.au](mailto:valmaer@qcross.org.au).

We look forward to reviewing your proposals later in the year.

Yours sincerely

Mark Henley  
Chief Executive Officer

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<sup>12</sup> National Association of Community Legal Centres (2016). *Budget cuts to legal assistance services hit vulnerable hardest*