

Submission

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# The Australian Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

January 2024



**DANA** Disability Advocacy  
Network Australia

## About DANA

DANA is the national representative body for a network of independent disability advocacy organisations throughout Australia.

### Our Vision

DANA's vision is of a nation that includes and values people with disabilities and respects human rights for all.

### Our Purpose

DANA's purpose is to strengthen, support and provide a collective voice for independent disability advocacy organisations across Australia that advocates for and with people with disability.

We achieve this by

- promoting the role and value of independent disability advocacy
- providing a collective voice for our members
- providing communication and information sharing between disability advocacy organisations
- providing support and development for members, staff and volunteers of disability advocacy organisations
- building the evidence base to demonstrate the value of disability advocacy
- promoting the human rights, needs, value and diversity of people with disabilities

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## Introduction

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission or DRC) delivered a Final Report that runs to 12 volumes, 5000 pages and 222 recommendations. With the conclusion of the recent review of the National Disability Insurance Scheme (NDIS), DANA appreciates that there is now a mammoth and complex law and policy reform process ahead for Australian governments and communities. Not all the urgent changes needed can happen overnight, and indeed those structural and attitudinal changes will require consultation, solutions testing and time to get right.

Though careful consideration is required, both final reports call for strong collaboration and clearly demonstrate the need for big changes to achieve the “safer, more inclusive Australia” that is envisaged for people with disability. Short, medium and long term actions need to be informed by meaningful co-design processes centring people with disability, along with their advocates and representative organisations. DANA would like to see a holistic approach to the Australian Government’s initial response and then implementation of the recommendations that actively engages the disability community in the prioritisation, planning and oversight of these significant reform processes.

Several member organisations have expressed concern to us about this consultation process reflecting reductive, superficial or simplistic understandings of the transformative change that is required. Some are alarmed that the questionnaire allows for the selection of only three out of the many important areas needing swift attention. Systemic advocates have warned this process encourages jostling by various stakeholders to be prioritised and places different groups of people with disability and their representative organisations in competition to demonstrate the urgency of particular issues and areas for reform.

The Federal Government must not conduct tick-box consultations or processes that are “co-design” in name only. The Disability Royal Commission has demonstrated that many of the

problems with existing systems and processes is their inaccessibility and non-responsiveness to the needs, experiences and human rights of people with disability.

DANA looks forward to many opportunities to help coordinate efforts across the disability advocacy sector for stronger laws and policy and improved systems to respond to and prevent violence, abuse, neglect and exploitation of people with disability. This submission outlines some of the urgent priorities that are immediately pressing and that would lay the groundwork for successful disability reform processes, reflecting the needs and perspectives of multiply marginalised and underrepresented people with disability, most likely to be experiencing exclusion, neglect, exploitation and/or violence in the current landscape.

## Summary of key priorities

### **Independent disability advocacy – key priorities**

**1:** Increase funding for independent disability advocacy by \$91.225 million as follows:

- \$43 million for National Disability Advocacy Program (NDAP) organisations to meet existing advocacy demand until mid-2025
- \$25 million to establish a new grant round for non-National Disability Advocacy Program (NDAP) organisations in need of urgent funds
- \$20 million as a dedicated funding boost for independent disability advocates facing increased operating costs in rural, remote, and very remote areas
- Further sector capacity building: \$5.225 million to be spread across disaster management, First Nations cultural safety training, resources and pilot projects, and awareness of supported decision making.

**2:** Establish a National Disability Advocacy Data Taskforce with relevant expertise to redevelop and strengthen data and information systems, enabling efficient collection, analysis and utilisation of high-quality accessible data about disability advocacy outcomes and demand.

**3:** Enhance cultural safety for people with disability, particularly First Nations people with disability.

### **Safeguarding – key priorities**

- 4.** Ensure that advocacy services have input and are included in the development of new safeguarding bodies in conjunction with the Disability Reform Implementation Council.
- 5.** Ensure that advocates can be consulted and collaborate with safeguarding bodies to help develop local knowledge and support.
- 6.** Provide funding for advocacy bodies to do proactive outreach and in-reach to closed settings.

7. Ensure a consistent level of safeguarding support between states and territories, including independent services like advocacy availability and community visitors schemes.
8. Ensure safeguarding bodies are adequately resourced and have appropriate digital infrastructure to follow up and investigate complaints.

### **Housing – key priorities:**

9. All states (specifically WA and NSW) sign up to the National Construction Code, and that new public housing be accessible.
10. Provide a specific stream of social and public housing to build accessible housing in line with Australia's Disability Strategy as part of the Housing Australia Future Fund.
11. Substantially lift the rates of DSP and Jobseeker to above the poverty line.
12. Regulate rent increases and impose a short-term rent freeze to help control the spiralling costs of housing on the private market.
13. Targeted housing action plan as part of Australia's Disability Strategy, following the recommendations in the NDIS Review.
14. Eliminate no-cause evictions where they haven't been already and ensure minor home modifications can be made under tenancy law.

## **Independent disability advocacy**

The important role of independent disability advocacy is reflected throughout the DRC final report volumes, in many references to submissions made by, or with the support of, disability advocacy organisations and the many ways disability advocates defend human rights, promote safety and support inclusion in the daily lives of Australians with disability.

At present, the advocacy sector faces massive challenges from lack of funding to service demand. Approximately half of people with disability who seek support from advocates are turned away due to lack of available advocates – and this number is only indicative of services demanded, not services required overall.

We know that currently independent disability advocates are doing a lot of risk management and crisis intervention work to prevent or respond to the violence, abuse, neglect or exploitation experienced by people with disability. (We'll discuss this further below under the topic of safeguarding.) This includes identifying risks, making reports, connecting with

organisations, supporting complaints, legal or justice processes, and navigating support systems, including the NDIS.

As we argue in our pre-Budget submission<sup>1</sup> (and heard throughout the DRC hearings),<sup>2</sup> independent disability advocacy plays a critical role in both facilitating and safeguarding the disability and NDIS ecosystems, including through:

- helping to prevent NDIS exploitation by supporting people with disability to advocate for their rights and to address unfair treatment or plan utilisation by providers;
- building capacity, understanding and confidence so people with disability can better use their NDIS funding and meet their goals;
- keeping mainstream systems accountable by ensuring they provide equitable access to people with disability (meaning mainstream supports do not need to be unnecessarily duplicated);
- supporting the Australia's Disability Strategy (ADS) outcome of Safety, Rights and Justice and ensuring Australia meets its obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD);
- helping people to navigate and engage with existing safeguarding and complaints processes;
- preventing and solving problems through education and building skills, sometimes intervening before situations escalate to crisis;
- working to fix barriers in local, state and national systems and frameworks; and
- working with people with disability to build their own capacity to self-advocate, building trusted relationships over time.

DANA expects advocacy demand to increase significantly in the coming months in response to proposed sector changes arising from both the DRC and the recent NDIS Review. That is why our member organisations are united in calling for significantly higher injections of funding in the next Federal budget.<sup>3</sup>

## **The myriad roles of disability advocacy organisations**

Some of these functions we will examine in more depth, to explain how funding for independent disability advocacy will tangibly enable, strengthen and contribute to positive change in the lives of people with disability:

- Fulfil existing and expanded functions to defend rights and help navigate complex systems;
- Inform and support through transitions;
- Support decision making and communication of decisions; and
- Enable meaningful co-design and oversight by people with disability.

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<sup>1</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#).

<sup>2</sup> See: [Spotlight on Advocacy | Disability Advocacy Network Australia \(dana.org.au\)](#)

<sup>3</sup> See current campaign: [SPEAK UP for independent advocacy \(speakupadvocacy.com.au\)](#)

## Fulfil existing and expanded functions to defend rights and help navigate complex systems

There are a number of DRC recommendations that mention a role for disability advocates or are premised on the availability of independent advocacy from a sector resourced to meet demand and need across diverse contexts:

- assisting people with disability who are being represented by public advocates, public guardians and public trustees (Recommendation 6.5);
- realising supported decision-making principles (Recommendation 6.6);
- assisting people with disability living in supported residential services, boarding houses and their equivalents, both in generally strengthening oversight and complaints and specifically focused work on helping residents to identify alternative, longer term accommodation options (Recommendation 7.38);
- helping people with disability to navigate homelessness supports (Recommendation 7.40);
- assisting and facilitating individuals to explore and understand emerging options, make decisions and transition to alternative housing arrangements, (Recommendation 7.42) including supporting the proposed phase out of group homes, recommended by half the Commissioners (Recommendation 7.43);
- supporting the participation of students with disability, and their families and carers to take part in their school community and decisions that affect their educational experience (Recommendation 7.6);
- supporting families in making complaints in educational settings (Recommendation 7.10);
- assisting people to make and pursue outcomes through accessible complaint processes: about NDIS supports (Recommendation 10.20) and more broadly (Recommendation 11.3); and
- providing relevant information to be considered in the context of “disability death review schemes” (Recommendation 11.14).

Without a significant funding increase to advocacy services, each of the above recommendations are at risk.

## Inform and support through transitions

In addition to supporting representation, peer support and leadership development activities, advocacy organisations regularly take on the largely unfunded work of creating, and disseminating accessible information resources about updates, and legislative and policy changes.<sup>4</sup> During the implementation process for the raft of reforms to arise from the

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<sup>4</sup> In relation to emergencies and health crises see: Elly Desmarchelier and DANA. (2023). *NDIS Review: Fires, Floods and COVID-19—Discussion paper*. Disability Advocacy Network Australia.

DRC recommendations and NDIS Review, there is already additional demand on advocacy organisations to interpret and assist people with disability to understand changes and information and manage transitions across a diverse population (as there was with the introduction of the NDIS, during COVID and many other changes). Many of the people with disability that our member organisations work with are likely to need individualised support to understand and navigate transitions, including through face-to-face time with a trusted advocate.

Given their extensive expertise across these areas and grassroots relationships with their local communities, disability advocacy organisations will be instrumental in supporting other areas marked for reform:

- strengthening and embedding awareness and understanding of disability rights generally (Recommendation 4.21) and in disability services (Recommendation 10.1), places of detention (Recommendation 8.2), and health services (Recommendation 6.31);
- enabling remedies through the courts under the Disability Rights Act (Recommendation 4.20);
- contributing to oversight, safeguarding and human rights adherence across a range of services systems; and
- providing independent information on available supports and options, including under consumer law.<sup>5</sup>

### Supported decision making and communication of decisions

DANA supports the proposed Disability Rights Act to include a legislated right to equal recognition before the law, specifically recognising “the right of people with disability to access and use advocacy services in making and participating in decisions, communicating their will and preferences, and developing their decision-making ability” (as the DRC recommended in Recommendation 4.6). We are also pleased that Recommendation 6.14 recognises the need for systemic advocacy to promote supported decision making.

Developments such as the NDIS Supported Decision Making Policy<sup>6</sup> and Implementation Plan reflect an increasing recognition of the need for processes and supports for ensuring people with disability are supported to make decisions (including by independent disability advocacy organisations). However, there is still a high degree of reliance on substitute decision making, such as guardianship, within the NDIS and in disability services.<sup>7</sup> Significant action is needed operationalise the principles of supported decision making and

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Michelle Villeneuve. (2020). *Clearing a path to full inclusion of people with disability in emergency management policy and practice in Australia*. Centre for Disability Research and Policy. The University of Sydney.

<sup>5</sup> See Gerard Brody, (2023) [Consumer policy response to NDIS Review “What we have heard” report | Disability Advocacy Network Australia \(dana.org.au\)](#)

<sup>6</sup> National Disability Insurance Agency (2023) [Supported decision making policy](#)

<sup>7</sup> Kevin Stone and DANA (2023) NDIS Review: Supported Decision Making – Advocates and supported decision making for people with disability. Disability Advocacy Network Australia. [Engagement and Solution Project | Disability Advocacy Network Australia \(dana.org.au\)](#)



educate NDIS, non-NDIS and mainstream services, to ensure that substitute decision-making does not remain the default approach.

Specialist advocacy organisations have been providing support for decision-making for many years and work to uplift the human rights of people with disability. During our NDIS Review Engagement and Solutions Project, we heard about the need for disability advocacy funding for supported decision making for people with disability both in and outside the NDIS, including:

- delivery of supported decision making capacity building for people with disability and their families and supporters;
- resources, training and ongoing capacity to support an expanded role for advocacy organisations in supported decision making; and
- capacity building, resources and training for decision supporters, disability services and providers, NDIA staff and planners and intermediaries.<sup>8</sup>

In our pre-Budget submission, DANA recommended that to expand on currently funded project work focused on supported decision making and existing sector expertise, the Federal Government needs to fund supported decision making awareness and outreach work done by people with lived experience of engaging in supported decision making processes. This work would involve proactive outreach activities to mainstream and disability organisations, and the development and delivery of supported decision making-specific training for organisations on the role of decision supporters, who can be a decision supporter, and how to work effectively with decision makers and decision supporters in partnership.

As part of our recommendation for an investment in sector capacity building mentioned above, DANA and Inclusion Australia have argued for \$500,000 to be allocated to undertake supported decision making outreach and awareness. Furthermore, we recommend further consultation with Inclusion Australia, its members and other organisations run by and for people with an intellectual disability to identify other pathways to the wide implementation of supported decision making, as well as understanding adequate funding requirements for this work.

### Enable meaningful co-design and oversight by people with disability

Co-design to develop and implement the actions outlined by the DRC is a common component of many of the recommendations in the Final Report and DANA strongly endorses all future reforms be guided by the “nothing about us without us” principle at the heart of the disability rights movement. Yet to genuinely support the inclusion and involvement of people with disability in co-design and decision making (and oversight and governance), resources and development are crucial, particularly to ensure that the most marginalised people with disability have their voices and expertise heard.

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<sup>8</sup> Disability Advocacy Network Australia (2023) NDIS Review Summary Report -

The DRC envisages disability representative and advocacy organisations being involved in supporting genuine co-design with people with disability in a diverse range of areas.<sup>9</sup>

For instance, in establishing or developing:

- a Disability Rights Act (Recommendation 4.1);
- a National Disability Commission as independent statutory body (Recommendation 5.5) and its new complaint mechanism (Recommendation 4.19) under that Act;
- a national plan to promote accessible information and communications (Recommendation 6.1);
- data collection and public reporting on psychotropic medication (Recommendation 6.37);
- research on restrictive practices (Recommendation 6.38);<sup>10</sup>
- education and training resources for staff of Disability Employment Services (Recommendation 7.17);
- support to transition to inclusive employment for people working in ADEs (Recommendations 7.28 and 7.30); and
- practical guidance on supported decision making (Recommendation 10.7).

We trust that much co-design flows from the DRC's 222 recommendations, yet the voices, experiences and perspectives of those who will be most affected by the various reforms will not be heard or able to genuinely inform their development, if the capacity of representative and advocacy organisations is overstretched by the pace of reform and lacking the resourcing to respond to consultations and opportunities to provide input, advice and expertise. Rather than being considered one of the stakeholder groups, people with disability must be at the centre of the reform processes. If disability representative and advocacy organisations are not at the table, we fear that design, implementation and oversight of new policies and laws will retrace the past mistakes of exclusion, inaccessibility and discrimination and miss the mark in preventing violence, abuse neglect and exploitation of people with disability.

In our detailed recommendations to the DRC we specified the need for “dedicated funding for advocacy and disability representative organisations to support building the capacity of people with disability in:

- Self-advocacy and advocacy skills;
- leadership and representation; and
- advisory and decision-making processes, including in community, public and private sectors at local, regional and national levels.”<sup>11</sup>

To support meaningful co-design and consultation, the advocacy sector needs to be resourced or this engagement will run the risk of being tokenistic and inauthentic, and of

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<sup>9</sup> See further examples: [The many roles for independent advocacy in supporting and driving transformative change | Disability Advocacy Network Australia \(dana.org.au\)](#)

<sup>10</sup> See further: [Royal Commission: Analysing the recommendations on restrictive practices | Disability Advocacy Network Australia \(dana.org.au\)](#)

<sup>11</sup> Disability Advocacy Network Australia (2022) [Independent disability advocacy – DANA submission to the Disability Royal Commission](#). See Attachment A, Recommendation 2.f.

perpetuating exclusion without properly incorporating or reflecting the needs and perspectives of people with disability.

We have therefore joined with fellow national disability representative organisations to call for the swift establishment of a Disability Reform Implementation Council, led by people with disability and our organisations, to oversee Disability Royal Commission and NDIS Review changes.<sup>12</sup> Disability representative organisations must receive additional systemic advocacy funding for the next five years to engage and lead on reforms from the Disability Royal Commission.

## **Increase funding**

As many previous government and parliamentary inquiries have also concluded,<sup>13</sup> the Disability Royal Commission has clearly acknowledged that national advocacy funding is not meeting demand and crucially makes a recommendation for additional funding.<sup>14</sup> DANA argued in our pre-Budget submission that the nominated amounts in Recommendation 6.21 would be insufficient to address the current magnitude of unmet demand, according to indications from across the advocacy sector, particularly for organisations operating in rural and remote locations that we have consulted with recently.<sup>15</sup> Nor would these amounts address unmet need for independent disability advocacy, which includes people who have not approached an advocacy organisation but need help with an issue and require targeted and assertive outreach (and in-reach into closed settings) to ensure they are aware of and can access independent disability advocacy when needed.

DANA believes an immediate tripling of Federal Government investment in independent disability advocacy must be the first step. Other priority improvements highlighted by the recommendations to enhance data and cultural safety will not be feasible or effective if sector capacity continues to be as overstretched. This 'capacity crunch' has been compounded over time by the growth of the NDIS and the reduction of accessible services for people with disability outside the NDIS. The two major recent reforms, the Disability Royal Commission final report and the NDIS Review, both recognise and require a very significant role from disability advocates and organisations. Yet, so far, no dedicated funding has been allocated to independent disability advocacy to support the change management activities that will be needed and have been flagged under both these major reform processes.<sup>16</sup> This stands in stark contrast to the workforce enhancements at DSS and the NDIA through these reform processes.

People with disability, their families and supporters turn to independent disability advocacy organisations to make sure they can access mainstream and disability focused services and

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<sup>12</sup> See Disability Royal Commission Response Consultation - A joint submission from Disability Representative Organisations.

<sup>13</sup> See list of previous recommendations in Attachment E, Disability Advocacy Network Australia (2022) [Independent disability advocacy – DANA submission to the Disability Royal Commission](#).

<sup>14</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#).

<sup>15</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#), p21-22.

<sup>16</sup> See discussion above in the [Inform and support through transitions](#) subsection.

supports that all too often they are shut out from. Together, the different forms of advocacy address inequitable access, unfair decisions, and promote inclusion for people with disability. We urge governments to step up and address the shortfalls in disability advocacy sector capacity, as the transformational change envisaged by both the Disability Royal Commission and the NDIS Review will rely on a strong, sustainable future for independent disability advocacy.

**Key priority 1: Increase funding for independent disability advocacy by \$91.225 million as follows:**

- \$43 million for National Disability Advocacy Program (NDAP) organisations to meet existing advocacy demand until mid-2025
- \$25 million to establish a new grant round for non-National Disability Advocacy Program (NDAP) organisations in need of urgent funds
- \$20 million as a dedicated funding boost for independent disability advocates facing increased operating costs in rural, remote, and very remote areas
- Further sector capacity building: \$5.225 million to be spread across disaster management, First Nations cultural safety training,<sup>17</sup> resources and pilot projects, and awareness of supported decision making.<sup>18</sup>

As Recommendation 6.21 of DRC stipulates, funding increases should be indexed to maintain their value in real terms from year to year and both the Federal and State and Territory governments should ensure long-term and stable funding for disability advocacy programs to meet demand. This tripling of funding would allow for the advocacy sector to better fulfil the various crucial functions outlined above.

### **Improve data collection and reporting on met and unmet demand**

DANA explored some of the problems, including opaqueness and lack of guidance for organisations around current advocacy data reporting structures and processes in our pre-Budget submission<sup>19</sup> and our recent submission on a Not-for-Profit Sector Development Blueprint.<sup>20</sup>

The DRC has recommended that funding increases for independent disability advocacy be informed by improved data collection and reporting on met and unmet demand for disability advocacy across jurisdictions, and that advocacy data should be collected and published on an annual basis. This is one of the priorities for our colleagues in the National Centre for Disability Advocacy (NCDA), with one of the NCDA's main functions being to address the issue of unmet need and unmet demand through the analysis of data to help demonstrate

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<sup>17</sup> See further discussion below in [Enhance cultural safety](#) subsection.

<sup>18</sup> See further discussion below in [Support decision-making and communication of decisions](#) subsection.

<sup>19</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#).

<sup>20</sup> Disability Advocacy Network Australia (2023) Developing a Not-for-profit Sector Development Blueprint: see [Strengthening independent disability advocacy | Disability Advocacy Network Australia \(dana.org.au\)](#)

the capacity of the sector.<sup>21</sup> We are pleased that the DRC calls for data collection and reporting to be included as a priority area for intergovernmental collaboration through the Disability Advocacy Work Plan under the National Disability Advocacy Framework 2023–2025 (NDAF).

Currently there is a strong need for investment in data remediation before any modelling can adequately predict current and future demand. Ultimately, DANA is confident that improved data would strongly evidence the need for considerably higher levels of funding to meet both demand and need for independent disability advocacy. It would also provide more consistent and reliable insights into areas of currently unmet need if as Recommendation 6.22 proposes, the data were to, at a minimum:

- be collected and published on an annual basis;
- include demographic indicators that show geographic location, First Nations and culturally and linguistically diverse status; and
- identify, where possible, whether a request for disability advocacy is from or concerns a person with disability who lives in supported accommodation or is in prison or juvenile detention.

DANA sees a strong need for cooperation and concerted effort and guidance to improve data collection in the advocacy sector, to achieve:

- consistent, streamlined data collection and analysis, providing a solid evidence base to inform systems improvement at all levels;
- evidence-based data to more clearly outline the causes and solutions of unmet demand;
- improved data quality and availability with potential for aggregation, cross-system data linkages and systemic analysis.<sup>22</sup>

For instance, in our submission to the DRC on independent disability advocacy, our detailed recommendations outlined a proposal for establishing a National Disability Advocacy Data Taskforce with relevant expertise to develop agreed national and jurisdictional data collection systems to:

- Define agreed priority data sets;
- Develop an optimal approach for outcomes measurement across the sector;
- Increase efficiency and consistency of data collection;
- Implement agreed processes for data release and protection of confidentiality;
- Enable transparency and public sharing of high-level information;
- Support building an evidence base of effective disability advocacy models, approaches and systems.<sup>23</sup>

There is also a need for increased technological skills and experience, outcomes measurement and data analysis expertise in the sector. There are potential solutions to

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<sup>21</sup> See [National Centre for Disability Advocacy](#) website.

<sup>22</sup> Disability Advocacy Resource Unit (2017) *Disability Advocacy By The Numbers: Statistics from July 2012 to June 2016*, Victorian Office for Disability Advocacy Program Quarterly Data Collection and Data Integrity Supplementary Report.

<sup>23</sup> Disability Advocacy Network Australia (2022) [Independent disability advocacy – DANA submission to the Disability Royal Commission](#). Attachment A: Recommendation 3.b.

address these gaps through the sharing of data specialists between organisations or equipping DANA or the NCDA with a team of data specialists to conduct some of this work for organisations, especially smaller ones.<sup>24</sup>

**Key priority 2: Establish a National Disability Advocacy Data Taskforce with relevant expertise to redevelop and strengthen data and information systems, enabling efficient collection, analysis and utilisation of high-quality accessible data about disability advocacy outcomes and met and unmet demand.**

### **Enhance cultural safety**

The DRC highlights the need for advocacy for specific populations at higher risk of experiencing violence, abuse, neglect and exploitation and calls for increasing capacity and training for disability advocacy organisations to provide culturally appropriate and accessible advocacy services for culturally and linguistically diverse, LGBTIQ+ and First Nations people with disability. Along with the current Disability Advocacy Work Plan’s inclusion of “supporting access for First Nations people” as a priority work area, the DRC has recommended culturally and linguistically diverse and LGBTIQ+ people with disability also, including through training led by people from these groups and their representative organisations.

DANA’s submission to the Disability Royal Commission on independent disability advocacy had explored the need to better address cultural diversity and safety and increased complexity and risk among culturally and linguistically diverse, First Nations and other specific populations.<sup>25</sup> Our National Centre for Disability Advocacy also identified cultural safety as an area in which to support advocates to access professional development and source training to develop skills and confidence.<sup>26</sup>

We support the DRC’s recognition of both the important and responsive work of specialist advocacy providers focused on disadvantaged and often under-served populations and the need for sector capacity building to improve cultural competency and cultural safety of generalist advocacy organisations. We would like to direct attention to the expertise of relevant representative and advocacy organisations and who work with specific populations, notably National Ethnic Disability Alliance and First Peoples Disability Network, and some of our member organisations. (We also hope systemic advocacy organisations to represent LGBTIQ+SB people with disability will soon receive dedicated funding.) DANA encourages close consultation with these organisations, and notes particular urgency of need among First Nations people with disability, which guided this area’s inclusion in our pre-Budget submission.<sup>27</sup>

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<sup>24</sup> See discussion: Disability Advocacy Network Australia (2023) Developing a Not-for-profit Sector Development Blueprint, pp9-10, 13-15.

<sup>25</sup> Disability Advocacy Network Australia (2022) [Independent disability advocacy – DANA submission to the Disability Royal Commission](#), see Recommendations 1.b and 2.b.

<sup>26</sup> Disability Advocacy Network Australia (2023) [Consultation Report for the establishment of a National Centre for Disability Advocacy](#).

<sup>27</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#).



## Investing in culturally safe resources, training and projects for First Nations people with disability

The Disability Royal Commission has collected a wealth of knowledge from First Nations people with disability. The Final Report acknowledges the unique marginalisation faced by Aboriginal and Torres Strait Islander people with disability and the critical need for culturally safe and appropriate services and safeguards, as well as First Nations-led development and delivery of services, supports and advocacy.

Specific funding for these services is the important next step in addressing these issues. As is discussed more fully in our pre-Budget submission,<sup>28</sup> additional direct funding is required to establish advocacy services for First Nations people and generate the resources and knowledge necessary to engage with First Nations specific advocacy needs. There is a need for both shorter-term capacity building supports that include mapping out the current state of advocacy as well as for training and resourcing. Direct action can and should be taken immediately through the provision of funds for an expansion of the community hub system operated by FPDN that is currently in place in Tennant Creek of the Northern Territory to Far North Queensland.

### **Key priority 3: Enhance cultural safety for people with disability, particularly First Nations people with disability.**

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<sup>28</sup> Disability Advocacy Network Australia (2023) [A strong sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector](#). This document included specific recommendations from DANA and FPDN for: investing in culturally safe resources, training and projects for First Nations people with disability; Exploring First Nations workforce upscaling with a dedicated scoping project; Piloting a new Community Hub in Far North Queensland; and Investing in mapping the advocacy needs of First Nations people with disability for funding arrangements from 2025 and beyond.

## Safeguarding

The DRC has recommended that nationally consistent adult safeguarding functions should be established, with legislation in each jurisdiction tasking an appropriate independent body to receive, assess and investigate allegations of violence, abuse, neglect or exploitation of people with disability.

Given the rates of those incidents revealed by the DRC, intervention in this area should be high priority.

There will be complex tensions to explore and navigate when developing the design and operation of these safeguarding functions that acknowledge and reflect:

- the rights of people with disability to not be treated as a “special” or “vulnerable” population and retain the rights and expectations to privacy generally enjoyed by citizens;
- the duties on governments to ensure people with disability can be assured freedom from violence, abuse, neglect and exploitation – and where interventions can be justified by elevated levels of risk;
- the role of family, friends and other natural supports as often the most valuable supporters and fiercest advocates for the inclusion, human rights, wellbeing and safety of people with disability in the community; and
- the potential for some family members, intimate partners and other members of the public interacting with people with disability to themselves be perpetrators of violence, abuse, neglect and/or exploitation.

Advocates can play a role in helping to strengthen and reinforce more formal oversight mechanisms. As the report notes, it is crucial that these systems are co-designed with people with disability.

Advocates and advocacy organisations have detailed insights and expertise around the shortcomings of current safeguarding bodies and can play a significant role in helping to provide information and insight to relevant authorities. Advocates also regularly serve as a key point of contact for people who are in closed settings or who otherwise lack a family or social network. When developing these new safeguarding systems, we believe that Advocacy organisations can offer significant knowledge and assistance. Ensuring that advocacy bodies are consulted with as part of the implementation council (part of any safeguarding working group) is key to ensure that the promise of these recommendations is secured.

Given the discussion above, we also believe there are more structured ways that advocates can offer support. When adequately resourced, advocates can provide out-reach to the broader community as well as in-reach to closed settings like group homes and boarding houses.<sup>29</sup> This could have a transformative impact on the work able to be done by

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<sup>29</sup> Disability Advocacy Network Australia (2022) [Independent disability advocacy – DANA submission to the Disability Royal Commission](#).



organisations and materially benefit those at the highest risk of abuse, neglect and discrimination.

We also want to note the extensive collaboration and alignment that will have to take place between state and federal bodies to ensure a consistent standard of safeguarding between jurisdictions. As is discussed in the report, schemes like the community visitors scheme are inconsistent and patchy between states – some states don't allow visitors access to sites where NDIS supports are being delivered and instead defer to the NDIS Commission. Given the poor experiences many have with the Commission, it is critical that there are multiple tiers of safeguarding mechanisms and that simply residing in a different state or territory does not mean a person is entitled to a lower standard of safeguarding support.

There is also an ongoing need for proper and direct investment in the backend of any reporting body. Issues with the systems being used in the Quality and Safeguards Commission remain present, even after a report of the Joint Standing Committee on the NDIS in 2021 noted significant concerns in the administration's ability to follow up complaints and gain a complete understanding of a matter's history when reviewing their system.<sup>30</sup> A particular submission from the CPSU noted multiple instances where staff had to manage spreadsheets individually to manage their caseloads.<sup>31</sup> On current evidence none of the four recommendations from the inquiry have been adequately addressed, and would serve as an appropriate place to start to build out a thorough safeguarding framework.

#### **Key priorities:**

- 4. Ensure that advocacy services have input and are included in the development of new safeguarding bodies in conjunction with the Disability Reform Implementation Council.**
- 5. Ensure that advocates can be consulted and collaborate with safeguarding bodies to help develop local knowledge and support.**
- 6. Provide funding for advocacy bodies to do proactive outreach and in-reach to closed settings.**
- 7. Ensure a consistent level of safeguarding support between states and territories, including independent services like advocacy availability and community visitors schemes.**
- 8. Ensure safeguarding bodies are adequately resourced and have appropriate digital infrastructure to follow up and investigate complaints.**

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<sup>30</sup> Joint Standing Committee on the National Disability Insurance Scheme, [NDIS Quality and Safeguards Commission](#), Chapter 9 (Australian Parliament).

<sup>31</sup> Ibid.

## Housing

Housing has been identified as an emerging issue for disability advocates over the past 12 months with an increase in the number of people with disability reporting they are currently at risk of homelessness. This includes those sleeping rough or couch surfing. Many of the issues experienced by advocates in supporting people with disability is outlined in DANA's submission to the National Housing and Homelessness Plan.<sup>32</sup>

Issues raised in a submission by Disability Rights Advocacy Service regarding South Australian Housing availability is typical of the issues nationally. The submission states that "...in July-December 2022, we had 306 clients who sought disability advocacy related to housing".<sup>33</sup> This includes a myriad of issues of varying complexities, from wait times, significant home repairs, inadequate properties for individuals disabilities, through to delays in modifications or removal of pest infestations. One of the common themes, both throughout the report, and in advocacy case studies nationally,<sup>34</sup> is the difficulty that people with disability have in communicating with housing providers. This difficulty can be insufficient methods of communication, through to delays in replying. These issues align with the discussions from jurisdictions around Australia. Housing affordability has a significant impact on people with disability as many have low or fixed incomes and are struggling with the rise in the cost of living as rent increases are above what they are able to afford.

Most of the DRC recommendations are sensible suggestions, relating to ensuring people with disability are included in housing and homelessness approaches, increasing the supply of accessible housing, as well as improving tenancy protections and social housing policy.

However, given the crisis being experienced by many people with disability, action on housing is an area where the work of the DRC would benefit from stronger responses.

Income support payments such as the Disability Support Pension and Jobseeker have not kept pace with the sharp rises in rents and housing prices over recent years. Adjustments based on CPI both fail to account for the higher-than-inflation costs of housing (and the high proportion of these payments that go to housing) and the fact that these payments have been set at rates significantly below the poverty line for many years.<sup>35</sup> A practical short-term measure to address these issues is to raise the rate of the Disability Support Pension and JobSeeker payments to above the poverty line.

State governments should also implement rent controls that regulate the speed of rent increases for their tenants, and a short-term freeze to account for the sharp uptake in rents from the pandemic. Given the lower rates of home ownership and payment access by people with disability, these would have transformative impacts on the community.

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<sup>32</sup> Disability Advocacy Network Australia (October 2023) [Submission to National Housing and Homelessness Plan](#) (DANA Website)

<sup>33</sup> Disability Advocacy Network Australia (October 2023) [Submission to National Housing and Homelessness Plan](#) (DANA Website), page 12

<sup>34</sup> Disability Advocacy Network Australia (2023) [Royal Commission: Analysing the recommendations on housing and homelessness](#)

<sup>35</sup> Disability Advocacy Network Australia (October 2023) [Submission to National Housing and Homelessness Plan](#) (DANA Website), page 18

The lack of affordable rental properties, noted by the DRC, is also growing worse and requires urgent intervention. People with higher disposable incomes are renting properties that were once affordable to people with disability. This means that housing stock is minimal, and people with disability, often on a fixed income are settling for properties that have issues that require advocacy to resolve. These advocacy issues can include things such as accessibility modifications, pest infestations and lack of effective heating and cooling. Some people are avoiding requesting much-needed repairs or maintenance on their properties, for fear that if they do ask for repairs they may lose their tenancy or their rent will increase further. We would encourage the prompt adoption of the recommendation to ensure that there are protections in place against discrimination because of disability in state tenancy laws from the DRC (including removing no-cause evictions which some states have implemented), as well as additional rights to allow for practical modifications to properties where required for accessibility.

Improving and increasing the amount of housing stock should also be a high priority. The ACT has recently announced that they have implemented the new standards present in the national construction code<sup>36</sup> – this leaves NSW and WA as the two states who have not yet signed up. The Government should also ensure that all new social and community housing is constructed in line with the higher voluntary Australian Building Code Board Liveable Housing Design Standard (as per recommendation 7.35 of the DRC). This is particularly necessary given the significant amount of investment in public housing required to provide options to people who are not able to participate in the private market, as well as to provide a meaningful counterbalance to the inflationary pressures of the private market.

Social and public housing investment should be sharply increased to make things available for the most disadvantaged people with disability. This could be achieved with a specific action plan under Australia's Disability Strategy – which already flags housing as a key area of importance for governments going forward, as well as specific funding for accessible housing in state and federal housing funds. Ensuring that there is specific funding for disability housing also ensures that people are not left behind because housing is not accessible. There should also be some consideration to the housing navigator role, which skilled advocates can assist people with disability with obtaining and finding a home.

Additional difficulties with housing have also been identified in the NDIS Review, which was released subsequent to the work of the DRC. As the report describes, there are many difficulties being experienced by those funded for Supported Independent Living (SIL) and Specialist Disability Accommodation (SDA), who experience difficulties in finding suitable housing due to issues with the construction of the payments and the limited housing market. We would stress in particular their recommendation at 9.11, which asks all levels of government to begin a targeted action plan on housing under the Australian Disability Strategy.

All of these tools help support the urgent need to provide people with disability meaningful options and choices as to where they live, who they live with, and the supports they receive.

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<sup>36</sup> Rebecca Vasarotti, Minister for Sustainable Building and Construction (2024) [Seven stars for new building quality and accessibility standards in the ACT](#) (ACT Government)

The provision of greater levels of accessible housing is crucial in the ongoing fight to end group homes and make sure people can meaningfully exercise their rights to a home. Given the complexity and many different factors that feed into the housing market, single items on this list will not have a long-term impact and collective action is needed.

A full list of priorities relevant to housing can be found in our Housing and Homelessness plan submission,<sup>37</sup> but we have highlighted the below as key priorities for the taskforce and government:

**Key priorities:**

- 9. All states (specifically WA and NSW) sign up to the National Construction Code, and that new public housing be accessible**
- 10. Provide a specific stream of social and public housing to build accessible housing in line with Australia's Disability Strategy as part of the Housing Australia Future Fund.**
- 11. Substantially lift the rates DSP and Jobseeker to above the poverty line.**
- 12. Regulate rent increases and impose a short-term rent freeze to help control the spiralling costs of housing on the private market.**
- 13. Targeted housing action plan as part of Australia's Disability Strategy, following the recommendations in the NDIS Review.**
- 14. Eliminate no-cause evictions where they haven't been already and ensure minor home modifications can be made under tenancy law.**

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<sup>37</sup> Disability Advocacy Network Australia (October 2023) [Submission to National Housing and Homelessness Plan](#) (DANA Website)