

YDAS Submission

Review of the National Disability Advocacy Framework 2022-2025

YDAS respectfully acknowledges the traditional custodians of the Aboriginal nations within Victoria where our work takes place. We pay our respects to Elders both past and present and acknowledge the children and young people of past, current and future generations.

Youth Disability Advocacy Service (YDAS) is a core agency of Youth Affairs Council Victoria (YACVic) which is the peak body and leading policy advocate on young people's issues in Victoria. YDAS is the only funded disability advocacy organisation across Australia that exists solely to provide advocacy services for disabled young people. Established in 2006, YDAS works to empower disabled young people aged 12 to 25 in accordance with international human rights principles articulated in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the United Nations Convention on the Rights of the Child (CRC).

YDAS welcomes the opportunity to contribute to the Department of Social Service's (DSS) Review of the National Disability Advocacy Framework 2022-2025 (the Framework). We also wish to thank the DSS for the opportunity to attend a consultation face to face in Melbourne. YDAS appreciates the recognition of rights of disabled young people in the principles. This submission outlines our position and considerations in response to the Guidance Questions about the Framework provided by the DSS.

We also wish to add our support to the Disability Advocacy Network Australia (DANA) on the draft Framework and what is needed to realise its intended outcomes.

YDAS would welcome the opportunity to provide additional information to the Review team and/or discuss the submission contents in more detail, and to provide input into the development and implementation of the disability advocacy work plan referenced in the Draft National Disability Advocacy Framework.

Should you wish to contact us, please find our contact information below:

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Response to Guidance Questions

1. Do you believe the new NDAF encompasses your vision of advocacy? If not, what changes are required?

YDAS is confident that our vision that disabled young people achieve their human rights will be supported through the draft Framework following amendments as per our submission.

2. Are the principles of the NDAF appropriate for guiding the delivery of advocacy for people with disability in a changing disability environment, including in the context of the NDIS? If not, what changes are required?

YDAS believes that the draft Framework Principles could be strengthened by employing an intersectional approach. The draft Framework's adherence to the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) as the sole applicable international human rights treaty fails to recognise the rights of disabled young people. The draft Framework should also adhere to the United Nations Convention on the Rights of the Child (UNCRC).

In addition to the Framework informing and supporting the NDIS Quality and Safeguarding Framework and Information Linkages and Capacity Building (ILC) program, it should include the NDIA Act 2013 and the NDIS Quality and Safeguarding Commission to uphold the rights of disabled people.

YDAS is concerned about the 'Justice' Principle that states 'Disability advocacy is inclusive of legal advice and representation where it is required to assist people with disability to exercise their rights.' Provision of legal advice and representation is out of scope of an advocate's role and qualifications. Our organisation understands that there is an increasing demand from disabled people for legal advice and representation since the rollout of the NDIS. YDAS has experienced a significant increase in cases related to NDIS including AAT appeals, which consumes significant advocacy staff resources. Disabled people have the right to professional legal services and representation, especially regarding disability related legal matters. However, YDAS is concerned that the Framework's definition of the 'Justice' principle is an inappropriate response to NDIS's pressure on the legal system. The increasing demand for legal advice and representation should be reviewed and addressed by the National Disability Insurance Agency.

3. Are the outcomes of the NDAF clear and achievable? Should different ones be included? If so, what should be included?

As previously stated, YDAS disagrees with the definition of advocacy in the 'Justice' Principle to be 'inclusive of legal advice and representation' and recommends that the corresponding outcome should be removed or edited to

explicitly state that it is not the responsibility of disability advocates to provide access to justice and legal advocacy.

4. Are the responsibilities, reform and policy directions of the NDAF relevant or should different ones be included?

YDAS urges that the responsibility of 'Ensuring the funding of disability advocacy is transparent, equitable and accountable, and geographical coverage and services gaps are identified and addressed' includes:

A) Reviewing the current block funding model

As per the Principles of 'Presumption of Rights and Capacity' and 'Respect for Intersectionality and Diversity', the block funding model should be reviewed to consider the expertise and best practice of different disability advocacy organisation types (diagnostic-focused, population-specific or cross-disability). Additionally, due to block funding streams, there is little consistency between individual advocacy services in terms of their capacity. This means disabled people may be forced to accept disability advocacy from an organisation that is not necessarily aligned with their needs.

B) Recognition of the value of specialised disability advocacy for disabled young people

Currently YDAS is the only funded disability advocacy organisation across Australia that solely exists to provide individual advocacy for disabled young people. The Framework should consider the importance of youth-specific disability advocacy in service gaps, due to young people's unique needs.

The government's responsibility for 'Building awareness across the disability sector and the community of the rights of people with disability and the importance of disability advocacy' should not be restricted to the disability sector. It should reflect the fact that disabled people engage with many different sectors. Efforts to build disability awareness should employ a cross-sector approach to coincide with the various settings where disabled people's rights apply, including the youth sector, arts, health and sports for disabled young people.

5. Does the NDAF identify what is needed in the current and future disability environment? If not, what changes are required?

YDAS looks forward to Framework updates pending the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

6. Do you have any other comments, thoughts or ideas about the NDAF?

YDAS welcomes the opportunity to provide feedback to the draft Framework's subsequent disability advocacy work plan which will drive the implementation of its objectives, principles and outcomes.