



Purple Orange

# Top priorities for the 2023-24 South Australian Budget

## Pre-Budget Submission – March 2023

The 2023-24 State Budget presents the South Australian Government with a significant opportunity to make a real difference in ensuring that South Australians living with disability get a fair go at what life has to offer. To assist in compiling the next Budget, we have identified a list of priority areas for state investment. This is not a definitive list of all the problems and barriers faced by people living with disability in South Australia. Rather, it is a selection of policy opportunities in the State jurisdiction to draw attention to some of the ways in which the South Australian Government can make tangible impacts toward ending discrimination and segregation in our communities.

### At a glance

Our priority areas for the 2023-24 Budget are:

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JFA Purple Orange is an independent social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

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## 1 Fund an independent disability advocacy program

Independent advocacy services are essential for **protecting the human rights and wellbeing of people living with disability**. All people living with disability should have access to high-quality, well-resourced, independent advocacy services. The value of these services for both **connecting people to community** and **providing an essential safeguard** cannot be overstated. More broadly, a diverse range of systemic advocacy organisations should have the capacity to **independently monitor** the issues affecting people living with disability, promote their rights, and advocate for change to enhance their life chances. Similarly, representative membership and peer support organisations should be supported to enable collective advocacy and ensure diverse groups and voices are heard, particularly those of people with lived experience insights that add significant value to government policymaking. Importantly, independent disability advocacy also strengthens the range of South Australian voices able to stand alongside the State Government to ensure it obtains the best value from our investment in the NDIS.

Funding for advocacy services is a **joint Commonwealth and state responsibility** in Australia and **most governments are investing in services provided by independent organisations**. For example, the New South Wales Government's Disability Advocacy Futures Program (DAFP) receives \$13 million per year in state funding and covers three main streams: Individual Disability Advocacy, Systemic Disability Advocacy, and Representative Disability Advocacy (for membership and peer organisations).<sup>1</sup> The funded amount is slightly below what the NSW Ageing and Disability Commissioner recommended in a 2019 review of disability advocacy in that state after undertaking extensive modelling.<sup>2</sup>

Consecutive South Australian governments have **failed to provide meaningful support for independent advocacy services in this state for many years**. In 2020 after the tragic death of Ann Marie Smith, the former Marshall Government committed funding of \$400,000 per year over three years for one state-wide independent individual advocacy service. This funding is significantly below what is needed to meet demand and ends this year. Additionally, for people in regional, rural, and remote areas, there are no face-to-face services, even though these residents often require more advocacy support due to the additional barriers to accessing the services they need because of limited availability and greater distances to travel. Therefore, it is essential the current Malinauskas Government addresses the need for funded independent disability advocacy in South Australia in the 2023-24 Budget.

Based on the Federal Government's funding allocation of \$46.6 million and the New South Wales Government's investment of \$13 million per year, a **proportionate response** by population **would be**

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<sup>1</sup> Department of Communities and Justice, 'Disability Advocacy Futures Program', 31 October 2022, available at <https://www.dcj.nsw.gov.au/community-inclusion/disability-and-inclusion/disability-advocacy-futures-program.html>; and Pro Bono Australia, 'NSW government pledges support for disability advocacy', 18 November 2020, <https://probonoaustralia.com.au/news/2020/11/nsw-government-pledges-support-for-disability-advocacy/>.

<sup>2</sup> NSW Ageing and Disability Commissioner, 'Review into Disability Advocacy in NSW', 19 December 2019, p.13, available at <https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

**a commitment of \$3.05 million per year in South Australia**, as explained in Attachment A to this submission. This figure represents **a reasonable initial investment** and a baseline from which the need and demand for services can be **closely monitored and evaluated** to determine an appropriate long-term funding level.

**Recommendation: The 2023-24 South Australian Budget should:**

- **Make an initial investment of \$3.05 million per year to fund state-wide independent disability advocacy programs** with three funding streams for organisations to provide individual, systemic, and representative/peer group advocacy (see Attachment A for further details about the estimated reasonable funding amount).
- Commit to a new **long-term model for the delivery of independent disability advocacy programs** that meet the individual needs of all South Australians living with disability and ensure that individual and collective voices are heard and valued in policymaking, as well as providing certainty to the organisations selected to deliver these programs.
- Ensure that state-funded independent individual advocacy services are **available across the whole state** and that specialist services for priority groups such as First Nations people and people from culturally and linguistically diverse backgrounds (CALD) are included (noting that the Productivity Commission<sup>3</sup> has suggested that states fund disability advocacy on a **50-50 basis with the Federal Government** to ensure adequate availability of services and comprehensive coverage beyond NDIS-orientated matters, see Attachment A).
- Ensuring that targeted independent individual advocacy services are available for people living with disability who are socially isolated, including those with complex communication needs and those residing in institutional care, aged care facilities, and other 'closed systems' like group homes.

## 2 Deliver accessible affordable housing solutions

Most houses and apartments in South Australia do not have basic accessibility features, severely reducing the availability of suitable housing options for people living with disability and failing to prepare our state for the needs of our ageing population. It also prevents these same people from visiting family and friends who live in houses they cannot access – further isolating those already experiencing loneliness and severely impacting our growing mental health crisis.

The State Government's decision to implement the updated National Construction Code 2022 is a welcome step forward in addressing this injustice and the disability community **commend the Malinauskas Government on making this important commitment**. However, it will take time for the benefits of these changes to come to full fruition and in the meantime, people living with disability are often unable to find suitable, affordable, and safe accommodation. Many are

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<sup>3</sup> Productivity Commission, 'National Disability Insurance Scheme (NDIS) Costs Study Report', October 2017, p.387, available at <https://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs.pdf>.

residing in unsuitable accommodation that they cannot move around in, or are stuck in hospital, residential aged care, or a group home, with no foreseeable solutions to improve their circumstances.

The Australian Institute of Health and Welfare's 'Specialist homelessness services annual report' noted that South Australia had the second highest rate of people requesting assistance across the nation (behind only the Northern Territory). Nationally, the three main reasons for seeking assistance were housing crisis, family or domestic violence, and inadequate or inappropriate dwelling conditions.<sup>4</sup>

As of August 2022, it was reported that 127 patients who are eligible for the NDIS remained in hospital after their clinical needs had been met due to the lack of appropriate housing and supports.<sup>5</sup> While we recognise the pressure on the Government to move these people out of hospital into other congregate residential settings due to the need to maintain patient flow through the acute health system, the reality is this only creates further barriers to accessing appropriate long-term housing options that will improve their chances at living a good ordinary life. Indeed, these actions generate another layer of segregation, which increases isolation, public stigma, and the likelihood of abuse, violence, and/or neglect.

South Australia needs a **long-term housing plan** with the twin objectives of **increasing the availability of accessible dwellings in the private market** and **investing significantly in new accessible affordable social housing** to address the current shortfall. Meeting these objectives would ensure that South Australians living with disability have far greater opportunities to find a suitable home, while also improving the quality of housing stock more broadly as our population ages.

**Recommendation: The 2023-24 South Australian Budget should:**

- **Provide adequate resources to ensure a smooth transition in implementing the new National Construction Code 2022.** We do not propose, nor have we been presented any evidence to indicate that it would be necessary for the State Government to be responsible for providing funding to the building industry to assist in the transition. Any training and technical expertise should be, and has been, offered by the Australian Building Codes Board (ABCB). Instead, we propose adequate resources be allocated to assist in raising awareness in the lead up to these important changes.
- **Invest in new social housing stock, including a portion of properties (minimum 10%) built to the Livable Housing Australia Gold Standard guidelines.** Recent conversations with the Government have indicated a commitment that all new social housing builds

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<sup>4</sup> Australian Institute of Health and Welfare, 'Specialist homelessness services annual report 2021-2022', updated 8 December 2022, available at <https://www.aihw.gov.au/reports/homelessness-services/shs-annual-report/contents/clients-with-disability>.

<sup>5</sup> Australian Broadcasting Corporation, 'SA government to use former aged care home to help transition NDIS patients out of hospital', 5 August 2022, available at <https://www.abc.net.au/news/2022-08-05/new-ndis-community-care-facility-to-open/101304662>.

will meet the new minimum accessibility standards (based on the Silver Standard). However, we know there are many people living with disability who require a greater level of accessibility and who are eligible for social housing but would be unlikely to meet the eligibility criteria for Specialist Disability Accommodation (SDA) funding under the NDIS.

- **Commit resources to Renewal SA for one of their current residential projects that will commence construction this year to demonstrate to the building industry how new builds can meet the new minimum accessibility and energy standards under the National Construction Code 2022, with a further commitment to build a portion adhering to higher accessibility standards (Gold Standard).** Such an investment now would demonstrate great leadership and commitment to South Australians living with disability, as well as assisting the building industry to understand the new standards and debunking some of the myths and fears dominating public debate. It would also assist in moving people out of hospitals, residential aged care facilities, and group homes.

### 3 Promote access and inclusion with increased funding

**We all have a responsibility to ensure South Australia is accessible and inclusive** – this responsibility must not fall solely on people living with disability or those working in the sector. If we all assume this responsibility, we can create a state that embraces difference, values diversity, and creates a sense of belonging and empowerment – **a place where everyone can grow, learn, and thrive equally.**

In 2018, the *Disability Inclusion Act 2018 (SA)* was legislated with the **aim of promoting the inclusion of people living with disability in South Australia.** It sets out a requirement for the South Australian Government to prepare a State Disability Inclusion Plan and for State Government agencies to prepare Disability Access and Inclusion Plans (DAIPs).

Whilst this was an important step in creating better outcomes for people living with disability to genuinely participate as active members of their community and increase their chances of leading a fair and good life (including education and employment opportunities), we are yet to see any real tangible outcomes, despite sincere effort from many. This is not only a missed opportunity but undermines the intention of the Act.

We are regularly advised that **a lack of resources for implementation is significantly hampering efforts to turn the good intentions contained in DAIPs into real outcomes. The impacts of DAIPs will hinge heavily on the extent to which resources are available to statutory authorities to implement actions** contained in DAIPs. Furthermore, the lack of guidance and accountability continues to raise significant concerns.

The State Government is currently reviewing the Disability Inclusion Act 2018 with a view to amendment, and we hope work has commenced internally to update the State Disability

Inclusion Plan (Inclusive SA). This is the perfect opportunity for the Government to turn good intentions into real outcomes. These outcomes would:

- Increase opportunities for economic participation;
- Boost the economy;
- Reduce negative attitudes and fear;
- Reduce loneliness, isolation and the prevalence of mental ill health;
- Reduce reliance on our health system; and
- Give people living with disability a fair go at a good life.

In the lead up to the 2022 State Election we asked all parties to commit to ensuring resources would be available to state authorities to implement their DAIPs and we were advised by the State Labor Party that this would be seriously considered as part of the Annual Budget Process.

**Recommendation: The 2023-24 South Australian Budget should:**

- **Fund state agencies to deliver on Inclusive SA and state authorities DAIP actions** to ensure genuine outcomes for people living with disability as intended by the legislation.
- **Provide resources to ensure state authorities are supported by the State Government** to consult, implement, and report on their DAIPs.
- Fund an **annual external evaluation** of Inclusive SA, or at a minimum, every two years.
- Establish a new Grants SA **funding stream open to local councils to provide financial assistance for implementing DAIP actions**, such as modifications to buildings or websites, training for staff, and support to set-up and run local advisory or co-design groups to draw on the experiences and insights of the disability community.

## 4 Maximise building of new Changing Places facilities

The Federal Government's announcement that it will co-contribute funding toward building 400 Changing Places facilities across Australia over four years creates an opportunity for the South Australian Government to maximise the outcomes of this initiative for our state by making a similar commitment. The federal funding will cover one-third of the cost of new facilities. With \$32.2 million promised in the 2022-23 Federal Budget Papers,<sup>6</sup> the average amount of funding available per facility would be up to \$80,000. This places the cost of each facility at \$240,000, which is significantly higher than recent cost indications. For example, the Victorian Government is currently funding facilities at up to \$180,000 each.<sup>7</sup>

Changing Places facilities enable people with high support needs to access and participate in their communities. South Australia currently has only 18 facilities listed in the online directory

<sup>6</sup> Commonwealth of Australia, Budget Measures: Budget Paper No.2, p.176, available at [https://budget.gov.au/2022-23-october/content/bp2/download/bp2\\_2022-23.pdf](https://budget.gov.au/2022-23-october/content/bp2/download/bp2_2022-23.pdf)

<sup>7</sup> Victorian Government, '2023 Changing Places funding round', 21 March 2023, available at <https://www.vic.gov.au/changing-places-funding-round>.

out of 247 nationally.<sup>8</sup> Victoria has 113. Therefore, it is critically important that the South Australian Government invests in initiatives such as this in order to boost the accessibility of our community infrastructure, including shopping precincts, parks, beaches, recreation facilities, and other public spaces. We understand that there is often commentary about the maintenance and security of these facilities, including the potential for vandalism, however there are a range of management options for Changing Places to be kept secure, for example through the use of MLAK keys<sup>9</sup> that restrict access to only those who genuinely need to use them.

In particular, the **Changing Places facility that was included in the original Master Plan for Glenthorne National Park – Ityamaitpinna Yarta and funded within the initial state funding allocation made in 2018, has been removed** from the early stages of the project during the Department of Environment and Water’s ‘value management exercise’ conducted last year. While we appreciate that building costs have increased since the creation of the Master Plan, it is extremely unfortunate that an essential element of ensuring that the new park is fully accessible for all South Australians has been targeted for cost savings. It had been promised that Glenthorne would be the most accessible and inclusive national park in our state, which was welcome news for the disability community. The federal initiative would provide a significant contribution to reinstating the facility at Glenthorne and we urge the South Australian Government to invest the remaining funds required to ensure this can happen.

Changing Places facilities are a crucial element of meeting minimum standards of accessibility. This is acknowledged by the State Government in *Inclusive SA (2019-2023)*. Additionally, the recently published 2021-22 Inclusive SA Annual Report highlights the Federal Government’s commitment to co-contribute to a Changing Places facility in each of the 400 Local Government Areas (LGAs) nationally that currently do not have a facility by 2025-26 in order to ‘ensure no person with disability is left behind’.<sup>10</sup> South Australia has 68 LGAs, but only 18 Changing Places facilities listed in the directory. Based on the Federal Government’s benchmark of at least matching the number of Changing Places to the number of LGAs, South Australia should build at least 50 new Changing Places facilities. Therefore, the 2023-24 State Budget should commit to funding the remaining amount after the Federal co-contribution to ensure that at least 16 new Changing Places are built in each of the next three financial years.

**Recommendation: The 2023-24 South Australian Budget should invest in at least 16 new Changing Places facilities in each of the next three financial years, utilising the available federal co-contribution in order to maximise outcomes of this initiative for our state. One of**

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<sup>8</sup> Changing Places, ‘Find a Changing Places toilet’, accessed 28 March 2023, available at <https://changingplaces.org.au/find>.

<sup>9</sup> For further information, see Changing Places, ‘MLAK Keys’, at <https://changingplaces.org.au/mlak>.

<sup>10</sup> Government of South Australia, ‘Annual Report 2021-22: Inclusive SA State Disability Inclusion Plan 2019-2023’, available at [https://inclusive.sa.gov.au/data/assets/pdf\\_file/0017/141641/Inclusive-SA-Annual-Report-2021-2022.pdf](https://inclusive.sa.gov.au/data/assets/pdf_file/0017/141641/Inclusive-SA-Annual-Report-2021-2022.pdf).

these Changing Places should be a reinstated facility at Glenthorne National Park – Ityamaitpinna Yarta.

## 5 Invest in health to break down access barriers

It is critically important that the health outcomes and experiences of South Australians living with disability are improved to match those of non-disabled people. People living with disability are twice as likely to die from avoidable and preventable illnesses compared to people without disability.<sup>11</sup> They are seven times more likely to experience poor health outcomes and physical illness and four times more likely to report significant psychological distress compared to the general population.<sup>12</sup>

**The new Women's and Children's Hospital must be built with accessibility and inclusion at the centre of its design and construction.** Unfortunately, the new Royal Adelaide Hospital did not meet the standard of accessibility and inclusion that people living with disability are entitled to expect. While that development involved people living with disability at the start of the process, the focus diminished during the construction process, and fundamental accessibility and inclusion elements were lost by the time the build was complete. It is essential that these issues be avoided in the new hospital and the best way to achieve that is by involving adults and children living with disability throughout the whole process from design to completion. This requires an investment of adequate dedicated resources within the project team throughout the whole life of the project in order to facilitate a [genuine co-design process](#) and additional community engagement.

There **should be teams of Disability Liaison Officers across all health networks, hospitals, and services.** These officers would work alongside nurses, doctors, other health professionals, and/or social workers to identify individual accessibility and communication needs and support patients to work with their care teams while they are receiving healthcare services. While we welcome the increasing involvement of NDIS coordinators to support transition and discharge, there is an urgent need to address broader issues of inaccessibility and exclusion for people living with disability navigating the health system. This should be supported through an investment in disability inclusion awareness training for healthcare workers that is designed and delivered by people living with disability.

South Australians living with disability have welcomed the implementation of the **My Home Hospital program and support its continued roll-out across South Australia.** This initiative has been particularly important for people living with disability who are unable to leave their home

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<sup>11</sup> NDIS Quality and Safeguards Commission, 'Scoping review of causes and contributors of deaths of people with disability in Australia', 2019, available at <https://www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/research-deaths-people-disability/2019-report-scoping>.

<sup>12</sup> Australian Institute of Health and Welfare (AIHW), 'Snapshot of health of People with Disability', 2020, available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia-2020-in-brief/contents/health>.



or who face additional barriers in doing so. In regional areas, where many patients must travel long distances to access health services, this service would also have significant benefits. Currently, it is not available outside the Adelaide, Mount Barker, and Gawler areas.

**Recommendation: The 2023-24 South Australian Budget should:**

- **Ensure that the nWCH project team has adequate dedicated resources throughout the life of the project** in order to facilitate genuine co-design processes and additional community engagement for the purpose of ensuring the nWCH is fully accessible and inclusive of all South Australians.
- **Invest in a team of Disability Liaison Officers for each Local Health Network.**
- **Fund the co-design and implementation of professional development training programs** to be rolled out across all hospitals, local health networks, and community and mental health services that includes a focus on eliminating violence, discrimination and marginalisation of people living with disability.
- **Invest in the continued development and expansion of the My Home Hospital program to cover all regions of South Australia.**

## 6 Commit to inclusive education approaches in all schools

**All South Australian children should have the option of attending their local school with the assurance of being welcomed, supported, and included, and thereby receiving a high-quality inclusive education.** Sadly, for too many children and young people living with disability in South Australia, this is not the case. Yet, decades of research and evidence<sup>13</sup> tells us that inclusive education best prepares students living with disability for life and success. Research also demonstrates that students without disability benefit from inclusive education. These benefits include a more positive sense of self, enhanced communication and language development, increased awareness of diversity, and a higher quality education that is better suited to individual needs.

However, **students living with disability face challenges in accessing mainstream education and often face discrimination, segregation from their non-disabled peers, bullying, restrictive practices, and suspensions or expulsions.** These practices need to stop! Mainstream education must mean inclusive education, where every student is a valued member of that local school community. All children need to feel welcomed and supported in their local school and the government needs to be firm in their position on this. We welcome the South Australian Government's focus on access and inclusion at school for students living with Autism, and these initiatives should be expanded to include all children living with disability in South Australian schools.

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<sup>13</sup> For further information about inclusive education, check out the following resources: Australian Coalition for Inclusive Education website at <https://acie.org.au/>; Australian Alliance for Inclusive Education website at <https://allmeansall.org.au/research/>; and Alana website at [http://alana.org.br/wp-content/uploads/2016/12/A\\_Summary\\_of\\_the\\_evidence\\_on\\_inclusive\\_education.pdf](http://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf).

**New special education provision should not be built, and this funding should be redirected to ensuring that mainstream schools are routinely inclusive in their habits.** This includes matters of accessibility, the pedagogy of teaching to a classroom of diverse students, and the creating and safeguarding of a genuine sense of belonging for all students in the informal parts of the school day, such as the lunch break and recess.

Otherwise, exclusionary habits will persist and will deepen the demand for separate segregated provision. We recognise some South Australian families have made the decision for their child to attend special education schools or special units, sometimes because of poor previous experiences with mainstream provision. We also recognise that there are dedicated educators working in those settings. We do not question the choices of families opting for a special education pathway, nor do we question the professional standing and commitment of the educators involved. Instead, we strongly believe that the range of choices available to all students and families must include the option to go to the local school in their local community and get an authentic inclusive education.

Building an inclusive education system will not happen overnight but nor does it need to take a generation (as has been admirably demonstrated in other jurisdictions). A state commitment to inclusive education supported by clear timelines must be made now to stem the waste of life chances experienced by young people living with disability. This commitment must include resources **to map the steps needed to build the capability of all South Australian schools to be authentically welcoming and inclusive.** This includes a resourced focus on the capacity development of staff, and a cultural shift in expectations, language, and beliefs. But the intent needs to be clear and measurable progress outcomes must be in place now. Through projects such as the *Inclusive School Communities* project,<sup>14</sup> we have seen how schools can build commitment and momentum towards inclusive education. This included primary and secondary schools, metropolitan and country schools, and government and non-government schools. Momentum has been lost due to fixed-term Commonwealth funding for the project. Therefore, this work and similar State-funded endeavours should be rebooted and scaled up through adequate and sustained resources.

**Recommendation:** The 2023-24 South Australian Budget should **NOT** invest in any new public or private education infrastructure, programs, or other provisions that segregate children living with disability from other students.

**Recommendation:** The 2023-24 South Australian Budget should:

- **Invest in the development of a co-designed Inclusive Education Strategy** for South Australia.
- **Fund genuinely inclusive education infrastructure and programs** across South Australia's schools.

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<sup>14</sup> For more information, see Inclusive School Communities project, 'Final Project Evaluation Report', October 2020, available at <https://inclusiveschoolcommunities.org.au/news/final-project-evaluation-report>.

- **Provide professional development programs for principals, teachers, and other staff** to upskill in implementing genuine inclusive education approaches in their schools and classrooms.
- **Provide sustained funding for a reboot of the Inclusive School Communities project** and related endeavours in order to build overall school capacity for an inclusive culture.

## 7 Transition taxi fleet to fully accessible vehicles

Many people living with disability rely on Access Taxis to attend essential appointments, work, education, and other ordinary activities of daily life. **Without accessible transport, people are cut off from vital services**, such as healthcare, and become increasingly isolated from their communities. Indeed, the **unreliability of Access Taxi services in South Australia** has been impacting on the lives of people living with disability for many years and the problem is continuing to get worse. Access Taxi users have told us that **last year's changes** increasing the lifting fee and improving regulation **have made little difference** to their experiences.

It is time to **transition South Australia's taxi vehicle fleet to fully accessible vehicles** to ensure that taxi services are available on an equal basis to everyone in our community and accessible services are offered within a competitive market. This approach would also give the state a significant competitive advantage in the tourism market, guarantee that the transport needs of our ageing population are met, and be flexible enough to evolve as new greener vehicle options become available in the future.

Based on a grant scheme currently offered to some taxi licence holders by the Queensland Government,<sup>15</sup> JFA Purple Orange has modelled the full transition to accessible vehicles in South Australia at a total cost of less than \$80 million over 10 years – that is, less than \$8 million per year. The scheme would provide a 50 per cent co-contribution to licence holders for the purchase of a new fully accessible vehicle and fittings to replace an existing ageing taxi. With about 140 grants of up to \$50,000 (based on a cost per vehicle of up to \$100,000, rising with inflation) available each year, a fully accessible taxi fleet of 1400 vehicles could be achieved in South Australia by 2033.

Since 1 May 2017, taxi and ride-sourcing service passengers have paid a \$1 Point to Point Transport Service Transaction Levy on all journeys beginning in the metropolitan area. The levy was legislated as part of arrangements to legalise Uber and justified as providing the revenue required to fund one-off Taxi Industry Assistance Payments. When the levy was announced in 2016, the Weatherill Government indicated it would raise \$80 million over the first 10 years,<sup>16</sup>

<sup>15</sup> Queensland Government, 'Wheelchair Accessible Taxi Grant Scheme', 21 February 2023, available at <https://www.qrida.qld.gov.au/program/wheelchair-accessible-taxi-grant-scheme>.

<sup>16</sup> Australian Broadcasting Corporation, 'South Australian taxi drivers campaign against \$1 passenger levy', 13 August 2016, available at <https://www.abc.net.au/news/2016-08-13/sa-taxi-drivers-campaign-against-passenger-levy/7731484>.

however recent journey data provided by the Department suggests this amount significantly underestimated the revenue.<sup>17</sup>

The 2016 Taxi and Chauffeur Vehicle Industry Review report, which recommended the levy, stated that all revenue should be allocated to an industry fund that would invest in future development of the sector.<sup>18</sup> The revenue raised has already surpassed that required to recoup the \$32 million spent on assistance payments with no new initiatives of comparable dimensions announced for this ongoing revenue stream of at least \$8 million, and possibly as much as \$12 million, per year. This revenue can underpin the investment required to transform South Australia's taxi fleet by supporting the purchase of fully accessible vehicles and creating a world-leading, high-quality transport service that meets the needs of all South Australians and visitors.

**Recommendation:** The 2023-24 South Australian Budget should invest in a 10-year co-contribution grant scheme to achieve a fully accessible taxi fleet by 2033, underpinned by revenue obtained from the Point to Point Transport Service Transaction Levy. The levy's revenue and expenditure should be publicly reported each year to assure those paying it that it is being used for its stated purpose.

## 8 Reinstatement of funded Communication Partners services

The Disability Royal Commission has highlighted the extent to which people living with disability are overrepresented in the criminal justice system in Australia. In its submission, the Australian Human Rights Commission stated that the **necessary procedural accommodations** are frequently not provided, despite the high number of people living with disability in the criminal justice system.<sup>19</sup> We must prioritise and invest in **protecting the rights and interests of people living with disability interacting with the justice system**. Historically, the justice system expects participants to adapt to it, with only very limited steps taken to ensure that the system itself is accessible and inclusive of the needs of all those interacting with it. However, participation in the justice system is a human right. The right to a fair trial not only applies to defendants, but also to victims and to the community. Court proceedings, and the legal processes that come before them, must be fair for all.

People living with intellectual disability, cognitive impairment, or related circumstances should not be questioned by police without a familiar and trusted person or communication partner

<sup>17</sup> Department of Infrastructure and Transport, 'Annual Report 2020-21', 30 September 2021, available at [https://www.dit.sa.gov.au/\\_data/assets/pdf\\_file/0008/921077/Signed\\_by\\_CE\\_-\\_Department\\_for\\_Infrastructure\\_and\\_Transport\\_2020-21\\_Annual\\_Report.pdf](https://www.dit.sa.gov.au/_data/assets/pdf_file/0008/921077/Signed_by_CE_-_Department_for_Infrastructure_and_Transport_2020-21_Annual_Report.pdf).

<sup>18</sup> South Australian Taxi and Chauffeur Vehicle Industry Review, February 2016, available at [https://www.dit.sa.gov.au/\\_data/assets/pdf\\_file/0005/256748/SA\\_Taxi\\_and\\_Chauffeur\\_Vehicle\\_Industry\\_Review\\_Feb2016.pdf](https://www.dit.sa.gov.au/_data/assets/pdf_file/0005/256748/SA_Taxi_and_Chauffeur_Vehicle_Industry_Review_Feb2016.pdf).

<sup>19</sup> Australian Human Rights Commission, 'People with Disability and the Criminal Justice System: Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability', 20 March 2020, available at [https://humanrights.gov.au/sites/default/files/ahrc\\_2020\\_submission\\_to\\_disability\\_rc\\_-\\_criminal\\_justice\\_final.pdf](https://humanrights.gov.au/sites/default/files/ahrc_2020_submission_to_disability_rc_-_criminal_justice_final.pdf).

being present, in keeping with the *Statutes Amendment (Vulnerable Witnesses) Act 2015*. The Act is intended to improve the position of vulnerable parties, namely children and persons with a cognitive impairment, within the criminal justice system, both in and out of court and is the statutory basis for the Communication Partner Service (CPS).

Unfortunately, the former South Australian Government did not renew CPS funding, which had been provided in the 2016-17 Budget at a modest \$3.26 million over four years.<sup>20</sup> Since 1 March 2020, a new model for Communication Partners (CPs) has been in place. Under this model, the provision of CP services is restricted to certain professionals, such as psychologists, social workers, and teachers, to provide communication assistance to vulnerable people and are paid for by the users of the scheme. The user-pays approach is problematic because the South Australian Police or a court may be disinclined to allocate resources for CPs to support people and, in any case, could be perceived as having a conflict of interest by the person requiring the support.

The South Australian Law Reform Institute (SARLI) has since examined the provision of communication assistance in our state and its report made **51 recommendations to government**. Among its recommendations were for:

- Any person with the necessary skills to assist someone with a complex communication need should be able to act as a CP;
- A publicly funded service should be available to people with complex communication needs when they are interacting with the justice system; and
- The right to use a CP should be promoted so this option becomes more widely known.<sup>21</sup>

By enabling any person with the necessary skills to assist someone with complex communication to act as a CP, the service would also be available to assist First Nations people and others for whom English is not their first language. We also believe that people living with disability, especially intellectual disability, cognitive impairment, or related circumstances, should be supported by a familiar or trusted other person at all stages of the court process. We therefore agree that anyone with the necessary skills to assist someone with a complex communication need should be able to act as a CP, and that this should not be limited to specific professional bodies.

Communication Partners is an initiative that we believe can make **a significant difference to accessibility and inclusion within the justice system**, and we therefore strongly believe State Government funding should be provided to reinstate this important initiative and ensure it is a publicly available service to support people with complex communication needs.

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<sup>20</sup> South Australian Law Reform Institute, 'Providing a Voice to the Vulnerable: A Study of Communication Assistance in South Australia', Report 16, September 2021, available at <https://law.adelaide.edu.au/system/files/media/documents/2021-12/salri-cp-report.pdf>.

<sup>21</sup> *Ibid.*

**Recommendation:** The 2023-24 South Australian Budget should invest in reinstating the Communication Partners Service and ensure it is readily available to support people with complex communication needs.

## Improving future pre-budget submission processes

We would like to highlight that there has **not been an open transparent process** in place for lodging pre-budget submissions ahead of the South Australian Government's 2023-24 Budget. We urge the State Government to consider a more explicit approach in future to ensure that **contributions can be gained equitably from across the State**. The approach taken by the Federal Government offers a sound guide for South Australia to follow.

**Recommendation:** The South Australian Government should implement an open accessible pre-budget submission process allowing at least eight weeks for submissions to be lodged to ensure that all South Australians and organisations can provide input into the Government's pre-budget considerations on an equal basis.

## About us

JFA Purple Orange is an independent social profit organisation based in South Australia that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families. We also host a range of peer networks for people living with disability including people living with intellectual disability, physical and sensory disability, younger people, people from culturally and linguistically diverse backgrounds, and people in regional South Australia. Our work is characterised by [co-design](#) and informed by a model called [Citizenhood](#).

To discuss our Pre-Budget Submission in more detail, please contact Robbi Williams, CEO of JFA Purple Orange, on (08) 8373 8333 or [robbiw@purpleorange.org.au](mailto:robbiw@purpleorange.org.au).

## Attachment A – Funding independent disability advocacy

### Introduction

Independent disability advocacy is critical for protecting and promoting the human rights and wellbeing of people living with disability. Advocacy can help to give people living with disability a voice, ensure they understand and can exercise their rights, and influence positive changes to systems, laws, and practices to make sure these rights are upheld. Advocacy is crucial to supporting people living with disability to achieve positive outcomes in a range of areas, including, but not limited to, service provision, the National Disability Insurance Scheme (NDIS), social inclusion, employment, housing, education, access to justice, financial management, abuse and discrimination, health and wellbeing, access to the community and mainstream services, the exercise of choice, and the pursuit of life goals. Disability advocacy can take many forms including:

- Self-advocacy
- Individual advocacy services
- Collective advocacy
- Family advocacy
- Legal advocacy services
- Representative, membership, and peer organisation advocacy
- Systemic advocacy

Although the fundamental principles underpinning the need for disability advocacy continue to hold true, the implementation of the NDIS in Australia over the past decade has changed the disability advocacy landscape. The Scheme has both increased the demand for advocacy supports and, to some extent, changed the nature of the advocacy that is needed. This has also impacted how disability advocacy is funded in Australia. In particular, South Australia has endured a period of 13 years without state-funded independent disability advocacy and a further almost three years with an extremely minimal investment of only \$400,000 per year to a single organisation. As detailed below, this stands in stark contrast to the funding commitments made in other jurisdictions.

The purpose of this Attachment is to examine in more detail the status of current government investment in disability advocacy and address the question of how independent disability advocacy should be funded in the future.

### Responsibility to fund disability advocacy

Funding responsibilities for disability advocacy have evolved in an ad hoc manner in the Australian federation.<sup>22</sup> The Commonwealth *Disability Services Act 1986* recognised a

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<sup>22</sup> NSW Ageing and Disability Commissioner, 'Review into Disability Advocacy in NSW', 19 December 2019, p.34, available at <https://ageingdisabilitycommissioner.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

responsibility for federal governments to fund disability advocacy more than 35 years ago.<sup>23</sup> Then, the first Commonwealth-State Disability Agreement gave both the federal and state and territory governments joint responsibility to invest in what it referred to as ‘disability advocacy, information and print disability services’<sup>24</sup> in 1991.<sup>25</sup> Subsequently, both tiers of government generally recognised a shared responsibility to fund disability advocacy and budgeted accordingly.

However, the implementation of the NDIS over the past decade has led to a more uncertain environment for disability supports and services outside the Scheme. Some states and territories have stepped back from their funding responsibilities in various areas, including advocacy. This is despite the Productivity Commission’s 2011 report on ‘Disability Care and Support’ stating that provisions for disability advocacy should not fall under the NDIS:

‘These functions should lie outside the NDIS, reflecting the potential conflict of interest that would arise were the NDIS to fund advocacy bodies whose role was to challenge the disability system overseen by the NDIS. Current funding arrangements through FaHCSIA [the then Federal Department] and various state and territory governments should continue.’<sup>26</sup>

Notwithstanding this clear advice, as early as 12 December 2014, government ministers in the Council of Australian Governments (COAG) Disability Reform Council suggested that the status of disability advocacy under the NDIS was unclear and required ‘further work’.<sup>27</sup> Some have also suggested governments believed that because the establishment of the NDIS represented a transfer of responsibility to individuals and the private free market, governments should be less involved.<sup>28</sup> At the meeting on 24 April 2015, COAG disability ministers agreed:

‘... the NDIS will fund decision support, safeguard supports and capacity building for participants, including support to approach and interact with disability supports and access mainstream services. The Council agreed that systemic

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<sup>23</sup> *Ibid.*

<sup>24</sup> Note that the term “print disability services” continues to be used by some government agencies, however it appears it now covers other forms of more modern accessible communications.

<sup>25</sup> NSW Ageing and Disability Commissioner, ‘Review into Disability Advocacy in NSW’, 19 December 2019, p.34, available at <https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

<sup>26</sup> Productivity Commission, ‘Disability Care and Support,’ Report no.54, 2011, p.26, available at <https://www.pc.gov.au/inquiries/completed/disability-support/report>

<sup>27</sup> Council of Australian Governments (COAG) Disability Reform Council, ‘Communiqué’, 12 December 2014, available at <https://webarchive.nla.gov.au/awa/20220603235417/https://formerministers.dss.gov.au/15557/coag-disability-reform-council-communiqu-3/>.

<sup>28</sup> See G. Carey and E Malbon, 2021, ‘Implementation challenges is the NDIS’, in M. Cowden and C. McCullagh (eds), *The National Disability Insurance Scheme: An Australian Public Policy Experiment*, Palgrave MacMillian, Singapore, p.156.



advocacy and legal review and representation will be funded outside of the NDIS.<sup>29</sup>

This seems to indicate that the role of individual disability advocacy was not well understood, and the ministers thought the NDIS would provide this support, to the extent that it was needed, for NDIS participants, while systemic and legal advocacy would be funded outside the Scheme. It is also at odds with the purpose of the NDIS and what is actually funded through personalised plan budgets.<sup>30</sup>

Subsequently, many states and territories began planning to reduce their commitments to disability advocacy once the Scheme had been fully rolled out in their jurisdiction. They regarded their funding of disability advocacy as a 'state specialist disability service', which, under the Bilateral Agreements underpinning the transition to the NDIS, would become a responsibility of the Scheme.<sup>31</sup> This aspect of the Bilateral Agreements appears to have been poorly defined and open to interpretation. Thus, the 2017 Productivity Commission Study Report on 'National Disability Insurance Scheme (NDIS) Costs' found:

'... many State and Territory Governments have reduced or ceased funding for disability advocacy — rolling it into NDIS funding of supports instead. As advocacy remains important over the transition period, the Commission recommends that funding be restored by jurisdictions that have ceased or reduced funding, and data collection and evaluation of disability advocacy be increased.'<sup>32</sup>

As exceptions, the Report noted the pre-existing absence of funding for disability advocacy from the South Australian Government and the intent of the Victorian Government to continue to fund it. The Productivity Commission concluded that there was a need to maintain funding and suggested further work to determine how to fund advocacy beyond the roll-out of the Scheme:

'Disability advocacy is critical to helping participants engage with the NDIS, and for all people with disability. These services need to be appropriately funded by governments, with data collected to evaluate future funding arrangements at full scheme.'<sup>33</sup>

But the responsibility to fund disability advocacy remained in a state of flux. In its 2019 Review of the National Disability Agreement signed in 2008, the Productivity Commission concluded that there was a need to 'clarify responsibilities and address some service gaps' with continuing

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<sup>29</sup> Council of Australian Governments (COAG) Disability Reform Council, 'Communiqué', 24 April 2015, available at <https://webarchive.nla.gov.au/awa/20220603235245/https://formerministers.dss.gov.au/15499/coag-disability-reform-council-communiqu/>.

<sup>30</sup> See, for example, Department of Social Services and the National Disability Insurance Agency (NDIA), 'Disability Advocacy Fact Sheet', 5 December 2018, available at <https://www.dss.gov.au/disability-advocacy-fact-sheet>.

<sup>31</sup> Productivity Commission, 'National Disability Insurance Scheme (NDIS) Costs Study Report', October 2017, p.383, available at <https://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs.pdf>.

<sup>32</sup> *Ibid*, p.39-40

<sup>33</sup> *Ibid*, p.357.

‘uncertainties’ relating to the provision of advocacy services.<sup>34</sup> Specifically, the Review stated that some states had withdrawn and then reinstated short-term advocacy funding, noting ‘it appears that some governments may be operating on a “wait and see” basis pending confirmation’ of whether the Commonwealth would step in.<sup>35</sup> Similarly, the NSW Ageing and Disability Commissioner’s 2019 Review recommended that ‘the NSW Government should seek to have the respective roles and responsibilities of the Commonwealth, NDIS and the State agreed and set out in the new National Disability Agreement due in 2020.’<sup>36</sup> On 13 December 2019, at another COAG Disability Reform Council meeting, the ministers again prevaricated, stating they ‘acknowledged the importance of independent disability advocacy, and agreed to undertake work to better understand the drivers of demand for independent disability advocacy and decision-making support’.<sup>37</sup>

Finally, a degree of clarity has begun to emerge recently. The Federal Government has made its position on shared funding clearer<sup>38</sup> and most state and territories have made new financial commitments to disability advocacy. *Australia’s Disability Strategy 2021-2031* lists individual and systemic disability advocacy services as a shared responsibility.<sup>39</sup> Similarly, under the draft National Disability Advocacy Framework 2022-2025, the federal, state, and territory governments would agree to ‘share the responsibility for disability advocacy in their jurisdictions’ with the funding government to decide ‘how each advocacy program is developed, funded and managed’.<sup>40</sup> As such, there is now broad clarity on the status of disability advocacy as a shared funding responsibility within the federation, although a detailed agreement would help to address the inconsistent allocation of resources and provide greater certainty to all parties.

## Snapshot of government funding commitments

The Productivity Commission’s ‘Report on Government Services’ provides a snapshot of expenditure in each Australian jurisdiction by service type. The following table shows unaudited annual government direct service delivery expenditure data for the service type of ‘Services for

<sup>34</sup> Productivity Commission, ‘Review of the National Disability Agreement Study Report’, January 2019, p.13, available at <https://www.pc.gov.au/inquiries/completed/disability-agreement#report>.

<sup>35</sup> *Ibid*, p.14.

<sup>36</sup> NSW Ageing and Disability Commissioner, ‘Review into Disability Advocacy in NSW’, 19 December 2019, p.17, available at <https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

<sup>37</sup> Council of Australian Governments (COAG) Disability Reform Council, ‘Communiqué’, 13 December 2019, available at <https://webarchive.nla.gov.au/awa/20220604013729/https://www.dss.gov.au/disability-and-carers-programs-services-government-international-disability-reform-council/communique-13-december-2019>.

<sup>38</sup> See, for example, Pro Bono Australia, ‘Federal Govt Extends Advocacy Funding – States Called on to Follow Suit’, 9 August 2017, available at <https://probonoaustralia.com.au/news/2017/08/federal-govt-extends-advocacy-funding-states-called-follow-suit/>.

<sup>39</sup> Commonwealth of Australia (Department of Social Services), *Australia’s Disability Strategy 2021-2031*, 2021, p.55, available at <https://www.disabilitygateway.gov.au/ads/strategy>.

<sup>40</sup> Draft National Disability Advocacy Framework 2022-25, p.6, available as part of a Department of Social Services consultation in 2022 at <https://engage.dss.gov.au/national-disability-advocacy-framework-2022-2025/the-framework/>.

people with disability – Advocacy, information and print disability services’ in each jurisdiction based on available data in 2020-21:

**Table: Funding for ‘Advocacy, information and print disability services’ by jurisdiction<sup>41</sup>**

NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total states	Fed Gov	National total
-	\$12.9m	\$18.6m	\$14m	-	\$1m	\$2.4m	\$0.5m	\$49.5m	\$80.8m	\$130.4m

Although the service type is broader than advocacy, which is broader than independent advocacy, the table provides an indication of the extent of each jurisdiction’s financial commitment to these provisions as of 2020. New South Wales and South Australia stand out for their lack of funding at this time. Since then, the two states have taken contrasting paths.

Back in 2017, the New South Wales Government announced it would no longer fund disability advocacy after the full roll out of the NDIS in the state was complete.<sup>42</sup> It had already begun to significantly reduce funding for disability advocacy from its peak in the 2015-16 financial year, although this amount of \$23.2 million included a large short-term boost to support people to transition to the NDIS under the Ready Together program.<sup>43</sup> After a backlash, the NSW Government announced temporary reduced funding through a Transitional Advocacy Funding Supplement (TAFS) program in 2018 and commissioned the NSW Ageing and Disability Commissioner to conduct a review. The review report was delivered in December 2019 and recommended the creation of a Disability Advocacy Futures Program (DAFP) funded by the NSW Government. This resulted in a new \$13 million per year funding commitment for disability advocacy (see further below).<sup>44</sup>

In South Australia, the cut to independent disability advocacy services pre-dated the NDIS by several years, but after the advent of the NDIS, successive governments did not reinstate any funding to make up the shortfall. In the 2007-08 budget, the Rann Government decided to no longer fund disability organisations for advocacy and information referral services.<sup>45</sup> Part of the \$1.3 million per year funding cut was redirected to other ‘front-line services’ in the budget while \$753,000 constituted savings.<sup>46</sup> Minister for Families and Communities Jay Weatherill, who was

<sup>41</sup> Adapted from the Productivity Commission, ‘Report on Government Services’, released on 24 January 2023. To view full data table, see Table 15A.5 of the ‘15 Services for people with disability data tables’, downloadable at <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/services-for-people-with-disability>.

<sup>42</sup> Pro Bono Australia, ‘Disability Advocacy Funding Failure’, 9 March 2017, available at <https://probonoaustralia.com.au/news/2017/03/disability-advocacy-funding-failure/>.

<sup>43</sup> NSW Ageing and Disability Commissioner, ‘Review into Disability Advocacy in NSW’, 19 December 2019, ch.1, available at <https://ageingdisabilitycommissioner.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

<sup>44</sup> Pro Bono Australia, ‘NSW government pledges support for disability advocacy’, 18 November 2020, <https://probonoaustralia.com.au/news/2020/11/nsw-government-pledges-support-for-disability-advocacy/>.

<sup>45</sup> Government of South Australia, ‘Budget Statement 2007-08: Budget Paper 3’, pp.2.20-2.21, available at [https://www.treasury.sa.gov.au/data/assets/pdf\\_file/0005/515894/200708-bp3-budget-statement.pdf](https://www.treasury.sa.gov.au/data/assets/pdf_file/0005/515894/200708-bp3-budget-statement.pdf).

<sup>46</sup> Parliament of South Australia, House of Assembly—Estimates Committee A, *Hansard*, 2 July 2007, p.134.

responsible for the disability portfolio, explained the decision in Budget Estimates as a step toward making Disability SA:

‘... a one-stop-shop for disability services so that we can provide accurate and adequate information and advice at an entry level for people with disabilities. We believe that it is a responsibility of government that should not be outsourced. We believe that, if one is to create a service system that has any sense of coherence, we need to have the ability to provide information and advice to every citizen who wants to know what is going on. We cannot outsource that to advocacy services or non-government organisations.’<sup>47</sup>

This justification overlooked the critical importance of disability advocacy being independent of government and providers. As a result, people would need to seek support from a government agency even when their matter involved the government itself.

After the tragic death of Ann Maire Smith became public knowledge in 2020, the Marshall Government allocated \$400,000 per year over three years for an independent advocacy service through external provider Uniting Communities Law Centre (see further below).<sup>48</sup>

Notwithstanding this small investment, there is no doubt that South Australia continues to lag the rest of the nation in funding advocacy services for people living with disability.

## Overview of current independent advocacy programs by jurisdiction

### *Federal Government*

The Department of Social Services (DSS) funds independent disability advocacy through the National Disability Advocacy Program (NDAP). The program focuses on individual advocacy and systemic advocacy. On 7 April 2022, then Minister for Families and Social Services Anne Ruston announced \$73 million over three years for 59 organisations to provide independent individual advocacy under the NDAP.<sup>49</sup> Six organisations in South Australia receive funding: Advocacy for Disability Access and Inclusion Inc, Brain Injury Network of South Australia Inc, Citizen Advocacy South Australia Inc, Disability Advocacy and Complaints Service of South Australia Inc, Disability Rights Advocacy Service Inc, and Independent Advocacy SA Inc.<sup>50</sup> A further \$30.4 million was allocated to 50 organisations nationally in the NDIS Appeals Program. The 50 organisations include 42 of those receiving NDAP funding for independent advocacy and eight legal aid

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<sup>47</sup> *Ibid*, p.134.

<sup>48</sup> Department of Human Services, ‘Advocacy helping South Australians living with disability get support’, DHS News Archive, 12 Aug 2021, available at <https://dhs.sa.gov.au/news/archives/media-releases-2021/advocacy-helping-south-australians-living-with-disability-get-support>.

<sup>49</sup> Australian Government, ‘\$100 million to uphold the rights of people with disability’, 7 April 2022, Media Release by Senator the Hon Linda Reynolds, available at <https://formerministers.dss.gov.au/19519/100-million-to-uphold-the-rights-of-people-with-disability/>.

<sup>50</sup> Department of Social Services, ‘List of Agencies funded under the National Disability Advocacy Program’, 9 June 2022, available at <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-advocacy-program-ndap-operational-guidelines/list-of-agencies-funded-under-the-national-disability-advocacy-program>.

commissions. In its updated Budget delivered in October, the new Federal Government provided an additional \$21.2 million over three years for the NDIS Appeals Program.<sup>51</sup>

The NDAP also funds systemic advocacy through the Disability Representative Organisation (DRO) Program. In the updated 2022-23 Budget, the Government provided an additional \$11.2 million over four years, which constituted a doubling of existing funding for the program.<sup>52</sup> Funding is allocated to 17 organisations and in 2022-23 they will share \$5.2 million.<sup>53</sup>

The Information, Linkages, and Capacity Building (ILC) program has also funded some capacity building projects and similar that relate to self-advocacy and collective advocacy including through systemic advocacy organisations. However, these grants are for specific projects and are made on a short-term basis.

### **South Australian Government**

In September 2020, the South Australian Government announced a package of \$1.8 million for disability advocacy in South Australia.<sup>54</sup> This was a response to the July 2020 report of the Safeguarding Taskforce, which examined gaps in safeguarding in the states in the wake of the death of Ann Marie Smith. The report recommended that the Government “invest in individual advocacy to assist individuals with accessing what they need from the NDIS and from the community” (Recommendation 7).<sup>55</sup> The measure provided \$600,000 over three years to continue the work of the Disability Advocate inside the Office of the Public Advocate and to expand the scope of the Adult Safeguarding Unit to include vulnerable adults of any age.<sup>56</sup>

Further, \$1.2 million was allocated over three years to state-wide advocacy services to be provided by an independent organisation selected through a tender.<sup>57</sup> In December 2020, Uniting Communities Law Centre was announced as the successful tenderer to start work immediately.<sup>58</sup> According to the 2020-21 Budget Papers, the package was funded through a

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<sup>51</sup> Department of Social Services, ‘Better support for people with disability: 2022-23 October Budget’, available at [https://www.dss.gov.au/sites/default/files/documents/10\\_2022/disability\\_factsheet\\_-\\_budget\\_october\\_22-23.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2022/disability_factsheet_-_budget_october_22-23.pdf).

<sup>52</sup> Commonwealth of Australia, ‘Budget Measures: Budget Paper No. 2 October 2022-23’, p.176, available at [https://budget.gov.au/2022-23-october/content/bp2/download/bp2\\_2022-23.pdf](https://budget.gov.au/2022-23-october/content/bp2/download/bp2_2022-23.pdf).

<sup>53</sup> Ministers for the Department of Social Services, ‘Government doubles investment in systemic disability advocacy by \$11.2 million’, 1 March 2023, available at <https://ministers.dss.gov.au/media-releases/10421>.

<sup>54</sup> Mirage News, ‘New advocacy service to support South Australians living with disability’, 3 September 2020, available at <https://www.miragenews.com/new-advocacy-service-to-support-south-australians-living-with-disability/>.

<sup>55</sup> Government of South Australia, ‘Safeguarding Taskforce Report’, 31 July 2020, p.25, available at [https://dhs.sa.gov.au/\\_data/assets/pdf\\_file/0004/90832/Safeguarding-Task-Force-Report-31-July-2020.pdf](https://dhs.sa.gov.au/_data/assets/pdf_file/0004/90832/Safeguarding-Task-Force-Report-31-July-2020.pdf).

<sup>56</sup> Mirage News, ‘New advocacy service to support South Australians living with disability’, 3 September 2020, available at <https://www.miragenews.com/new-advocacy-service-to-support-south-australians-living-with-disability/>.

<sup>57</sup> *Ibid.*

<sup>58</sup> Department of Human Services, ‘Advocacy helping South Australians living with disability get support’, DHS News Archive, 12 Aug 2021, available at <https://dhs.sa.gov.au/news/archives/media-releases-2021/advocacy-helping-south-australians-living-with-disability-get-support>.

total allocation of \$600,000 per year for 2020-21, 2021-22, and 2022-23.<sup>59</sup> A more recent update provided to Parliament by Minister for Human Services Nat Cook indicates that \$100,000 of the contracted amount will carry over into the 2023-24 financial year.<sup>60</sup> Despite this, it is critical that this year's State Budget address the substantial gap in state funding for independent disability advocacy.

### ***New South Wales Government***

The Disability Advocacy Futures Program (DAFP) began on 1 January 2022 and covers three main streams: Individual Disability Advocacy, Systemic Disability Advocacy, and Representative Disability Advocacy (for membership organisations). The NSW Government has allocated \$13 million per year for three years to fund the program.<sup>61</sup> Under the individual stream, 10 independent organisations are funded to provide services. Seven independent organisations are funded for systemic advocacy, and nine for representative advocacy.<sup>62</sup>

### ***Victorian Government***

The Victorian Disability Advocacy Program (VDAP) funds 21 independent organisations to provide advocacy services to people living with disability.<sup>63</sup> It also funds a Disability Advocacy Resource Unit (DARU) and a Self Advocacy Resource Unit (SARU), which provide resources rather than individual advocacy supports. The Victorian Government provides \$3.3 million in annual core funding for disability advocacy with a boost of \$1.8 million in the current financial year.<sup>64</sup>

### ***Queensland Government***

The Queensland Disability Advocacy Program provides funding for individual advocacy services for people living with disability, families, and carers with both geographical and specialist grants. There are currently eight funded organisations that focus on particular regions of Queensland and three specialist services for First Nations people, people from culturally and linguistically diverse backgrounds (CALD), and children and young people with disability.<sup>65</sup> To support this arrangement, there is also funding for a Disability Advocacy Pathways service providing phone

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<sup>59</sup> Government of South Australia, 'Budget Measures Statement: Budget Paper 5 2020-21', p.80, available at [https://www.treasury.sa.gov.au/\\_data/assets/pdf\\_file/0006/518622/2020-21-BMS-web-version.pdf](https://www.treasury.sa.gov.au/_data/assets/pdf_file/0006/518622/2020-21-BMS-web-version.pdf).

<sup>60</sup> Parliament of South Australia, House of Assembly, *Hansard*, 6 September 2022, p.1299.

<sup>61</sup> NSW Government, 'Funding support for disability advocacy services', 23 September 2021, available at <https://www.nsw.gov.au/news/funding-support-for-disability-advocacy-services>.

<sup>62</sup> Department of Communities and Justice, 'Disability Advocacy Futures Program', information available at <https://www.dcj.nsw.gov.au/community-inclusion/disability-and-inclusion/disability-advocacy-futures-program.html>.

<sup>63</sup> Department of Family, Fairness and Housing, 'Disability advocacy organisations', 29 September 2020, available at <https://providers.dffh.vic.gov.au/disability-advocacy-organisations>.

<sup>64</sup> Department of Family, Fairness and Housing, 'Annual Report 2021-22', available at <https://www.dffh.vic.gov.au/sites/default/files/documents/202209/FINAL%20DFFH%20Annual%20Report%202021-22.pdf>; and Victorian Council of Social Services, 'Breaking down the 2022 Victorian Budget', available at <https://vcoss.org.au/advocacy/vicbudget22/>.

<sup>65</sup> Queensland Government, 'Advocacy supports', 10 November 2022, available at <https://www.qld.gov.au/disability/legal-and-rights/advocacy>.

advice and referral services. The Queensland Government is providing \$6 million over two years for the 11 independent organisations.<sup>66</sup>

### ***West Australian Government***

The West Australian Government funds both individual and systemic advocacy. Nine organisations are funded to provide independent individual disability advocacy and seven for independent systemic advocacy.<sup>67</sup> In the 2020-21 Budget, \$8 million dollars was allocated to independent disability advocacy.<sup>68</sup>

### ***Tasmanian Government***

The Tasmanian Government funds three organisations to provide independent disability advocacy. The funding provided is \$1 million per year.<sup>69</sup>

## **The way forward for independent disability advocacy in South Australia**

The above overview of funded programs for independent disability advocacy across other jurisdictions offers a valuable guide to consider how the South Australian Government can make a long overdue investment in independent disability advocacy programs in our state. Below, we present an outline of the key principles that should guide the re-establishment of a comprehensive long-term state-funded independent disability advocacy model in South Australia.

### ***Program design***

We believe that the current independent advocacy programs funded federally and in NSW offer a sound model for the approach that should be adopted in South Australia. They fund independent individual, systemic, and representative/peer group advocacy. Independence from governments, service providers, the NDIS, and other parties with actual or perceived conflicts of interest is critically important for building and maintaining trust between advocates and South Australians living with disability.

The NSW Ageing and Disability Commissioner's 2019 Review provides a clear description of the purpose of each funded stream:

**'Individual disability advocacy:** Deliver supported advocacy activities to address specific issues for individual people with disability. A priority will be on issues

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<sup>66</sup> Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, Annual Report 2021-2022, p.27, available at <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/about/publications/annual-report/2022/dsdsatsip-annual-report-2021-2022.pdf>.

<sup>67</sup> Government of Western Australia, 'Advocacy services for people with disability', 16 August 2022, available at <https://www.wa.gov.au/organisation/departments/community-services/advocacy-services-people-disability>.

<sup>68</sup> Government of Western Australia, '\$3.44 million funding boost for disability advocacy', 27 May 2021, available at <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/05/3-point-44-million-dollar-funding-boost-for-disability-advocacy.aspx>.

<sup>69</sup> Tasmanian Government, 'Supporting Tasmanians with a disability', Budget 2022-23, available at [https://www.premier.tas.gov.au/budget\\_2022/budget\\_releases/supporting\\_tasmanians\\_with\\_a\\_disability](https://www.premier.tas.gov.au/budget_2022/budget_releases/supporting_tasmanians_with_a_disability).

related to the upholding rights, accessing services, and resolving disputes and complaints.’

**‘Representative disability advocacy:** Primarily focused on a defined cohort of people with specific disabilities, their families, or carers. It seeks to promote and represent the views and interests of its members and other people with similar disabilities.’

**‘Systemic disability advocacy:** Designed to provide high quality evidence-based advice to inform the resolution of systemic issues and be particularly informed by the views and lived experience of people with disability.’<sup>70</sup>

Steps should be taken to ensure funded organisations in each stream cover the whole state and have established authentic connections and relationships in each community they serve. Where there are gaps in the existence of these connections, additional investment should be made in building this capacity. Each funded stream should also ensure coverage for priority groups, including specialist advocacy support for First Nations people and people from culturally and linguistically diverse backgrounds (CALD).

### **Funding**

Re-establishing a comprehensive independent advocacy program that can meet the needs of South Australians living with disability will require a genuine financial commitment to provide long-term reliable funding to give organisations re-entering this space after a long period without state-funded resources a sense of certainty.

As the NSW Ageing and Disability Commissioner’s 2019 Review describes, it is extremely difficult to predict an accurate level of demand for disability advocacy due to the need to bring together met demand, unmet known demand, and unknown undeclared demand.<sup>71</sup> Similarly, the Productivity Commission’s 2017 NDIS Costs Study Report lamented the lack of existing robust data to underpin a quantification of the extent to which governments should fund disability advocacy.<sup>72</sup> Instead, it referred to the annual funding commitments within jurisdictions that seemed to be performing better and applied those to other jurisdictions on a per capita basis to generate financial benchmarks. The Report also supported a 50-50 split between the provision of funding by the Federal Government and the states and territories, reflecting the historical status quo under National Disability Agreements, meaning the total state and territory funding should match the Federal Government’s financial commitment.

As outlined above, we believe that the current programs funded by the Federal and NSW governments provide the strongest examples to underpin the creation of a new South

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<sup>70</sup> NSW Ageing and Disability Commissioner, 'Review into Disability Advocacy in NSW', 19 December 2019, p.12, available at <https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

<sup>71</sup> *Ibid*, pp.59-60

<sup>72</sup> Productivity Commission, 'National Disability Insurance Scheme (NDIS) Costs Study Report', October 2017, pp.385-387, available at <https://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs.pdf>.



Australian independent disability advocacy model. On that basis, following the approach taken by the Productivity Commission in extrapolating like-for-like funding on a per capita basis, we have calculated a financial starting point for an annual funding commitment for the 2023-24 South Australian Budget. The following table presents those calculations and produce a remarkably similar result.

**Table: Estimated initial financial commitment for a new independent disability advocacy program in South Australia**

Jurisdiction	Annual funding for independent advocacy orgs	Jurisdiction's population	South Australian population	South Australian per capita extrapolation
Federal	\$46.6 million	26 million	1.8 million	\$3.2 million
NSW	\$13 million	8.2 million	1.8 million	\$2.9 million
<b>Average outcome</b>				<b>\$3.05 million</b>

The NSW Ageing and Disability Commissioner's Review proposed that no less than half the total funding allocation should be provided for the independent individual advocacy stream.<sup>73</sup> Therefore, we suggest that the initial allocation of funds should be 50 per cent for individual advocacy, 25 per cent for systemic advocacy, and 25 per cent for representative/peer group advocacy. Once the program is established, ongoing measurement of need, demand, and outcomes can underpin future calibration of the funding required and the proportion of funds dedicated to each stream.

### **Accountability**

As the Productivity Commission has pointed out, rigorous and systematic reporting of outcomes from independent advocacy programs across both tiers of government is currently lacking. With the extent of change in the policy area over the past decade this is perhaps unsurprising. However, it should be a priority of governments to establish a clear robust reporting framework of costs and benefits from independent disability advocacy to inform ongoing program development. The current largely anecdotal evidence is inadequate to ensure that independent advocacy programs are achieving the best possible outcomes for people living with disability.

### **Whole-of-government responsibility**

Notwithstanding the critical need to fund independent disability advocacy services, there must also be a significant investment in continued improvement, training, and culture change across all government services, essential services, the health and education sectors, the NDIA, NDIS

<sup>73</sup> NSW Ageing and Disability Commissioner, 'Review into Disability Advocacy in NSW', 19 December 2019, p.19, available at <https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/Review-into-Disability-Advocacy-in-NSW.pdf>.

and other disability service providers, businesses, and others to reduce the need for disability advocacy. Often, the problems for which advocacy support is needed should never have occurred in the first instance. This is a whole-of-government and whole-of-society responsibility to lift standards, eliminate discrimination, remove barriers, and ensure equality for all Australians.