

6th November, 2006.

The Hon Gary Humphries, MP
Chairperson,
Senate Community Affairs Committee,
Commonwealth Parliament,
Parliament House,
Canberra, ACT, 2600.

**Inquiry into funding and operation of Commonwealth State/Territory
Disability Agreement**

URGENT

Dear Senator Humphries,

I am writing to your Committee to ask for the opportunity to brief the Committee urgently on what I believe to be a disastrous and imminent plan by the Dept of Family and Community Services (FACSA) to change the present National Disability Advocacy Program (NADP) into an "advocacy service" model which will impact strongly against those people with disability who most need advocacy to protect them. It will deprive many of the protection from abuse and negligence they presently receive, it will take a high proportion of the minimal funds made available by the Commonwealth for disability advocacy (\$12m.) for administration and a help-line that those most in need are unlikely to be able to use, and many, many people will receive a poorer quality and "quantity" of advocacy, not suited to their needs.

The reason for the urgency is that funding for all advocacy agencies was changed to finish on Dec 31, this year. An "Evaluation Report", due in August was not produced until early October. Comments were sought by 27th October. During this period, there were "consultation" sessions in which there was no consultation at all; advocacy agencies were presented with the outline of a new service model and told they must accept it. There was no discussion allowed on its potential problems or outcomes, and they were also told that all advocacy agency contracts would be closed in 2007 and the advocacy work put out to tender. The "consultation sessions were told "this is what we are going to have and if you don't sign the contracts by 15th Dec, you can close your doors on Jan 1."

The whole process has been incredibly flawed and rushed. There has been NO opportunity to discuss the planned service, no chance to discuss any short or long term benefits for those who need advocacy, but more importantly, no discussion at all on likely short and long term detrimental and potentially life-threatening outcomes from the planned service. Nor of the likely and detrimental effects of the tendering process. As it is, because of the uncertainty of the future, many committed, caring, knowledgeable staff are being lost from disability advocacy. Was this intended?

I am writing to you in the hope that you will use your Committee's influence to support the move by the Advocacy movement for people with disability, urgently to have rejected or at least to delay implementation for further examination the recent report "Evaluation of the National Disability Advocacy Programme" (attached), the

consultation paper “Enhancing the National Disability Advocacy Program” (attached) and the proposed new “advocacy service.” While accepting the NDAP could be improved, the whole process needs rethinking so that the outcome benefits people with disability, not further increases their powerlessness and removes for many their right to advocacy for their human rights.

The Commonwealth funds Disability Advocacy both directly, and indirectly (to a lesser extent) to the States through the CSTDA, and the pattern set by the Commonwealth is always followed a little later by the states, at least in NSW where I have most knowledge, and I believe so in other states. Of course, much of the advocacy on behalf of people with disabilities who cannot speak for themselves is directed at State services, which regularly and sometimes fatally fail to meet the needs of their clients. The NDAP and state Advocacy system therefore also help to provide to a large degree a watchdog on the services provided by Commonwealth money both directly (eg business services), and indirectly through the CSTDA.

The report acknowledges the “huge unmet need” but it is not explored in even the resources available to show at least part of the need, it is not dealt with in the recommendations, or in the final proposal, except by planning to spread thinly the present meagre resources over all of Australia in a form which will ensure good numbers of usage, but frustration, possible retaliation, despair, and less protection for many people. The Report at its end (pp72, 73) acknowledges very quietly that *“The objectives of the program are unrealistic, are not measurable and need revision to reflect what the program can do and can realistically achieve. (My italics)* This is nowhere else mentioned in the whole report of 73 pages. It also states the proposed centralized (NZ) system was recommended 10 years ago, but not implemented because of the costs involved. (It does not also say it was rejected by almost all the advocacy movement.)

The report itself is deeply flawed, recommendations contradict evidence given and accepted in the report, and the consultation paper proposes a system which will not provide the advocacy needed. FACSIA has further extended the proposal in the consultation paper. The overall outcome will be a major loss to people with disability who need advocates to protect their rights. The authors show little knowledge of many people with disability, nor of the effect on their lives disability can have, in powerlessness, abuse, neglect, negligence, isolation and friendlessness, which sometimes result in death or further disability.

Despite the report acknowledging the need for long-term advocacy, the need for other people to stand beside them and speak up for them, the vulnerability of many people with disability, particularly those most disabled; despite acknowledging the likelihood of retribution for complaints if not protected; despite acknowledging that many people with disabilities, particularly those most at risk, are only likely to confide in people they know and trust, none of this is apparent in the Recommendations. FACSIA has proposed and plans to begin implementing from Jan 1 2007 what is basically a crisis/complaint service. The Report says (incorrectly) that disability advocacy is mostly about crises, and FACSIA plans short-term intervention with “case closure”.

The present advocacy agencies can indeed be improved, and many more are needed, but the proposed system model will have remarkable similarities to the dysfunctional

and tragic state “Child Protection Services” which in each state moves from crisis to crisis while their too few staff on the ground try to deal with massive waiting lists, prioritized (as FACSIA plans) for those most at risk, but unable even to even see all of these; their staff try to patch lives and explain tragedies to the public and their chain of control. *As always, it will be the people with disabilities, particularly those most at risk, who will bear the costs of this ill-conceived report and rushed, uninformed plan.*

FACSIA declares it wishes to help those most at risk, but will take resources from the ground to pay for the administration staff planned, for the help-line planned (which those most at risk, the abused, imprisoned, institutionalised, most disabled and many others) will be unable to use, and plans to remove the form of advocacy most able to assist those with the greatest needs (Citizen Advocacy), and so to deprive many people of their rights to life, shelter, a home, good care, freedom from abuse.... all we take for granted. The new model already plans to exclude many people who are presently eligible from getting advocacy. It will completely fail to meet the needs of the majority of disabled people who need advocacy, most of them on a lifelong basis, even when episodic. It will be these people who pay the price for the ignorance of their real lives.

Most (probably all) Citizen Advocacy programmes will not be there. Despite being mandated in the Disability Services Act, (1986, Cwth) *they are to be replaced by the short-term crisis model.*

[Citizen Advocacy seeks out disabled people who are being abused, neglected, sometimes at risk of death, friendless and alone. Each is matched with a carefully chosen citizen advocate from the local community, who protects and speaks up for his/her protégé, and helps this person in many ways to lead a happy and rewarding life. They are supported by citizen advocacy staff; many relationships last for life. *Citizen advocates are often the ONLY person in someone’s life who is not paid to be there. CA is the most personal, effective and cost-effective form of advocacy.*]

FACSIA plans to set up a widespread publicity campaign to tell all people with disabilities advocacy is available, and to contact the help-line. This may be the cruellest part of all. The Report acknowledges there is a “huge” unmet need, and not nearly enough funding for present programmes let alone all these other people. *But in a bewildering move, to control costs to the existing funds, the new service explicitly intends NOT to serve most of these people, who will be turned away in their need and expectation of help.* (While those most in need still will have no way of accessing advocacy.)

These are some of the ways in which the Report and proposed service are deeply flawed; contradictory, displaying no understanding of the lives of many people with disability, and the many, complex needs they have for help, often over a lifetime. People with intellectual disability are among those most vulnerable to the world’s neglect, cruelty, abuse and manipulation. *They and many others need someone to stand beside them, to stand up FOR them, to let their voices and needs be heard.*

The Disability Advocacy movement has for many years acknowledged they are only able to meet part of the need for advocacy, and have begged for more resources. Each review has acknowledged the insufficient resources, but has not even been allowed to recommend more is needed.

Instead of the skilled, thoughtful and knowledgeable systemic and individual advocacy services presently covering a wide range of need, it will in two years provide a help-line access crisis/complaint service, short-term “advocacy”, which the invisible people will not be able to access, and which will meet few people’s advocacy needs.

With many, many others, I am deeply concerned that this plan, being rushed into execution without any consideration of its impracticality, its lack of awareness of the lives of people with disability, the risks they face of retribution if they complain, (if they can), will destroy or negate much of the good work already achieved, and it will be they who will suffer for years until departmental recognition and admission of failure. By then, the effective and skilled advocacy agencies presently achieving a great deal against the odds will be lost.

THE MATTER IS EXTREMELY URGENT. If advocacy agencies are forced to sign the contracts, many more staff will probably be lost forever. Many believe they cannot be part of a system which will further harm people with disability.

I hope you will be able to find time for me and others to meet the Committee. There are a number of other organizations who would also welcome the opportunity to meet with you and would convey their concerns for the future of disability advocacy in Australia.

I believe this Committee could be in the right position to see this proposed “attention to rights of people with disabilities” is given far more thought and that the improvements to NDAP will actually achieve much better outcomes for the people who so desperately need effective advocacy. Please help them!

Yours sincerely,

**Barbara Page-Hanify
(Citizen advocate since 1987)**

My background is as a worker, (paid 1960-1986, and unpaid since then), friend and advocate for people with disabilities who cannot speak for themselves. I have been involved in Citizen Advocacy since 1980. I believe I have a good appreciation of the advocacy needs of many people with disabilities, and the risks and trauma, the loneliness and isolation, the abuse and neglect that so many of them face.

There are many other people and organizations that support the facts above. Some are attached.