

2 February 2026

Our ref: [BC:MC]

Individual Disability Advocacy Reforms
Advocacy and Inclusion Programs Branch
Department of Health, Disability and Ageing
Australian Government
GPO Box 9848

By email: [REDACTED]

Dear Project Team,

Consultation on a new Commonwealth individual disability advocacy program

The Queensland Law Society (QLS) welcomes the opportunity to contribute to the Australian Government's consultation on the development of a new Commonwealth individual disability advocacy program (**the new Program**).

We acknowledge the critical expertise of disability advocacy organisations and the importance of centring the voices and lived experiences of people with disability throughout this reform process. Their insights are indispensable to designing a program that is rights affirming, accessible and responsive to the diverse needs of individuals across Australia.

As the peak professional body for the legal profession in Queensland, QLS seeks to provide feedback regarding the development of the policy, legislative and operational foundations that will underpin the new Program. Accordingly, this submission highlights the importance of the new Program being grounded in strong human rights principles, explicitly recognising cognitive and psychosocial disabilities, and that it effectively integrates legal and non-legal advocacy pathways.

QLS strongly supports ongoing, meaningful consultation with people with lived experience, disability advocacy organisations, First Nations disability advocates, and the legal assistance sector.

This submission has been prepared with input from the QLS Human Rights and Public Law Committee and QLS Access to Justice Committee.

General comments

Human rights-based framework

Evidence from the national legal needs surveys consistently demonstrates that people with disability experience clusters of interconnected legal and non-legal problems, including in relating to housing, employment, discrimination, financial hardship and family issues, which require coordinated and integrated response across advocacy and legal assistance services. This context underscores that effective disability advocacy cannot occur without a strong rights-based foundation.

Building on this evidence, it is our view the development of a new Program must be situated within Australia's broader commitments under international human rights conventions and the Australian Government's in-principle agreement to implement key recommendations from the Disability Royal Commission.

To ensure the new Program is coherent, enforceable and culturally safe, we strongly recommend grounding the new Program in a human rights-based framework. Ideally, such a framework would operate within the context of a national Human Rights Act, which would provide a legislative foundation for the protection and promotion of rights of people with disability. However, in the absence of such an instrument, it remains essential that the new Program be anchored by the human rights principles and provisions in the Convention of Rights of Persons with Disabilities. It should also expressly support and reinforces compliance with the human rights obligations that already apply in state jurisdictions with their own human rights legislation such as the Queensland *Human Rights Act* 2019.

Embedding these principles from the outset will ensure greater national consistency, and promote advocacy that is firmly aligned with the dignity, autonomy and equal recognition of people with disability.

Intersection of disability advocacy and legal advocacy

QLS emphasises the importance of recognising the significant overlap between individual disability advocacy and legal advocacy. For the new Program to operate effectively, consistent definitions of both disability and advocacy are essential. While a broad definition of *disability advocate* allows flexibility across different supports and situations, it can also create confusion about the scope and expectations of service delivery.

At a macro level, individual advocacy focuses on supporting people to navigate systems and assert their rights, while systemic advocacy seeks broader structural change. Legal advocacy, by contrast, involves the application of law and access to legal remedies. As such, the new Program should clearly distinguish these functions while acknowledging their interdependence.

Our members have also raised concerns about the lack of clarity regarding safeguards for users of disability advocate services. The strict professional obligations governing the provision of legal services, provide critical protections for people who may be vulnerable to coercion, misinformation or undue influence. Similar protections should also be afforded to users of disability advocate services.

Express inclusion of cognitive impairment and psychosocial disability

Our members have highlighted the importance of also expressly recognising people with cognitive impairments and psychosocial disabilities. These cohorts face unique and intersecting barriers accessing the justice system, healthcare, housing and employment, often without adequate advocacy. Embedding explicit recognition of these cohorts is vital to ensuring equitable access to advocacy supports.

To support this recommendation, our members have recommended the establishment of a national service equivalent to the NSW Justice Advocacy Service,¹ operated by the Intellectual Disability Rights Service as a blueprint for Queensland's existing Justice Support Program. The NSW Justice Advocacy Service is a well-resourced, disability advocacy program designed to support young people and adults with cognitive impairment who come into contact with the criminal justice system, whether as victims, witnesses or defendants. This service enables individuals to understand and exercise their rights and fully participate in the process. It is also available across rural, regional and metropolitan areas.

Systemic advocacy and community education

¹ [Justice Advocacy Service \(JAS\) - IDRS](#)

Consultation on a new Commonwealth individual disability advocacy program

To ensure the delivery of meaningful and long-term change for people with disability, systemic advocacy and community education should be funded as a core function of the new Program.

QLS has had the benefit of reviewing the submission provided on behalf of the Queensland Independent Disability Advocacy Network (**QIDAN**) and we support its recommendations in this regard. In addition, we refer to existing evidence from the QLS 2022 Access to Justice Scorecard, which shows a downward trend in perceptions of access to justice in Queensland, with the legal profession rating it 5.02 out of 10 in 2022. This demonstrates persistent structural inequities and reinforces the urgency of strengthening systemic advocacy capacity.²

Systemic advocacy can assist in identifying patterns of disadvantage, such as discriminatory tenancy practices, barriers to healthcare, poor service coordination and gaps in eligibility pathways. This can inform law reform and policy change. Community education plays a role by helping people with disability, service providers and the broader community to understand their rights, responsibilities and available supports.

In line with QIDAN's submission, we also recommend funding a targeted culturally competent, responsive and trauma informed advocacy program for Queenslanders with disability who are Aboriginal and Torres Strait Islander, from culturally and linguistically diverse backgrounds, LGBTQIA+SB, and young people. These groups experience unique barriers to accessing disability supports, including systemic discrimination, cultural disconnection, and limited awareness of available services.

To ensure culturally safe and inclusive advocacy, the Program should also address the disproportionate impact of disability on Aboriginal and Torres Strait Islander communities. In Aboriginal and Torres Strait Islander communities, 25.3% of Aboriginal and Torres Strait Islander people identify as having a disability and 11.6% experience profound/severe limitations.³ Indigenous-led research highlights low awareness and the need for culturally safe education and support frameworks.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Peter Jolly
President

² [Queensland Law Society | 2022 Access to Justice Scorecard](#)

³ [Aboriginal and Torres Strait Islander peoples with disability, 2022 | Australian Bureau of Statistics](#)