

DIAS Inc



Disability Information Advocacy Service Inc

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Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

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Dear Sir /Madam

Re: Inquiry into the National Disability Insurance Scheme Bill 2012

Disability Information and Advocacy Service Inc. (DIAS) is an independent information and advocacy service for people with disability, their families and carers.

My intention is to direct my submission on the issues of accessible independent advocacy and information. However, I would also like to take this opportunity to communicate DIAS is a member of Disability Advocacy Network Australia (DANA) and acknowledge my full support of DANA's submission into this Inquiry covering in depth the draft legislation.

Chapter 1 - Part 2: General Principles Guiding Actions under this Act

To include a clear statement of principle that "people with disability have a right to **access independent advocacy support** to promote, protect and ensure their full and equal enjoyment of all human rights enabling full community participation" consistent with the National Disability Advocacy Framework, which establishes a person's entitlement to independent advocacy support.

Chapter 2: Assistance for people with disability and others Independent Advocacy

The Productivity Commission Inquiry Report into Disability Care and Support identified that advocacy would make an important contribution to the effective functioning of the National Disability Insurance Scheme (NDIS) and to the overall effectiveness of the NDIS in delivering on its key objectives.

All areas of government activity where advocacy is required to ensure that people with disability have rights and opportunities equal to others should contribute to the funding pool for independent advocacy.

Why Independent Advocacy is Important

Independent advocacy is a necessary safeguard for people with disability who are facing complex and/or challenging issues about their rights and/or well-being and for those who find it difficult to advocate for themselves and have no family member to advocate on their behalf.

Independent advocacy support enables all people with a disability, regardless of their personal or family's advocacy capacity, to have their interests pursued and their rights exercised. It thus works as an early intervention or protective measure in the lives of people with disability.

Availability of Independent Advocacy Support

Advocacy support from independent disability advocacy organisations should be available to all people with disability who are at risk of their human rights and fundamental freedoms being breached or who need support to speak up for themselves as a group or as individuals

All NDIS participants should be informed of their entitlement in accessing independent advocacy for any involvement they have with the NDIS to ensure the NDIS benefits those most disadvantaged and marginalised.

In the context of the NDIS, independent advocacy support should be available, on demand, to all people with disability:

- prior to and throughout eligibility and assessment processes
- when any issue or conflict arises with the National Disability Insurance Agency or a Disability Services Organisation (DSO)
- to engage in service quality processes
- when an issue arises in relation to the services, supports or policies delivered by other (non NDIS) arms of government

Independent Advocacy and the NDIS

Independent advocacy support is fundamentally different from service provision and the proposed DSO role. Independent advocacy agencies enable people with disability to identify and take action to address their rights and well-being.

The NDIS should not remove the need for independent advocacy support because:

- No systems are perfect
- Systems are administered and services are provided by people who do not always act appropriately
- The NDIS addresses only the disability specific support needs of people with disabilities. It does not address the inequities and injustices of other sectors e.g. education, health, justice, housing, income support etc.
- Effective advocacy requires learned knowledge and skills

The NDIS legislation should make provision for an appropriate proportion of NDIS funding to be allocated to the provision of independent advocacy support to people with disability, their families and carers

Independent Advocacy Administration and Funding

The purpose of the NDIS is to provide all people with disability the necessary disability specific supports and services to enable community inclusion and a reasonable quality of life. Independent advocacy support is a necessary disability specific support that should be available to all people with disability. For this reason independent advocacy support should be funded from the NDIS funding pools at a minimum defined percentage of the total level of funding.

To maintain advocacy independence, avoid conflicts of interest and ensure that it is focused on all the issues impacting on the rights, interests and well-being of people with disability, advocacy funding should be administered through a separate National Statutory Advocacy Authority.

NDIS Eligibility and Assessment

Independent Advocacy will help ensure that:

- Assessors are experienced and knowledgeable about people with disability
- Assessors have attitudes, skills and experience, embrace diversity in all its forms including: disability types, carer and family needs, cultural variations, gender, sexuality and geographic disadvantage

Independent Advocacy will be a voice for Reasonable and Necessary Supports such as:

- Rural and remote limitations cause many barriers including the concern that the market will not provide adequate services to people with diverse needs in rural and remote locations. There needs to be greater allowance for the increased costs of disability supports in regional and remote areas and recognition of the increased travel times to access services
- NDIS funding be available for the needs of people with intellectual disability who may be independent in many respects but need support in areas like healthy lifestyles, dealing with life transition and personal crises, financial management, avoiding and responding to exploitation, and maintaining tenancies. Many people may need support to move from homelessness, to lead a lawful lifestyle

- Flexible, quality and affordable family support that best meet the needs of people with disability their families and carers
- Non-English languages, including Auslan/sign language interpreting and additional sensory supports. Costs for these services must not consume the funding of a person's support package. In most cases, there will need to be additional services provided and these must be additional to the individual funding provided.
- Consideration for people with disability transferring between the NDIS and the aged care system without losing vital supports
- Promote inclusion and support the person with disability to be valued and respected within their community and as independent as possible

Independent Advocacy will assist with Information Services

- People with disability, like anyone else, want a reliable source of information
- Information services have skills in collecting, evaluating, producing and disseminating information on a wide range of issues, topics, supports and resources that may be of interest to people with disability, their families and carers
- Listen to people and respond to their needs with the appropriate information
- Help people to feel more confident about making decisions

Why is independent information important?

- Enables a person to make informed choices
- Information is not tied to service provision due to being independent
- Does not act as promoter or adviser in any other capacity

Who uses information services?

- People with disability, their families, support networks, the disability sector, the government and the wider community
- Information officers in other information and referral services
- Information services play an essential role in connecting people and systems in the community

It is possible without good information people will;

- make poor choices
- stay with what they know
- not choose mainstream services

I am pleased to have had this opportunity to outline DIAS views to the Senate Standing Committee on Community Affairs on the importance of independent advocacy and information for people with disability, their families and carers within the NDIS legislation

I agree for my submission to be made public

Regards

Susan Smidt
Manager