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Chair & Members
Senate Community Affairs References Committee
PO Box 6100
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Via Email to: Committee Secretary, Senate Standing Committee on Community Affairs
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Dear Senator Siewert and Committee members,

We write as member organisations of the recently announced Australian Cross Disability Alliance (the Alliance), to contribute this brief Submission to the Senate Community Affairs References Committee Inquiry *“Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services”*.

Our organisations (First People’s Disability Network Australia; National Ethnic Disability Alliance; People with Disability Australia and Women With Disabilities Australia) were successful in winning the Department of Social Services (DSS) open tender for funding national *‘Representation of People with Disability’* (Disability and Carer Service Improvement and Sector Support Activity).

As you would be aware, the DSS Disability and Carer Service Improvement and Sector Support funding was provided for *“enabling grant activities that focus on broad organisational, sectoral and social impacts, and are not generally for the provision of services direct to individuals or families.”* In this context, and the fact that our organisations are not involved in provision of front line services, our Submission does not address each of the specific Terms of Reference for the Senate Inquiry.

Rather, our Submission aims to give a brief background and context to the history and evidence base underling the need for reform of the Australian Government’s national disability peak representation model and funding arrangements.

We would welcome the opportunity to appear at any of the hearings that the Senate Community Affairs References Committee may be holding as part of the Inquiry into the *“Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services”*.

With our kind regards,

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The impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services

In early 2014, the current Australian Government announced that it was streamlining and simplifying its grant processes, which included those through the DSS portfolio that funded national disability peak representative organisations. As part of this broad and wide-ranging reform, the Australian Government advised that, reflecting the long held concerns of the disability sector in Australia,¹ the model for national disability peak representation had been re-conceptualised and re-structured, and funding arrangements would be advertised through an open, public tender process.

The urgent need for this reform was hardly a new phenomenon. Over the past 20 years, there have been many, many 'reviews' of the Australian Government's national disability peak representation model and funding arrangements. All of these Reviews have called for the creation of a new funding model that better represents the realities, experiences and complexities of the lives of people with disabilities, that better reflects both community and Government needs, that is more logical and easier to function and administer, and that reduces duplication and inefficiency.²

For more than 20 years, the disability sector in Australia has been calling for significant reform of the way that successive Australian Governments have conceptualised, structured and funded national disability peak representation. The sector had identified that there were significant gaps and problems with the historical and out-dated model and funding arrangements, including for example:

- gaps in representation for all people with disabilities;
- lack of shared policy positions due to the lack of a streamlined mechanism through which the sector could speak with a unified voice;
- over-reliance on diagnostic-based organisations to meet the needs of priority population groups (e.g. Aboriginal/CALD/women/children), and,
- limited development and use of a shared evidence-base.³

In addition, the disability sector had consistently identified that the conceptualisation, structure and funding of the model of Australian Government funded peak disability representation in Australia must:

- be human rights based;
- be cross-disability;
- ensure control of decision-making by people with disabilities; and,
- recognise the impact of multiple forms of discrimination experienced by women, Indigenous peoples, and people from culturally and linguistically diverse backgrounds.⁴

'Models' and funding arrangements for peak disability representation in Australia prior to the 2014 DSS reforms were outdated, illogical, confused and bereft of a clear framework/s, goals, objectives, program guidelines and eligibility criteria.⁵ Funding arrangements were also historically inequitable. Despite

¹ Australian Government (8 May 2014) *Disability and Carer Service Improvement and Sector Support – Disability Representative Organisations*, Department of Social Services.

² See for eg: Morgan Disney & Associates (December 1999), *Stakeholder Analysis of Disability Sector National NGOs: Final Report to Department of Family and Community Services*. See also: Morgan Disney & Associates (December 1999), *Mapping Study of Disability Sector National NGOs and links with other NSP funded NGOs: Final Report to Department of Family and Community Services*. See also: Department of Family and Community Services (July 2000), *Funding Peak Bodies – A Discussion Paper*. See also: Department of Family and Community Services (October 2003) *National Secretariat Program Review*. See also: Department of Families, Housing, Community Services and Indigenous Affairs (16 March 2010) *National Disability Peak Organisations, Possible models and approaches for the future; Workshop Report*, (16 March 2010); See also: Smith, C. & Craig, D. (2013) *National Disability Peaks Future Relationships; Report to the Department of Social Services*.

³ Department of Families, Housing, Community Services and Indigenous Affairs (16 March 2010) *National Disability Peak Organisations, Possible models and approaches for the future; Workshop Report*, (16 March 2010).

⁴ Ibid. See also: Department of Families, Housing, Community Services and Indigenous Affairs (11 July 2011), *Draft Outcomes Report of the National Disability Organisations Workshop*, 9 June 2011, Melbourne.

⁵ Department of Families, Housing, Community Services and Indigenous Affairs, *Background Paper Agenda item 4: Development of Program Guidelines*. National Disability Organisations Workshop, 9 June 2011, Melbourne.

extensive reviews and consultations with the disability sector for more than 2 decades, and shared agreement (between the sector and successive DSS portfolio Ministers and senior bureaucrats) on the need for substantial reform of the way in which disability peak representation was structured and funded, the lack of political will for change would appear to have been a factor in the failure to comprehensively address the issue prior to 2014.

In July 2013, following an extensive consultation process between Government and the disability sector (regarding potential models for national disability representation), a preferred model for the funding of disability peak representation in Australia was formally presented by the Disabled Peoples Organisation (DPO),⁶ Women With Disabilities Australia (WWDA) to the then Minister for FaHCSIA, the Hon Jenny Macklin.⁷ The preferred model, supported by a number of cross-disability DPOs, clearly articulated that the *Convention on the Rights of Persons with Disabilities* (CRPD), (along with the other relevant international human rights treaties to which Australia is a party), and the *National Disability Strategy* (NDS), provided a logical, clear and coherent framework from which to conceptualise, structure and fund national disability peak representation in Australia.

In proposing a human rights framework to structure and fund national disability peak representation, the model presented to the Hon Jenny Macklin clearly recognised that women with disabilities, children with disabilities, Aboriginal and Torres Strait Islander people with disabilities, and people with disabilities from Culturally and Linguistically Diverse (CALD) backgrounds, experience multiple and unique forms of discrimination, disadvantage and violations of their human rights. It further highlighted that a human rights based model of disability peak representation in Australia would need to make clear provision for specific, targeted, special and extra measures to ensure these more marginalised and disadvantaged groups achieve substantive equality in practice of the enjoyment and exercise of their human rights and fundamental freedoms. The preferred model presented to the Hon Jenny Macklin (and copied to Senator the Hon Mitch Fifield, then Shadow Minister for Disabilities, Carers and the Voluntary Sector; and to Hon Kevin Andrews, then Shadow Minister for Families, Housing and Human Services),⁸ proposed that:

“the model for disability peak representation in Australia would consist of one national cross-disability Disabled Persons Organisation (DPO), and four additional DPO’s – one representing women with disabilities, one representing children with disabilities, one representing indigenous persons with disabilities, and, one representing CALD persons with disabilities. An appropriate governance structure to promote and maximise collaboration and co-operation could be determined through a process of consultation between the DPO’s and their memberships.”⁹

Additionally, it was recommended by the DPOs that:

“similar to the process used by the [then] Minister for Women in 2008 (when re-structuring the National Women’s Secretariats), the disability peak organisations currently funded under the FaHCSIA National Secretariat Program (NSP), be invited to collaborate with other disability organisations across Australia to submit an application through a tender process, to be funded as one of the 5 DPOs making up the model of disability peak representation in Australia.....such a model would provide a clear and logical structure

⁶ DPOs are organisations controlled by a majority of people with disability at the board and membership levels or independent organisations of persons with disability, and this was clearly articulated in the DSS Tender documentation.

⁷ Correspondence to Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Minister for Disability Reform; Women With Disabilities Australia (WWDA), July 24th, 2013.

⁸ The preferred model was also copied to: Parliamentary Secretary Amanda Rishworth, (then Parliamentary Secretary for Disabilities and Carers); Commissioner Graeme Innes (then Disability Discrimination Commissioner at the Australian Human Rights Commission) and, the Chairperson, Australian Federation of Disability Organisations (AFDO).

⁹ Correspondence to Hon Jenny Macklin, OpCit.

that can work nationally and internationally to respect, promote, protect, and fulfil the human rights of people with disabilities.”¹⁰

The 2014 DSS reforms of the structure and funding of national disability peak representation finally addressed a long and troubled history in the Australian disability peak representation sector. For more than 25 years, the sector had been marred by fragmentation, disunity, in-fighting, territorial behaviours, duplication, inefficient use of scarce resources, and most regrettably, poor representation of all people with disabilities.¹¹

Prior to the reforms and the 2014 DSS open tender process, the Australian Government funded 13 national peak disability organisations¹² under what was known as the ‘National Secretariat Program (NSP)’,¹³ administered by the [now] Department of Social Services (DSS). Some of these funded organisations were solely constituted and run by people with disabilities (DPO’s), some were governed by service providers, some a mixture of both, others were governed by families and/or carers of people with disabilities. Most were ‘diagnostic’ based groups (blind, deaf, hearing impaired, physical disability, etc); some were population based groups (women, NESB/CALD), and another was a government imposed “umbrella” type body called the Australian Federation of Disability Organisations (AFDO)¹⁴ thrown into the mix. Some serviced large and direct individual memberships, others operated on a federated system, thereby effectively serving only 8 members. Some organisations were funded at significantly higher levels than others, despite the fact that the contractual obligations of the funded organisations were the same. Some organisations had many staff, others had hardly any. In addition, some unfunded national DPOs were being utilised by successive Australian Governments for advice and disability representation, yet received none of the National Secretariat Program disability peak representative funding. In essence, prior to the 2014 DSS reforms, the past two decades of Australian Government funding of national disability peak representation had been an unqualified, chaotic mess.

Because there had never been any clear or transparent framework/s, goals, objectives and/or funding program guidelines for the selection and funding of disability peak representative organisations,¹⁵ there was no logical or coherent explanation or rationale by successive Governments as to why *some* organisations were funded as disability peak representative organisations at the exclusion of others. For example, of the 13 national peak disability organisations funded under the DSS ‘National Secretariat Program (NSP)’, two represented deaf and/or hearing-impaired Australians. Yet there were no national peak disability organisations funded for people with other ‘types’ of disability, such as Autism, or psychosocial impairment, or Down Syndrome, or Cystic Fibrosis, or Aspergers – or the many, many other ‘types’ of impairments, disabilities and ‘diagnoses’. Successive Australian Governments had been widely criticised for years for funding national disability representative organisations of some disability/impairment ‘types’ but not others. For more than 2 decades the Australian Government had maintained a national disability representation funding model that implied that one ‘type’ of disability was somehow ‘more worthy’ of funding than another.

¹⁰ Ibid.

¹¹ See for eg: Morgan Disney & Associates (December 1999), *Stakeholder Analysis of Disability Sector National NGOs: Final Report to Department of Family and Community Services*. See also: Morgan Disney & Associates (December 1999) *Mapping Study of Disability Sector National NGOs and links with other NSP funded NGOs: Final Report to Department of Family and Community Services*; Smith, C. & Craig, D. (2013) *National Disability Peaks Future Relationships; Report to the Department of Social Services*; Correspondence to Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Minister for Disability Reform; Women With Disabilities Australia (WWDA), July 24th, 2013.

¹² Australian Federation of Disability Organisations; Blind Citizens Australia; Brain Injury Australia; Children with Disability Australia; Deaf Australia; Deafness Forum Australia; First Peoples Disability Network; National Council on Intellectual Disability (now known as Inclusion Australia); National Ethnic Disability Alliance; National Disability Services; Physical Disability Australia; Women with Disabilities Australia; Disability Advocacy Network Australia.

¹³ The National Secretariat Program commenced in 1991 as the Community Organisation Support Program. At that time, it funded national disability organisations primarily on a medical model. It also funded the National Caucus of Disability Organisations (NCDCO) which arranged meetings between Executive Officers and Presidents of national disability organisations. In 2003, the NCDCO was replaced by the Australian Federation of Disability Organisations (AFDO), instigated by the then Australian Department of Family and Community Services (FaCS).

¹⁴ Despite its title, the AFDO has only ever had a handful of organisational members and has not enjoyed broad support of either the DPO sector or people with disabilities in Australia. This is hardly surprising given that the organisation was set up by Government and specified, through contractual obligations, that the 8 national disability peak organisations (funded by the Australian Government at the time) – as a mandatory requirement - HAD to become founding members – whether they wanted to or not. It was doomed to be problematic.

¹⁵ Department of Families, Housing, Community Services and Indigenous Affairs, *Background Paper Agenda item 4: Development of Program Guidelines*. National Disability Organisations Workshop, 9 June 2011, Melbourne.

This somewhat illogical and outdated approach of funding national disability representation by 'disability type' and/or 'diagnosis' was enormously problematic for both Governments and the disability sector itself. For example, for years many unfunded 'diagnostic' based organisations had sought national peak disability representation funding through the DSS 'National Secretariat Program (NSP)', arguing that they needed their 'own' national representative organisation.¹⁶ Successive Australian Governments found themselves in an impossible situation. They either had to fund every 'disability/impairment type' to be represented by a national representative organisation, or they had to act on the calls from the disability sector (particularly DPOs) to develop a more sensible, coherent model to enable the best possible representation of all people with disabilities, regardless of their 'type' of disability/impairment or 'diagnosis'.

Successive Australian Government's model of funding national disability representation - based on 'types' of disability/impairment/diagnosis - was not only unsustainable, but also inherently out of step with contemporary, global understandings and agreements on 'disability', which recognise that people with disabilities have multi-faceted lives; experience multiple and intersecting forms of discrimination and disadvantage, and cannot, and should not, be reduced solely to the sum of their impairment, their disability 'type', or their 'diagnosis'. Prior to the 2014 DSS reforms, the Australian Government's funding model for national disability representation (which was based on 'types' of disability) implied that people with disabilities can be 'neatly divided into their impairments', which effectively deflected from, and trivialized the complex social and structural ways in which people with disabilities are excluded from or marginalised within, the social and economic life of our communities. By maintaining a national disability representation funding model which essentially 'divided' the disability community into diagnostic groups, also implied that 'problems' are located in individual deficit (such as blindness or deafness) rather than in discriminatory structures, institutions, and attitudes.

The 2014 DSS reforms of the model, structure and funding of national disability peak representation (which was not only conceived by people with disabilities themselves,¹⁷ but which finally acted on 20 years of advice from the disability sector) therefore provided a coherent, logical structure to address human rights issues facing all people with disabilities in Australia – regardless of their impairment/disability 'type' or 'diagnosis'.

In June 2014, the Australian Government, through DSS, advertised grant funding for national disability peak representation via an open, public tender process. The tender documentation specifically stated that:

"The Government has listened to the sector's advice that the funding for disability peak representation is stretched to breaking point, resulting in individual organisations struggling to maintain their presence, to communicate with their members and to provide adequate policy advice to Government. In addition, the Government also recognises that a number of sectors of people with disability remain unrepresented."¹⁸

"Government recognises that while opinions vary on what a structure should look like for organisations representing people with disability, there is some acknowledgment of the need for a cross-disability representative organisation and demographically/population based organisations in line with the focus of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in supporting the most vulnerable groups of our

¹⁶ Ibid.

¹⁷ Prior to the advertising of the DSS grants funding for national 'Representation of People with Disability' (Disability and Carer Service Improvement and Sector Support Activity), five national disability organisations (4 DPO's and one representative organisation) collaborated to develop the model for an Australian Cross-Disability Alliance (ACDA). The ACDA model comprised of these five national organisations that aimed to work independently to provide specialist expertise for and on behalf of their members and constituents, but come together as the ACDA to work collaboratively on areas of shared interests, purposes and strategic opportunities to advance the human rights of people with disability.

¹⁸ Australian Government (8 May 2014) *Disability and Carer Service Improvement and Sector Support – Disability Representative Organisations*, Department of Social Services.

*society. This approach recognises the shift from a historically based medical model to a social model of disability aimed at addressing barriers to moving to a more inclusive society.*¹⁹

*“In recognising the shift from a historically based medical model to a social model of disability and in addressing barriers to moving to a more inclusive society, sub criteria may be required to demonstrate how the needs of particular demographic and cross disability groups would be represented. For example, it is recognised that women with disabilities, children and young people with disabilities, Aboriginal and Torres Strait Islander people with disabilities, and people with disabilities from Culturally and Linguistically Diverse (CALD) backgrounds may experience multiple and unique forms of discrimination, disadvantage and violations of their human rights and that additional strategies may be required to ensure these groups have the same opportunities as other Australians to participate in the economy and the community.”*²⁰

In moving to a human rights model of disability peak representation, the DSS tender documentation articulated a number of requirements that organisations (or consortiums) would need to be able to demonstrate in order to be considered for funding. These elements had been identified by the disability sector itself,²¹ and included, for example: a demonstrated capacity to work within a human rights framework consistent with the UN *Convention on the Rights of Persons with Disabilities* (CRPD); demonstrable evidence of national level representation; direct representation of people with disability; clear evidence of effective mechanisms to represent members’ views; the ability to develop the evidence base through research; and the ability to represent the disability sector and Government nationally and internationally.

This new human rights model and approach to the structure and funding of national disability peak representation was conceived, designed, and supported by, Australian Disabled Person’s Organisations (DPOs). The model proposed by the DPOs, and subsequently adopted by the Australian Government, provides for a long overdue mechanism at the national and international levels to address the multiple and intersecting forms of discrimination that people with disabilities experience. It reflects contemporary, global understandings and agreements on ‘disability’, and is consistent with the Convention on the Rights of Persons with Disabilities (CRPD), and national legislative and policy frameworks to advance the human rights of all people with disabilities.

The DSS tender process for national disability peak representation funding was open to National or state-based disability organisations, *“provided the focus of the organisation is on national issues and if the organisation can demonstrate that it is working towards, or has capacity to, secure members across Australia.”*²² In practice, this meant that ANY disability organisation (or consortium of organisations), which met the specified criteria as set out in the tender documentation, could apply, on an equal basis, to be funded to provide national disability peak representation.

An Alliance of DPOs and national representative organisations, applied for, and was successful in winning, the DSS tender for national Disability Representative Organisations. The Australian Cross-Disability Alliance (ACDA), reflecting the model proposed by DPOs to Government in July 2013, offered a coherent, logical structure to address human rights issues facing all people with disabilities in Australia – regardless of their impairment/disability ‘type’ or ‘diagnosis’. The Alliance, in reflecting a human rights

¹⁹ Ibid.

²⁰ Australian Government (June 2014) Disability, Mental Health and Carers Programme. *Disability and Carer Service Improvement and Sector Support Guidelines Overview*. Department of Social Services.

²¹ See for eg: Department of Families, Housing, Community Services and Indigenous Affairs (16 March 2010) *National Disability Peak Organisations, Possible models and approaches for the future; Workshop Report*, (16 March 2010).

²² Australian Government (8 May 2014) *Disability and Carer Service Improvement and Sector Support – Disability Representative Organisations*, Department of Social Services.

model of disability peak representation, operates from a basis of key principles and shared understandings which underpins its work, which includes for example:

- Recognition that the international human rights treaties and instruments to which Australia is a party,²³ provide the human rights framework to advance the rights of people with disability;
- Representation of a cross-disability perspective that ensures that there are no gaps in representation of people with disability, and that all people with disability can elect to join one or more of the alliance organisations;
- Working to advance the rights of all people with disability from all walks of Australian life, in national policy frameworks, strategies, partnership agreements and initiatives;
- Contributing to the implementation, delivery, monitoring and evaluation of the National Disability Insurance Scheme (NDIS);
- Operating in an environment of collegiality and mutual respect, whilst acknowledging and respecting the independence, identity and policy priorities of each alliance member;
- Promoting and engendering a collaborative, co-operative and respectful relationship with all levels of Government in our collective efforts to advance the human rights of people with disability;
- Building on and further developing strategic alliances and partnerships at the state/territory, national and international levels in order to achieve our collective objectives;
- Promoting the Alliance at the international level as the coordinating point for international engagement with the Australian DPO sector;
- Building respect for, appreciation of, and faith in, the DPO sector in Australia.

The benefits of the new Australian Cross-Disability Alliance (ACDA) include:

- enabling the provision of a unified, coherent voice to government and other stakeholders;
- providing a streamlined, co-ordinated approach to the development and provision of policy advice;
- reducing duplication and promoting efficiency and effectiveness;
- providing opportunities for innovation, capacity building, and sector development;
- promoting opportunities for the development of the evidence base through research, analysis, and the collection of relevant data;
- ensuring that there are no gaps in the representation of people with disability in Australia; and,
- promoting Australia as a leading voice in the international disability rights movement.

For the first time in more than 20 years, the new national disability peak representation model, structure and funding arrangements provide an efficient, sustainable, innovative, logical and coherent way of ensuring true and meaningful representation of all people with disability in Australia.

²³ These include for eg: the *Convention on the Rights of Persons with Disabilities* [2008, ATS 12]; the *Convention on the Elimination of All Forms of Discrimination against Women* [1983, ATS 9]; the *International Covenant on Civil and Political Rights* [1980, ATS 23]; the *International Covenant on Economic, Social and Cultural Rights* [1976, ATS 5]; the *Convention on the Rights of the Child* [1991, ATS 4]; the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* [1989, ATS 21]; the *Convention on the Elimination of All Forms of Racial Discrimination* [1975, ATS 40]; the *United Nations Declaration on the Rights of Indigenous Peoples* [2009, A/RES/61/295].