

Response to

**Enhancing the National Disability Advocacy Program
Consultation Paper**

October 2006

Combined Advocacy Groups of Queensland

c/- Queensland Advocacy Incorporated

Suite G2, Brisbane Transit Centre

Roma Street

BRISBANE QLD 4000

Telephone: (07) 3236 1122

Facsimile: (07) 32361590

Email: kevin@qai.org.au

TABLE OF CONTENTS

Combined Advocacy Groups of Queensland (CAGQ)	1
Executive Summary	2
List of Recommendations	4
Rebuilding Commonwealth Responsibility	9
Rationalising Administrative Responsibilities	12
Program Framework	14
Individual Advocacy	17
Systemic Advocacy	18
Funding Formula	23
Legislative Framework	23
Unmet Demand for Advocacy Services	24
Program Title and Branding	26
Minimum Qualifications for Paid Advocates	27
Benchmarks for Specific Population Groups	29
The Hub and Spoke Model	30
Competitive Tendering	31

Combined Advocacy Groups of Queensland (CAGQ)

The Combined Advocacy Groups of Queensland (CAGQ) consists of the 14 funded advocacy groups in Queensland, the Advocacy Development Network, and those unfunded groups which also have a commitment to the provision of social advocacy for people with disability in Queensland.

CAGQ began meeting in 1992 to explore, develop and promote a common position on advocacy values and principles and accountability issues and to offer support and guidance to one another. Since 1995, CAGQ has worked collaboratively with the Commonwealth and State Advocacy Programs to develop advocacy funding guidelines, a Strategic Framework for Advocacy for People with Disability in Queensland, and Queensland Disability Advocacy Standards.

CAGQ has face-to-face gatherings yearly. The purpose of these gatherings is to discuss and make in-principle decisions regarding strategic directional functions of CAGQ, and to provide peer support to each other.

Teleconferences are held every six to eight weeks. The purpose of these teleconferences is to ratify in principle decisions made at gatherings, to hear back from delegated working parties, and discuss operational matters or issues that emerge.

Executive Summary

CAGQ welcomes the rejuvenation of the Commonwealth's interest in the National Disability Advocacy Program (NDAP). NDAP has been the subject of serious neglect by successive governments for a period of more than 12 years and is in great need of rebuilding.

However, the 'Evaluation' of the NDAP conducted by Social Options Australia, which is the basis of current activity, is deeply flawed. It fails to recognise, in any respect whatsoever, the achievements of the NDAP. Whatever NDAP's shortcomings may be, these are far outweighed by the achievements of advocacy agencies. The evaluation provides no suitable basis for radical changes to a program of such fundamental significance and value to persons with disability and their families in Australia. It has alienated and distressed a sector that rightly deserves recognition for its substantial achievements.

Prior to the implementation of any reforms, much more work needs to be done to develop a detailed program framework for the NDAP. This developmental work must come to terms with current and recent service development initiatives undertaken in the advocacy sector itself, and by State and Territory governments. This Program framework would include an appropriate legislative base for the NDAP; clearly articulate NDAP's strategic and operational policy objectives; establish a clear definition for social advocacy; define advocacy service types; their mix and programmatic relationships; estimate new service development requirements; and, outline other structural elements, such as the complaint mechanism; performance criteria and measures; quality assurance process; and, the program's independence from direct service provision.

A comprehensive advocacy service system might be imagined as a matrix in which the vertical dimension is constituted by 'generic' advocacy agencies

established on a regional basis, which are available to all persons with disability and their families. On the horizontal dimension there ought to be a number of cross-cutting specialist agencies playing an augmentative role, which would include the provision of awareness raising, specialist expertise and systems advocacy in relation to specific population groups. Additionally, there would be a number of supplementary advocacy service models, such as family advocacy, (this type is not advocacy *for* families but advocacy *by* families) and citizen advocacy, which would provide forms of assistance not available from the base of the system.

Priority ought to be given to the establishment of a comprehensive base of the advocacy system (in terms of geographic coverage) but not at the expense of existing augmentative and supplementary services. Instead, a comprehensive base of the system would be achieved primarily through new service development.

FASCIA's proposal to disinvest in systemic advocacy services is of very great concern. Systemic advocacy services play a critical role in advancing the collective rights and interests of persons with disability. Violations of the human rights of persons with disability are often structural in nature, and therefore require a structural response.

There is overwhelming unmet demand for advocacy assistance across Australia. All Australian States and Territories are under-resourced relative to this demand, and it is therefore costly, wasteful, and absurd to propose to redistribute existing resources to achieve a more equitable spread of those resources. The appropriate mechanism for equalising outlays per capita in a situation of critical unmet demand is the allocation of additional resources.

List of Recommendations

Rebuilding Commonwealth Responsibility

1. That the Commonwealth temporarily suspend its proposed reconfiguration of the NDAP, and undertake a summative review of current and recent program and service development initiatives within the advocacy sector, and at the State and Territory level, to establish a proper foundation for its own initiatives in the area.
2. That FASCIA withdraw the Evaluation of the NDAP Final Report and issue a statement to the effect that it recognises that this Evaluation is unsatisfactory, and does not provide an appropriate basis for the development of program reform proposals.
3. FASCIA should issue a statement of regret to organisations funded under the NDAP in relation to the failure of the 'Evaluation' Report to recognise, in any respect whatsoever, the achievements of the NDAP.

Rationalising Administrative Responsibilities

4. That the Commonwealth assume sole administrative responsibility for advocacy services for persons with disability under the forthcoming Commonwealth State and Territory Disability Agreement.

Program Framework

5. That following the summative review recommended above, FASCIA work in collaboration with the advocacy sector to develop a detailed program framework for the NDAP, prior to any reconfiguration of the Program.
6. That the development of a detailed program framework for the NDAP explicitly incorporate arrangements for advocacy sector coordination; advocacy sector development; advocacy related information; and, advocacy

related education and training (including personal advocacy skills development).

7. That the NDAP be developed according to a matrix model where the base of the advocacy service system is constituted by generic (cross-disability, cross population group) advocacy outlets, augmented by specialist services for particular population groups and supplemented by other advocacy service models.
8. That priority is given to the development of a comprehensive base to the advocacy service system (in terms of geographic spread), but not at the expense of existing specialist and supplementary services. Instead, this ought to be achieved through new service development.

Individual Advocacy

9. That in the development of a detailed Program framework for the NDAP, FASCIA collaborate with the advocacy sector to identify and scope the range of activities permissible within an individual advocacy model, and then to develop performance measures appropriate for this range of activities.
10. That FASCIA seriously reconsiders its proposed “intake model” for individual advocacy funded under NDAP, and ensures that a significant component of service delivery is targeted to persons who do not have instrumental capacity or who are subject to adverse environmental conditions through an “outreach model” of service delivery. FASCIA must also ensure that agencies have the capacity, and are subject to the expectation, that they will maintain a presence in environments potentially adverse to persons with disability, and develop referral networks within local communities.

Systems Advocacy

11. That FASCIA reconsiders its proposal to disinvest in systemic advocacy, and ensures that the NDAP continues to support a small number of well-resourced systemic advocacy organisations in each State and Territory.
12. That FASCIA withdraws its suggestion that systemic advocacy issues be directed to the so-called national disability peaks for action on the basis that this is unworkable, regressive, divisive and inconsistent with the role played by systemic advocacy organisations at the local, regional and State levels.
13. That FASCIA ensure that the service delivery framework and funding formula for the national advocacy program explicitly provide for appropriate linkages and program integration mechanisms between individual and systemic advocacy.

Funding Formula

14. That in the development of a Program framework for NDAP, FASCIA develop a funding formula that will ensure that each advocacy service outlet receives sufficient funding to ensure the viability of the outlet, including safe and healthy working conditions for staff, accessibility for all persons with disability, and any extra costs arising from the geographic location and reach of the service.

Legislative Framework

15. That FASCIA ensure that its' proposed directions for the NDAP are consistent with the legislative mandate provided by the *Disability Services Act, 1986 (Cth)*, which requires that self, citizen and group advocacy services are to be the basis of the National Disability Advocacy Program.

Unmet Demand for Advocacy Services

16. That the Commonwealth provide substantial additional resources to the NDAP, which will be sufficient to establish a comprehensive advocacy service system across Australia.
17. That FASCIA achieve an equitable geographic spread of advocacy services across Australia principally on the basis of new service development.
18. That FASCIA achieve an appropriate proportionate mix of advocacy service types through new service development.

Program Title and Branding

19. That the introduction of NDAP branding supplement and not supplant the existing identity and branding of advocacy services, and that prior to the introduction of such branding a detailed NDAP framework is established that will ensure commonality of understanding of what does, and does not, constitute advocacy.

Minimum Qualification for Paid Advocates

20. That FASCIA work in collaboration with the advocacy sector to identify the core competencies required of advocacy workers, and to incorporate these competencies into staff recruitment and development.
21. That FASCIA ensure that its funding formula for advocacy services provides sufficient funds for the professional development of advocacy staff, both upon appointment, and over the longer term. The funding formula must also recognise the additional costs of professional development advocacy services located in rural and remote areas.
22. That FASCIA ensure that its funding formula for advocacy services provides sufficient funds for the professional development of members of the Boards of

Management of advocacy organisations in effective governance and good quality advocacy practice.

Benchmarks for Specific Population Groups

23. That benchmarks for advocacy service delivery to persons with disability from specific population groups be referenced according to the demographic profile of the geographic area in which the advocacy service operates, rather than to national incidence statistics. The benchmark should not be prescriptive – it should require the agency’s service user profile to *reflect* the local demographic profile.
24. That any benchmarks set for the provision of advocacy assistance to specific population groups be flexible enough to permit the exercise of discretion and professional judgement by advocacy staff to ensure assistance is targeted to those most in need of assistance.

The Hub and Spoke Model

25. That FASCIA investigates further models of advocacy service delivery for rural and remote Australia, prior to determining the service delivery framework for the NDAP.

Competitive Tendering

26. That FASCIA abandons its proposal to conduct a competitive tender for the existing NDAP funding. Reconfiguration of the program ought to be achieved through new service development, and collaborative service development between FASCIA and existing agencies.

Rebuilding Commonwealth Responsibility

1. We welcome the Commonwealth's renewed interest in the National Disability Advocacy Program (NDAP). The NDAP has been the subject of substantial neglect by the successive governments for a period of more than 12 years, and, from a programmatic perspective, the Commonwealth's role is consequently greatly in need of rejuvenation and rebuilding.
2. However, in rejuvenating and rebuilding its own role in the area, the Commonwealth must not assume that the advocacy sector itself has stagnated during the period of its neglect. Very substantial work has been undertaken over this period, particularly in Queensland, towards program and service improvement. These initiatives have been the result of internal collaboration by the Queensland advocacy sector (particularly through the structure of the Combined Advocacy Groups of Queensland (CAGQ)), and service development activities undertaken by the Queensland Government in collaboration with the Commonwealth and Commonwealth and State funded advocacy agencies (for example, the *Queensland Disability Advocacy Standards: Partners in Quality* and the proposed *Queensland Strategic Framework for Advocacy for People with Disability*).¹
3. Many improvements to the NDAP can and ought to be made. However, it is important that these improvements build, in a positive way, on existing program strengths and opportunities. It is therefore most alarming and unfortunate that the proposed Commonwealth changes to the NDAP, and the so-called 'Evaluation' of the NDAP which preceded them, demonstrate little if any recognition or understanding of the service development initiatives undertaken or underway within the sector itself, or at the State government level. In our view, the Commonwealth ought to come to terms with these

¹ Disability Services Queensland, *Queensland Disability Advocacy Standards: Partners in Quality*, Queensland Government, undated; Disability Services Queensland, *Strategic Framework: Advocacy for People with Disability in Queensland*, (Confidential Draft) March 2005

developments in order to properly formulate its own initiatives in the area. The Social Options Australia 'Evaluation' of the NDAP fails to do this. FASCIA ought therefore temporarily suspend work on the reconfiguration of the NDAP, and undertake a summative review of current and recent initiatives within the advocacy sector, and at the State and Territory levels, to establish a proper foundation for its own initiatives in the area.

Recommendation:

That the Commonwealth temporarily suspend its proposed reconfiguration of the NDAP, and undertake a summative review of current and recent program and service development initiatives within the advocacy sector, and at the State and Territory level, to establish a proper foundation for its own initiatives in the area.

4. FASCIA'S proposed reconfiguration of the NDAP is currently based principally on an 'Evaluation' of the NDAP conducted by Social Options Australia published in July 2006.² That 'Evaluation' is deeply flawed. It does not demonstrate sufficient, or any, understanding of the legislative basis for the NDAP, the distinctive role and function of the different advocacy service types funded under the NDAP, or the social and service environment in which advocacy services operate. It fails to comprehend the difference between advocacy services and statutory complaint handling bodies. From a methodological perspective, the 'Evaluation' contains many false and inaccurate assertions. It is replete with unsubstantiated allegations. Single anecdotes are elevated to the level of program critique. It draws conclusions not supported by evidence or argument.
5. In particular, the Social Options 'Evaluation' of the NDAP fails to recognise, in any respect whatsoever, the achievements of the NDAP. Whatever may be the current shortcomings of advocacy services, they are far outweighed by their

² Social Options Australia, *Australian Government of Families, Community Services and Indigenous Affairs, Evaluation of the National Disability Advocacy Program, Final Report*, July 2006.

enormous achievements. This failure to recognise the achievements of the NDAP since advocacy services were first funded under the *Disability Services Act, 1986* some 20 years ago is profoundly unjust and deeply offensive to advocacy services and the many hundreds of persons with disability, family members, and others who have contributed years of their lives, often at great personal cost, to operate this system.

6. In fact, over the past 20 years, advocacy services funded under the NDAP have initiated or contributed to most of the important changes in their communities and in our society towards the participation and inclusion of persons with disability, and towards the recognition and address of their human rights. Individual advocacy services have, for example, brought protection to thousands of people subject to abuse, neglect, and discrimination, and assisted thousands of others with major life transitions, including the move from residential institutions to a new life in the community. Systems advocacy agencies have initiated or contributed to better laws governing, for example, specialist disability services, mental health services, disability services, and disability discrimination. They have brought attention of service system failures, and stimulated reform.
7. The Social Options 'Evaluation' of the NDAP is therefore unbalanced and suspect. It provides no suitable basis for radical changes to a program of such fundamental significance and value to persons with disability and their families in Australia. It has alienated and distressed a sector that rightly deserves recognition for its substantial achievements. The Social Options 'Evaluation' Report ought to have been rejected by FASCIA. Instead, the report has been accepted, and it would appear that FASCIA has either acquiesced or colluded in its seriously unbalanced portrayal of the NDAP. This has, and will continue to, create suspicion and alienation among advocacy services funded under the NDAP. It provides no basis for collaborative program and service development between FASCIA and the advocacy sector.

8. Moreover, FASCIA is not entitled to say that it has 'moved on' from the Social Options 'Evaluation' Report. Even if FASCIA acknowledges the shortcomings of the Report (which it appears prepared to do on an informal basis), the proposed reconfiguration of the NDAP is still clearly shaped by a number of the conclusions and recommendations contained in the report. FASCIA cannot have it both ways. The proper course is to withdraw the Social Options 'Evaluation' Report, and prepare program and service development initiatives from a factual, balanced, and collaborative foundation.

Recommendation:

That FASCIA withdraw the Evaluation of the NDAP Final Report and issue a statement to the effect that it recognises that this Evaluation is unsatisfactory, and does not provide an appropriate basis for the development of program reform proposals.

FASCIA should issue a statement of regret to organisations funded under the NDAP in relation to the failure of the 'Evaluation' Report to recognise, in any respect whatsoever, the achievements of the NDAP.

Rationalising Administrative Responsibilities

9. Given the State and Territory governments' predominate role in direct specialist service delivery to persons with disability, they have a substantial conflict of interest in the administration of advocacy services for persons with disability. It is therefore essential that the Commonwealth maintains and further develops its responsibility in this area. This responsibility derives not only from Australia's international human rights obligations in respect of persons with disability (shortly to be brought into sharp focus by the forthcoming Convention on the Rights of Persons with Disabilities), but also from the Commonwealth's responsibility to ensure the quality and safety of the specialist services administered under the Commonwealth State and Territory Disability Agreement (CSTDA).

10. Indeed, in light of the rapid expansion of the specialist service sector at the State and Territory level, we now view it as critical that the Commonwealth assumes full responsibility for the administration of advocacy services funded under the CSTDA. Many advocacy agencies experience serious conflict of interests in their dual relationship as advocate and funded service with State and Territory government agencies. This does not mean that the States and Territories would cease to have responsibility for contributing to the funding base for advocacy services. They ought to continue to do so. However, these funds, along with the Commonwealth contribution, would be administered under a single national program.

11. Such a change to administrative arrangements would facilitate fundamental improvements to the programmatic structure of the advocacy service system in Australia that have not been achieved in spite of (or perhaps because of) the joint responsibility of the States and Territories under successive CSTDAs. Structural improvements that would be more readily achieved under a single national program structure include the equitable horizontal spread of advocacy services across Australia (the Commonwealth's current approach to this issue fails to take into account State and Territory funded advocacy services); a coherent, equitable and intelligent mix of service types (including specialist services); sector coordination arrangements; and sector and professional development. It would also eliminate the double reporting to the Commonwealth and State and Territory Governments to which dual funded agencies are currently subject.

Recommendation:

That the Commonwealth assume sole administrative responsibility for advocacy services for persons with disability under the forthcoming Commonwealth State and Territory Disability Agreement.

Program Framework

12. In our view, much more work needs to be done, prior to the implementation of any reform, to develop a detailed program framework for the NDAP. Such a program framework would develop and recommend to parliament an appropriate legislative base for the NDAP, clearly articulate its strategic and operational policy objectives, establish a clear definition for social advocacy, define advocacy service types, their mix and programmatic relationships, estimate new service development requirements, and outline other structural elements, such as the complaint mechanism, performance criteria and measures, quality assurance process, and the program's independence from direct service provision, for example.
13. We acknowledge that some, though certainly not all, of these issues are highlighted for further development in the FASCIA Consultation Paper. However, the outline of proposed activities is superficial and limited. A great deal more work, at a much more considered level, is required before there can be any reasoned and responsible reconfiguration of the NDAP.

Recommendation:

That following the summative review recommended above, FASCIA work in collaboration with the advocacy sector to develop a detailed program framework for the NDAP, prior to any reconfiguration of the Program.

14. A detailed Program Framework for the NDAP will also need to address the role and function of a number outputs and outcomes apparently envisaged in the proposed new NDAP, but which do not appear to have a proposed delivery mechanism. These outputs include:
 - Advocacy sector coordination;
 - Advocacy sector development;
 - Advocacy related information;
 - Advocacy related education and training (including personal advocacy skills development).

Performance measures for these outputs and outcomes are unlikely to be the same as for individual advocacy.

Recommendation:

That the development of a detailed program framework for the NDAP explicitly incorporate arrangements for advocacy sector coordination; advocacy sector development; advocacy related information; and, advocacy related education and training (including personal advocacy skills development).

15. A key issue under consideration in the reconfiguration of the NDAP is the population groups to be served by each advocacy 'outlet' funded under the program; in particular, whether it will be permissible for advocacy agencies to specialise in terms of diagnostic categories (for example, intellectual disability) or specific population groups (for example, parents and family members, Aboriginal and Torres Strait Islanders or persons from non-English speaking backgrounds). The thrust of the FASCIA Consultation Paper appears to be that in future all service outlets will need to meet benchmarks for service delivery across all diagnostic categories and specific population groups: there will no longer be any 'stand alone' agencies serving these population groups.
16. While we agree that the 'base' of the advocacy service system should comprise of individual advocacy services available to all persons with disability and all population groups, limiting the NDAP to this service type would compromise rather than advance the rights and interests of persons with disability. A number of augmentative and supplementary services are also required either to address issues or provide a particular type of advocacy support that an homogenised advocacy service system would not provide.

17. A comprehensive advocacy service system might be imagined as a matrix in which the vertical dimension is constituted by 'generic' advocacy agencies established on a regional basis, which are available to all persons with disability and their families. However, on the horizontal dimension there ought to be a number of cross-cutting specialist agencies playing an augmentative role, which would include the provision of awareness raising, specialist expertise and systems advocacy in relation to specific population groups. Additionally, there would be a number of supplementary advocacy service models, such as family advocacy and citizen advocacy, that would provide forms of assistance not available from the base of the system. Functions such as advocacy development, sector coordination, sector development and the professional development of advocacy personnel would also be situated on this horizontal, cross-cutting dimension.
18. The appropriate mix of generic and specialist agencies or projects ought to be established in consultation with advocacy agencies, and may vary over time. Priority ought to be given to the establishment of a comprehensive base of the advocacy system (in terms of geographic coverage) but not at the expense of existing augmentative and supplementary services. Instead, the base of the system would be achieved primarily through new service development (see following for further discussion).

Recommendation

That the NDAP be developed according to a matrix model where the base of the advocacy service system is constituted by generic (cross-disability, cross population group) advocacy outlets, augmented by specialist services for particular population groups and supplemented by other advocacy service models.

That priority is given to the development of a comprehensive base to the advocacy service system (in terms of geographic spread), but not at the expense of existing specialist and supplementary services. Instead, this ought to be achieved through new service development.

Individual Advocacy

19. The proposed new direction for the NDAP is a program based primarily or exclusively on the provision of individual advocacy. However, it is not apparent either in the Social Options 'Evaluation' Report, or FASCIA's Consultation Paper what types of activities are encompassed by this term. In particular, it is not clear if individual advocacy is envisaged only as one-to-one paid 'case-work advocacy,' or whether a broader range of activities is envisaged. If the latter, it is important that the scope of the term is defined and understood before there is any attempt to formulate output and outcome measures for the program, as these may need to vary significantly depending on the scope of activities envisaged under the NDAP.

Recommendation:

- That in the development of a detailed Program framework for the NDAP, FASCIA collaborate with the advocacy sector to identify and scope the range of activities permissible within an individual advocacy model, and then to develop performance measures appropriate for this range of activities.
20. It is also strongly implied in the FASCIA Consultation Paper that individual advocacy is envisaged only according to an 'intake' model of service delivery. This model would require the person with disability to have the instrumental ability and environmental conditions that would permit them to make a visit to an NDAP service or to telephone such a service or the proposed Advocacy Call Centre. In reality, many persons with disability most at risk of abuse, neglect and discrimination do not have the instrumental ability or environmental conditions that would permit them to initiate contact with an NDAP service. NDAP services must therefore also operate on an "outreach" model, where advocacy assistance is targeted to vulnerable individuals with disability who would otherwise not come to attention. It is also the case that, for many advocacy agencies, referrals of persons in need of advocacy assistance result from the agency maintaining a presence in environments potentially adverse to persons with disability (eg criminal justice facilities), and by developing networks in local communities.

Recommendation:

That FASCIA seriously reconsiders its proposed “intake model” for individual advocacy funded under NDAP, and ensures that a significant component of service delivery is targeted to persons who do not have instrumental capacity or who are subject to adverse environmental conditions through an “outreach model” of service delivery. FASCIA must also ensure that agencies have the capacity, and are subject to the expectation, that they will maintain a presence in environments potentially adverse to persons with disability, and develop referral networks within local communities.

Systemic Advocacy

21. FASCIA’s proposal to disinvest in systemic advocacy services is of very great concern. Systemic advocacy services play a critical role in advancing the collective rights and interests of persons with disability. Violations of the human rights of persons with disability are often structural in nature, and therefore require a structural response. While individual advocacy to address specific human rights violations against particular persons is of undisputed importance, it is a less efficient and effective means of changing social practices that are structural or widespread in nature.
22. It is inefficient to address widespread problems on a case-by-case basis, and indeed, this can lead to distortions – for example, in the area of unmet demand for services, advocacy provided for a particular individual may result in that person’s needs being met before the needs of a person not in receipt of advocacy assistance, who may be in greater need. A structural response to the structural problem of unmet demand is more likely to ensure a fair distributive effect from the advocacy effort.

23. Additionally, there are many social problems affecting persons with disability that can rarely be addressed through an individual advocacy model due to the cost to the individual of attempting to pursue their rights. For example, persons with disability who are 'mere licensees' in residential accommodation often fear raising complaints about the services they receive – no matter how abusive or neglectful – as they fear retribution, including the loss of their accommodation, if they do so. Often the most effective, or the only, means of providing advocacy assistance is through a more oblique systemic (or group) advocacy model, where the focus of the respondent's adverse attention is on the advocacy agency rather than on vulnerable individuals with disability.
24. Systemic advocacy services facilitate the participation of persons with disability in public policy and planning. They play an important role in exercising the citizenship rights of persons with disability, and ensure that the needs and rights of persons with disability are recognised in public decision-making. In the absence of such voices, persons with disability, for reasons arising from their impairment and social conditions, would be largely unable to participate in civic life to argue for a fair distribution of resources, and for changes to policies and practices that disadvantage them. The forthcoming United Nations Convention on the Rights of Persons with Disabilities places very significant emphasis on the rights of persons with disability, and their organisations, to participate in public policy processes and contribute to decisions that affect their lives. Systemic advocacy services will play a critical role in ensuring Australia's obligations under this convention are realised.

Recommendation

That FASCIA reconsiders its proposal to disinvest in systemic advocacy, and ensures that the NDAP continues to support a small number of well-resourced systemic advocacy organisations in each State and Territory.

25. We note a proposal being made in Consultation Sessions being conducted in association with the release of the Consultation Paper that in future systemic advocacy issues are to be referred to the national peak bodies such as Women with Disabilities Australia, Blind Citizens Australia, and the National Ethnic Disability Alliance. This proposal is ill considered and regressive for at least the following reasons:

- These organisations are structured according either to diagnostic category of disability (eg Blind; Deaf etc), or according to another population group characteristic (gender, ethnicity). While such groups have an important role to play in promoting issues within their sphere of responsibility, the spread of these organisations individually and collectively is quite small. Many impairment groups and population groups are not represented in the national peak structure (for example, persons with epilepsy, Deafblind, neurological conditions, etc).
- There is a critical policy inconsistency in suggesting on the one hand that the NDAP should be structured on a cross-disability basis, and on the other, suggesting that systemic advocacy issues should be directed to diagnostic or population group based national peaks. Such an approach is clearly inequitable for many impairment groups, and will entrench pre-existing disadvantage. It also represents a return to a medical model of disability (where disability is viewed as a product of individual diagnosis) rather than a social model of disability (where disability is viewed as the result of a non-inclusive and inaccessible social environment).
- The so-called 'national peaks' are also critically under-resourced and unable to effectively carry out their existing functions, let alone the role of being proposed in the reform of the NDAP. Most receive funding at a level equivalent or below the lowest funded advocacy services under the NDAP.

- The national peaks, including the so-called Australian Federation of Disability Organisations (AFDO) have little, if any, connection with services funded under the NDAP, and have made no effort whatsoever to develop such connections. They have little, if any, visibility among persons with disability in Australia, and are virtually unknown in Queensland.

- To the extent that AFDO is known, it is viewed as a creature of government, rather than an independent representative voice for persons with disability. Although AFDO has, for example, “represented” persons with disability at the invitation of government in policy fora related to the recent changes to income support and employment arrangements for persons with disability, it has made no effort whatsoever to consult with persons with disability in Queensland about these changes in the development of its policy positions. Nor has it even communicated what its policy positions are to the disability sector.

- Even if the National Peaks were visible in Queensland (which they are not), or had made any effort to seek the views and experience of advocacy services working directly with individuals with disability who are subject to abuse, neglect and discrimination in the formulation of their policy positions (which they never have), it would still be the case that a great deal of the systemic advocacy undertaken under the NDAP is at the local, regional and State levels, which would never be the function of even the most effective national peak organisation. This includes (but is certainly not limited to) systemic advocacy to local government authorities in respect of the built environment, advocacy for greater distribution of resources to a disadvantaged regions, and policy advice and advocacy in relation to policy and program development for State delivered specialist services.

Recommendation:

That FASCIA withdraws its suggestion that systemic advocacy issues be directed to the so-called national disability peaks for action on the basis that this is unworkable, regressive, divisive and inconsistent with the role played by systemic advocacy organisations at the local, regional and State levels.

26. We strongly agree that there ought to be structural linkages between individual and systemic advocacy so as to ensure that patterns and trends of human right violations emerging from individual advocacy contribute to the formulation of systemic advocacy priorities. There are a variety of means by which this can and ought to be achieved. Some agencies may offer both individual and systemic advocacy services. In such a case, each function would need to be effectively quarantined from the other so as to ensure the effective performance of both functions. Individual and systemic advocacy services might be co-located in appropriate circumstances. Additionally, a sector coordination mechanism might be established.
27. Key to the effective integration of individual and system advocacy is the level of resources available to agencies to support information transfer and collaborative working relationships. The service delivery framework and funding formula for the national advocacy program must therefore explicitly provide for this.

Recommendation:

That FASCIA ensure that the service delivery framework and funding formula for the national advocacy program explicitly provide for appropriate linkages and program integration mechanisms between individual and systemic advocacy.

Funding Formula

26. A key issue to be addressed in the development of an appropriate Program structure for the NDAP is a funding formula for advocacy services. This funding formula must ensure the viability of each service outlet, including occupationally safe and healthy working conditions for staff, ensure that the service has sufficient funds for impairment or population group based assistance (eg Sign Language and community language interpreting, production of Braille, hearing augmentation, easy-English information production), and ensure that services operating across large areas have additional funds to meet the costs of petrol and vehicle maintenance.

Recommendation:

That in the development of a Program framework for NDAP, FASCIA develop a funding formula that will ensure that each advocacy service outlet receives sufficient funding to ensure the viability of the outlet, including safe and healthy working conditions for staff, accessibility for all persons with disability, and any extra costs arising from the geographic location and reach of the service.

Legislative Framework

27. FASCIA must administer the NDAP in accordance with its legislative power to do so. The source of legislative power for the NDAP is the *Disability Services Act, 1986* (Cth). "Advocacy services" are defined in section 7 of that Act as follows:

"advocacy services" means:

- (a) *self-advocacy services, namely, services to assist persons with disabilities to develop or maintain the personal skills and self-confidence necessary to enable them to represent their own interests in the community;*
- (b) *citizen-advocacy services, namely, services to facilitate persons in the community to assist:*

(i) *persons with disabilities; or*

(ii) *the families of, and other persons who provide care for or assistance to, persons with disabilities;*

to represent their interests in the community; or

(c) *group-advocacy services, namely, services to facilitate community organisations to represent the interests of groups of persons with disabilities.*

28. The *Disability Services Act, 1986 (Cth)* makes it clear that Parliament intended not only that self, citizen and group (or systems) advocacy services are intended to be part of the NDAP but, in fact, such services are to be the basis for the Program.
29. The Consultation Paper proposes that FASCIA will cease to fund self, citizen and group (systems) advocacy services. Organisations that currently provide these services must convert to an individual advocacy model, or funding will be withdrawn and reallocated to services consistent with a newly conceived “individual advocacy” program. FASCIA does not have legislative power to make such a fundamental change to the NDAP. Such changes would first require the approval of Parliament to necessary amendments to the *Disability Services Act, 1986 (Cth)*.

Recommendation:

That FASCIA ensure that its’ proposed directions for the NDAP are consistent with the legislative mandate provided by the *Disability Services Act, 1986 (Cth)*, which requires that self, citizen and group advocacy services are to be the basis of the National Disability Advocacy Program.

Unmet Demand for Advocacy Services

30. All stakeholders appear to agree that there is very significant unmet demand for advocacy services across Australia. Any reform of the NDAP must therefore address the question of unmet demand through the provision of substantial additional resources.

31. There is no point whatsoever of establishing a national Advocacy Call Centre to direct persons with disability to advocacy agencies that have no capacity to provide them with any assistance. This will only increase existing levels of frustration and alienation that have resulted from an advocacy service system strained far beyond its capacity. Indeed, the cost of establishing such a Call Centre is likely to be substantial, and would only further deplete the resources available for direct advocacy for persons with disability.
32. The provision of additional resources to the program should be the principal mechanism by which equitable funding levels across Australia are realised. All Australian States and Territories are under-resourced relative to demand, and it is therefore costly, wasteful, and absurd to propose to redistribute existing resources to achieve a more equitable spread of those resources. The appropriate mechanism for equalising outlays per capita in a situation of critical unmet demand is the allocation of additional resources. Those states currently under-resourced relative to population ought to be allocated a greater share of new resources, and those states currently better resourced would receive less. However, given the level of unmet demand, all states and Territories would receive additional funding.
33. Similarly, if FASCIA wishes to achieve a re-distribution of advocacy service types within the NDAP, the appropriate principal means of achieving this is through new service development. Funding for systems advocacy is already only 20% of total program outlays. Its proportion of the overall program could be further residualised by concentrating new service development in the individual advocacy area.

Recommendations:

That the Commonwealth provide substantial additional resources to the NDAP, which will be sufficient to establish a comprehensive advocacy service system across Australia.

That FASCIA achieve an equitable geographic spread of advocacy services across Australia principally on the basis of new service development.

That FASCIA achieve an appropriate proportionate mix of advocacy service types through new service development.

Program Title and Branding

34. We are not opposed to the proposal to increase the 'brand recognition' of the NDAP by the introduction of a Program identifier to be incorporated into each advocacy service's own branding. This proposal must, however, be implemented in a way that permits each agency to maintain its own name and branding. We would be opposed to any proposal that would seek to entirely suppress each agency's individual identity by the imposition of a homogenous Program name. We are also opposed to the current proposal for Program branding "Disability Advocacy Australia" or "DAA" (pronounced "daaa") because the acronym is likely to become a source of ridicule and is stigmatic for persons with disability.

35. Additionally, we note that 'brand' recognition is only useful if there is commonality of understanding across the NDAP of what does, and does not, constitute advocacy. The introduction of a program title prior to this may be more divisive than beneficial.

Recommendation:

That the introduction of NDAP branding supplement and not supplant the existing identity and branding of advocacy services, and that prior to the introduction of such branding a detailed NDAP framework is established that will ensure commonality of understanding of what does, and does not, constitute advocacy.

Minimum Qualifications for Paid Advocates

35. The Consultation Paper proposes to require advocacy services to ensure their staff have minimum qualifications as a condition of employment. While we agree that advocacy staff should be skilled in their roles, requiring minimum qualifications may serve to exclude persons with disability from employment in advocacy programs, due to pre-existing educational disadvantage. Traditionally, the NDAP has drawn its staff from among persons with disability and family members. This has been a principal source of its legitimacy among persons with disability and their families. Such individuals may have diverse formal qualifications or no such qualifications, but do have substantial knowledge and life experience relevant to the advocacy role. This dimension of the NDAP should be highly valued by FASCIA and every effort should be made to maintain it.
36. We would therefore be opposed to the introduction of any prescriptive set of qualifications for advocacy workers. Instead, we believe FASCIA ought to work collaboratively with the advocacy sector to define the competencies required for advocacy workers. Advocacy agencies ought then to be required to ensure that staff appointed possess or develop those competencies within an initial period of employment.

Recommendation:

That FASCIA work in collaboration with the advocacy sector to identify the core competencies required of advocacy workers, and to incorporate these competencies into staff recruitment and development.

37. The professional development of advocacy staff, both initially upon appointment, and over the longer term, ought to be a key concern of both advocacy services and FASCIA. It is therefore essential that the funding formula for advocacy services incorporate sufficient funds to permit ongoing

staff training and development. The funds dedicated for this purpose should not be less than \$2,000.00 per staff full-time staff member per annum, and the funding formula should recognise that rural and remote advocacy services face additional costs in providing appropriate professional development for staff.

Recommendation:

That FASCIA ensure that its funding formula for advocacy services provides sufficient funds for the professional development of advocacy staff, both upon appointment, and over the longer term. The funding formula must also recognise the additional costs of professional development of advocacy services located in rural and remote areas.

38. Funds must also be made available to support the professional development of members of the Boards or Committees of Management of advocacy organisations, so that they can provide effective governance of the organisation, and ensure high quality advocacy practice. Neglect or under-investment at this level is likely to continue to give rise to agency instability, conflicts of interests, and goal displacement etc that will compromise advocacy practice.

Recommendation:

That FASCIA ensure that its funding formula for advocacy services provides sufficient funds for the professional development of members of the Boards of Management of advocacy organisations in effective governance and good quality advocacy practice.

Benchmarks for Specific Population Groups

39. The Consultation Paper proposes that advocacy services be required to meet benchmarks for service delivery to specific population groups, including identified impairment groups, Aboriginal and Torres Strait Islanders and Persons from Non-English speaking backgrounds. While we do not oppose this proposal in principal, these benchmarks must be referenced to the specific geographical areas in which each advocacy service operates. Moreover, the benchmark should require agency statistics to *reflect* local demographics, rather than conform to prescriptive benchmarks. Failure to take this approach will result in inequitable distortions in the provision of advocacy services; for example, under servicing of a high incidence local population group, which may be of low national incidence.

Recommendation:

That benchmarks for advocacy service delivery to persons with disability from specific population groups be referenced according to the demographic profile of the geographic area in which the advocacy service operates, rather than to national incidence statistics. The benchmark should not be prescriptive – it should require the agency’s service user profile to *reflect* the local demographic profile.

40. The proposal to create multiple benchmarks based on diagnostic category and population group also has the potential to become a very complicated and onerous system to administer. It may also clash with other distributive principles proposed for the NDAP; that is, the prioritisation of assistance to those in greatest need, least able to assert their own rights. The formulation of benchmarks for service delivery to specific population groups must therefore also permit the exercise of a reasonable degree of professional judgement and discretion by advocacy service staff in their intake decision-making. There will be occasions where the proper course is to disregard a benchmark

guideline and provide assistance to an individual with other characteristics who is in greater or more immediate need.

Recommendation:

That any benchmarks set for the provision of advocacy assistance to specific population groups be flexible enough to permit the exercise of discretion and professional judgement by advocacy staff to ensure assistance is targeted to those most in need of assistance.

The Hub and Spoke Model

41. We support FASCIA's policy intention to ensure that persons with disability, no matter where they live in Australia, have equitable access to assistance from the NDAP. The 'hub and spoke' model appears to have potential in this respect. However, there are also potential dangers in this model which have not been explored either in the NDAP 'Evaluation' or in the FASCIA Consultation Paper. For example, at a programmatic level, the collocation of spokes with direct services (eg Community Health Centres) will be disastrous for the actual or perceived independence of the advocacy outlet. People with disability will not be able to approach the advocacy service without direct service providers observing them. Outlet staff will also tend to socialise at work with direct service staff, subtly eroding their independence and ability to challenge their 'colleagues,' or alternatively, leading to situations of intolerable conflict within multi-component service centres.

42. Staff working alone in the spoke of 'hub and spoke' models would also lack professional back-up, including the ability to consult and seek guidance in their work. This will potentially compromise the quality of their advocacy output. In the absence of readily available professional support, advocacy staff working in spokes are also likely to experience a high degree of stress and anxiety from un-monitored overwork and challenging casework, exposing them and their employer to occupational health and safety risks.

43. Most particularly, it is essential that the hub and spoke model is not viewed as an alternative to a properly resourced advocacy service system. It is essentially a model of rural and remote service delivery that has no proper application in areas of concentrated population where demand would require an appropriately resourced 'central' advocacy outlet.
44. Other models of rural and remote service delivery should also be explored before determining a service delivery framework for the NDAP. The 'mobile service' model, in particular, where the worker conducts outreach from a central base, is worth further exploration, either as an alternative, or in addition to, the hub and spoke model.
45. The potential for other program efficiencies, such as the voluntary co-location of independent advocacy organisations in appropriate situations, so as to enable them to utilise the same administration and infrastructure should also be considered in development of a service delivery framework for the NDAP.

Recommendation:

That FASCIA investigates further models of advocacy service delivery for rural and remote Australia, prior to determining the service delivery framework for the NDAP.

Competitive Tendering

46. The FASCIA Consultation Paper suggests that an equitable geographic and demographic spread of existing funding might be achieved on the basis of a competitive tender for these resources open to organisations currently funded, and to 'new' organisations. We are very strongly opposed to this proposal. As argued above, we strongly believe that the primary means of achieving comprehensive geographic and demographic reach of the program ought to be through new service development. Where reconfiguration of existing

services is required, this ought to be achieved through collaborative service development.

47. Competitive tendering will disrupt existing service delivery over many months as organisations prepare for, and then await, the outcome of the tender process. It will destabilise and demoralise advocacy agencies. Key personnel have already begun to leave advocacy agencies in order to secure their family income arrangements just in response to the NDAP 'Evaluation' Report and the FASCIA Consultation Paper. This loss of the skill base in existing services will intensify if a competitive tender for NDAP services is announced.
48. Smaller agencies, where all staff are involved in direct advocacy service delivery will be greatly disadvantaged in preparing tenders compared with larger organisations that have staff positions that are, or can readily be, deployed to tender development.
49. Competitive tendering will compromise the independence of the NDAP, and the vigour with which advocacy outcomes are pursued for individuals and at a systemic level, particularly where the respondent is a government agency. It will have a pacifying on the program, which may be in the narrow political interests of the government of the day, but will be to the profound long-term detriment of persons with disability and their families.

Recommendation:

That FASCIA abandons its proposal to conduct a competitive tender for the existing NDAP funding. Reconfiguration of the program ought to be achieved through new service development, and collaborative service development between FASCIA and existing agencies.