

National Disability Advocacy Program Review  
Department of Social Services

Via email: [disabilityadvocacy@dss.gov.au](mailto:disabilityadvocacy@dss.gov.au)

To whom it may concern,

**Endorsement of Disability Advocacy Network of Australia and the ACT Disability, Aged and Carer Advocacy Service submissions to the National Disability Advocacy Program Review**

ACTCOSS welcomes the opportunity to provide feedback to the NDAP Review and supports the submission of Disability Advocacy Network Australia (DANA), the national peak body for independent advocacy and the ACT Disability, Aged and Carer Advocacy Service (ADACAS). I would advocate that any change as a result of the review maintains current levels of Advocacy funding in the ACT. In the context of the biggest reform in the Disability Service system through the NDIS, access to independent advocacy is essential for individuals with disability exercising their human rights. The funding of systemic advocacy at this time is also crucial to ensure that the design and processes of the NDIS operate from within a human rights framework.

## Funding

ACTCOSS would particularly support DANA's recommendations that:

- The Australian government and State & Territory governments commit **additional funding for the provision of independent advocacy**. This is urgently required to provide sufficient supply of independent advocacy and to ensure that further gaps in advocacy provision do not develop while the NDIS rolls out in all states and territories.
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- Independent advocacy continues to play a crucial role in the safeguarding of people with disability and must be funded adequately to be effective. The Quality & Safeguarding Framework for the NDIS, must have more than an acknowledgement of the importance of advocacy; a commitment to sufficient funding is essential.

## Independent Advocacy and Managing Conflict of Interest

ACTCOSS supports ADACAS understanding of independent advocacy and how it manages conflicts of interest in its submission to the NDAP review:

Independent advocacy means speaking or acting or writing in support of or on behalf of a person or group with minimised conflict of interest. An independent advocacy organisation therefore is:

- An organisation that has been established as a discrete entity (under relevant state or national laws) with the purpose of providing disability advocacy within a human rights framework to people with disability and maintains its structural independence
- An organisation that is as free from conflicts of interest as possible through:
  - Managing its relationships with other stakeholders
    - Service providers – so that the advocacy provided can represent solely the interests of the person with disabilities
    - Funding bodies – so that political or other factors do not interfere with the advocacy provided for individuals
    - Family members and friends – so that the interests, wishes and needs of the person with disability guide the advocacy
  - Ensuring that it represents each person with disabilities according to their wishes
  - Providing systemic advocacy that is informed by the individual advocacy it provides (or is provided by allies) or informed by the wisdom and experience of people with disability themselves.
  - Putting in place policies and procedures that protect the independence of the advocacy it provides, including managing conflicts of interest for the organisation, individual staff members, individual board members and individual advocacy cases.

- Operating with a culture of reflective practice that enables it to recognize and act to minimise conflict of interest issues
- An organisation that seeks to ensure that all activities of the organisation are undertaken consistent with its purpose of advocating for and with people with disabilities so that they are valued and included members of the community, their fundamental needs are met and their human rights are respected.

ACTCOSS also supports ADACAS recommendation that:

Funded organisation may deliver independent advocacy and other activities that share the following principles and practices:

- Provided within a human rights framework
- Guided by the needs and wishes of the person with disability
- Speaking with the voice of the participant not the advocate/paid person
- Delivered by an organisation that does not have a conflict of interest through providing other traditional disability services
- Delivered without conflict of interest with funding bodies (noting that in the NDIS context it is the person who is purchasing the activity), disability service providers or family members.
- Intentional empowerment of the individual through building capacity and skill
- Able to advocate for the person with disability service providers and other service systems and domains (such as education, health, housing, justice...)
- Never acting in a way that increases a person's marginalisation and devaluation, or leaves them more vulnerable to the consequences of marginalisation and devaluation.
- Safeguarding particularly isolated or vulnerable participants

Organisations can manage potential or perceived conflict of interest when delivering other activities in an advocacy model by:

- Structural separation within the organisation
- Being partisan on the side of the person with disability
- Actively engaging with the person to build their capacity and independence
- Using supported decision making frameworks to ensure that activities are guided by the participant
- Clear articulation that funding decisions rest with the individual NDIS participant not the agency
- Policies that guide decisions about whether providing an alternative activity, such as support coordination by the advocacy organisation is going to lead to the best outcome for the participant (particularly where they may also need other advocacy)

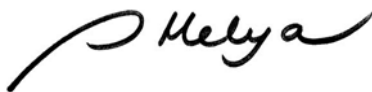
- Sound organisational policies and reflective practice
- Sound complaints management processes (including how complaints that need advocacy will be managed)
- Ensuring that an advocacy based organisational culture is maintained across all teams within the organisation.

## Other Issues

Finally, ACTCOSS supports further of DANA's recommendations, including:

- Any changes to the NDAP are coherent with the Quality & Safeguarding Framework and the Information, Linkages & Capacity Building Policy for the NDIS, so that any changes in the delivery of independent advocacy and advocacy-type activities happens with adequate time for transition by organisations to different structures, program requirements, reporting requirements etc.
- Further consultation needs to include direct focus groups with people with disability, organised with and through their representative organisations, and specifically with members of Self Advocacy Groups using Easy English consultation questions and structured to allow enough time for good input.
- Any restructure of the NDAP ensures as far as possible that choice of advocacy provider is available, in the same way that the NDIS provides choice to participants.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Kelly', with a stylized flourish at the end.

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