



DACSSA
DISABILITY ADVOCACY



National Disability Advocacy Framework

2022-2025

A submission to the Department of Social Services

July 2022



Acknowledgement

Disability Advocacy and Complaints Service of South Australia Inc. ('DACSSA') and Independent Advocacy South Australia Inc. ('IA') acknowledge the traditional owners of country throughout Australia and their continuing connection to land, sea and community. DACSSA and IA offices are situated on Kurna Land.

We recognise that wherever we visit to provide Advocacy, that we are on stolen land. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and future.



We would like to sincerely thank Ochre Dawn Creative Industries for DACSSA's featured artwork.



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About DACSSA

DACSSA is a not-for-profit organisation funded by the Federal Government Department of Social Services to provide disability advocacy to people with disability, their families and carers in South Australia.

DACSSA provides assistance in relation to the:

- National Disability Advocacy Program
- NDIS Appeals Program
- Disability Royal Commission Program.

DACSSA is an independent service, free of all relevant forms of conflict of interest. Independent, free and confidential, DACSSA's services are delivered through models that are tailored to meet the needs of people with disability, including those living in regional and remote areas. We value diversity and understand that everyone with disability is an expert in their own lives and are unique.

DACSSA's reach extends beyond the individual level into state and national systems reform through our systemic advocacy, as well as our collaborations with national and peak organisations.

DACSSA's values call on us to submit to the Department of Social Service, our viewpoints and recommendations for the National Disability Advocacy Framework (The Framework).

DACSSA welcomes and fully supports the Framework initiative and wishes to contribute to the current consultation ahead of its completion and implementation. DACSSA is also committed to the principal objective of the draft Framework which intends to ensure that "*people with disability access effective disability advocacy that promotes and ensures their full and equal enjoyment of all human rights, enabling full community participation and inclusion.*"

The following provides responses from DACSSA to the questions posed within the consultation documents and have been derived from consultation across the DACSSA team.

Background

The proposed Framework will be the first revision since 2012. This comes at a timely point with the continual implementation of Australia's Disability Strategy 2021-2031. In addition, the need for the Framework with the increasing calls for advocacy support across disability services in all states & territories provides an opportunity to ensure the implementation, sustainability, and robustness of advocacy services for all people with disabilities.



Feedback

DACSSA has provided feedback per the questions and format prescribed by DSS:

1. Do you believe the new Framework encompasses your vision of advocacy? If not, what changes are required?

The draft Framework fails to consider the implementation of disability advocacy as an independent activity provided away from the duress of external contributions. The ability of advocacy organisations to remain independent ensures the focus on up-holding rights and safeguarding the well-being of people with disability. It is therefore important that the vision of future advocacy provision retaining independence is maintained. This is specifically relevant with respect to the NDIS Act 2013 which provides an explicit understanding of the importance of independent advocacy. Examples that may demonstrate this independence within the Framework document will be reference to disability advocacy remaining 'free at source' to people with disabilities requiring an advocacy service. In addition, the document should state the need for disability advocacy organisations to demonstrate independence from external influences. This can be demonstrated by a recognition that disability advocacy organisations are separate entities autonomous and independent from both federal and state government control and not conflicted by providing services on a fee for service basis. Without this emphasis on the independence of disability advocacy the views of people across all communities of trusting and respecting current disability organisations are likely to be eroded.

Continuation and maintenance of independent advocacy will provide a person centred service that uses trusted relationships and local knowledge. A one size fits all approach to disability advocacy across Australia will be incongruent with the National Standards for Disability Services which emphasises a tailored and person centred individualised approach. A service such as that provided by the 'Disability Gateway' as a centralised service has an appropriate 'information exchange' function but cannot deliver a direct supportive service to people with disabilities across the nation in a way that practically safeguards and upholds rights. The Disability Gateway's National focus does not respond well to advocacy issues as they relate to state jurisdictions. State based advocacy organisations are finding that information from the Disability Gateway is not reflective of local circumstances and consequently need to unpack the information provided by the Disability Gateway into a local context for individuals seeking such information. To address this the framework should address the need for state-based centralisation of such services as opposed to a national centralisation approach. It is also noteworthy how critical face-to-face advocacy has been amidst COVID-19 in assessing risk of people with disability, safeguarding from abuse, and supporting self-determination and empowerment.

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?

The draft Framework is clearly based on sound principles relevant to the disability sector and the provision of disability advocacy. The 8 principles are those that would be anticipated in such a document with the needs of people with disabilities as its focus.

It is a strong element of the draft Framework that one of the 8 principles encapsulates the needs of First Nations people with disability. The Framework should give additional consideration to the need for flexibility in design of disability advocacy provision within the ATSI and CALD communities. This particularly applies to those groups



within rural and remote communities. The Framework needs to consider different accessible advocacy methods to engage these communities which may include initiatives such as outreach workers linking communities to advocacy services. This flexibility should be specifically expressed within the framework commitments.

3. Are the outcomes of the Framework clear and achievable? Should different ones be included? If so, what should be included?

Consideration should be given for an outcome with the Framework that supports equitable access across all communities to disability advocacy. It should be recognised within the outcomes that advocacy provision is a cost neutral and most likely a cost-efficient service provision. The Disability Advocacy Network Australia (DANA) report in 2017 into the cost benefit analysis of independent disability advocacy organisations gave a headline figure of a cost benefit of \$3.50 for every dollar spent on disability advocacy. The implementation of funded and well supported independent advocacy services takes away demands on direct service providers in providing elements of advocacy support to clients which mitigates conflict of interest and duplication.

The Framework should instigate a review of current disability advocacy funding and demand. disability advocacy organisations are significantly troubled by the disproportionality of demand and supply due to resourcing, which is further compounded by wage and business expense increases. Without an increase in funding to reflect the actual demand and actual costs of service provision, the ability of independent advocacy organisations to meet the increasing demand for advocacy services will continue to be severely restricted and undermine best practice principals and opportunities to uphold rights and achieve outcomes for people with disabilities.

4. Are the responsibilities, reform, and policy directions of the Framework relevant or should different ones be included?

The Framework lacks clarity regarding the terms used to describe 'advocacy' across the document. This confuses the terms advocacy, disability advocacy, legal advice and legal advocacy. This is problematic when considering the models of advocacy across the different states and the focus of advocacy within state funded provision of similar services. Clarity within the document will allow people accessing such a service to know where they should go for a specific service and allow them to know what they will be provided. This will also support organisations to work in accordance with their state legislation and regulations, as well as their funding agreements.

The definitions of the different constructs of 'advocacy' are valuable and self-explanatory. However, it should be noted that these terms are also interpreted differently by advocacy organisations. This should not be dismissed but can be a way of prompting views of advocacy provision which may enhance people's understanding of advocacy supports available. Further clarification about the scope of the types of advocacy would be useful.

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

The Framework compiled covers the timeframe 2022 – 2025. As a draft document that time scale is already draining away and requires revision. A timescale for the delivery of the Framework alongside the time scale of the Australia's Disability Strategy 2021-2031 should be considered. This will allow for full and meaningful implementation of the



Framework. Additionally, a larger timeframe that is aligned with the National Disability Strategy will assist disability advocacy organisations to plan economically and strategically with more certainty. This will correlate directly to more positive and consistent service outcomes for people with disability and provide a more flexible approach allowing disability advocacy organisations to respond to changing demands and trends as they arise within the disability sector. The Disability Royal Commission's Interim report of October 2020 clearly articulated the need for independent advocacy and the value of advocacy for people with disabilities. The interim report refers to the under-funding of advocacy services which suggests the need for a longer-term disability advocacy strategy. This view of disability advocacy by the Disability Royal Commission may well be clarified with the completion of the Commission's work. The Framework has an opportunity to implement the recommendations proactively.

6. Does DACSSA have any other comments, thoughts, or ideas about the Framework?

DACSSA is concerned that the Framework appears to lack a co-design element. It is hoped that with continual consultation of this draft, the views of the disability community will contribute and further enhance the document for all applicable groups.

Overall, it is important that the Framework provides for disability advocacy development and stability beyond 2025. This should reflect a 'National' document whilst recognising the needs of the diversity of communities across Australia, the differences and nuances between states, and allow the abilities of local disability advocacy organisations to respond using local knowledge and experience.

Independence is critical in the safeguarding of the interests and safety of people with disability. This should be acknowledged, distinguished and emphasised by the Framework.

Recommendations

1. Ensure independence is championed as a critical feature of disability advocacy.
2. Continue the development of the Framework with co-design approach, fully integrating people with disabilities and those who belong to specific marginalised groups.
3. Clarify the scope of disability advocacy particularly with reference to the delivery of legal advice and support.
4. Further state, define and clarify the scope of all categories of disability advocacy.
5. Ensure the delivery of disability advocacy services remain appropriately funded to meet growing demand from people with disabilities across all communities.
6. Extend the timeframe of the Framework to align with the Australian National Disability strategy and acknowledge the value of a consistent and sustained support of disability advocacy.
7. Consider all existing and impending recommendations of the Disability Royal Commission and their relevant to the Framework.

End.

