



# Disability advocacy

## What is disability advocacy and why is it important?

Disability advocacy is acting, speaking or writing to promote, protect and defend the human rights of people with disability. The Australian Government, and some state and territory governments, fund independent advocacy to help people with disability who face complex challenges or are unable to advocate for themselves, and do not have family, friends or peers who can support them as informal advocates, to access advocacy support.

**An independent advocate**, in relation to a person with disability, means a person who:

- (a) is independent of the organisations providing supports or services to the person with disability; and
- (b) provides independent advocacy for the person with disability, to assist the person with disability to exercise choice and control and to have their voice heard in matters that affect them; and
- (c) acts at the direction of the person with disability, reflecting the person with disability's expressed wishes, will, preferences and rights; and
- (d) is free of relevant conflicts of interest<sup>1</sup>.

## Why does independence matter?

A disability advocate must be independent and act solely in the interests of the person with disability who they are supporting. An advocate cannot be independent if they, or the organisation they work for, might benefit in some way from influencing the outcomes of the advocacy – this would be a conflict of interest.

A conflict of interest can happen in many situations, for example, a support worker helping a person with disability to resolve a complaint about the disability service that employs the support worker.

Government-funded independent advocates can act solely on the side of the person with disability and without a conflict of interest. This differs from National Disability Insurance Scheme (NDIS) Local Area Coordinators, for example, whose role is to link people with the NDIS and to provide information and support in their community, but not to act as advocates. It also differs from NDIS Support Coordinators who have an interest in

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<sup>1</sup> *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017* (Cth) s9.

maintaining services and/or funding relationships and have restrictions on how much they can support the direct wishes of the person with a disability.

## We have the NDIS now. Do we still need independent advocacy?

Yes. Independent advocates assist people with complex, specialised and often serious issues that can include supporting them:

- to understand their rights and responsibilities;
- through discrimination, criminal and child protection cases;
- within mental health facilities and through the mental health review tribunal;
- to resolve issues about government benefits, payments, pensions and support services;
- through tribunals for guardianship, tenancy and consumer affairs;
- to access housing, education or other state systems;
- to resolve complex service provision or complaints issues, especially where it is difficult for the person to speak up for themselves; and
- to leave domestic violence situations.

**None** of these activities are available as NDIS-funded supports.

Approximately 460,000 Australians with profound disability will receive individual NDIS funding. However, there are another 3.9 million Australians who identify as having a disability who may also require access to independent advocacy, if the need arises.

The NDIS will fund some forms of decision-making support and capacity building through Individual Funded Packages for NDIS participants and through activities funded by the Information, Linkages and Capacity Building program. Examples of these supports and services include:

- assistance to coordinate NDIS supports;
- support to develop skills for decision-making to exercise choice and control;
- supports that help people to develop their knowledge and skills for making choices and decisions and standing up for their rights;
- information and training about how to make complaints; and
- information about where to make complaints.

Although advocacy organisations have supported people with disability in similar ways, NDIS-funded supports are **not** the same as independent advocacy support and will not replace the role of independent advocates.

## How do I find an independent advocate?

To find the locations and contact details of government-funded independent advocates near you, go to <http://disabilityadvocacyfinder.dss.gov.au>.