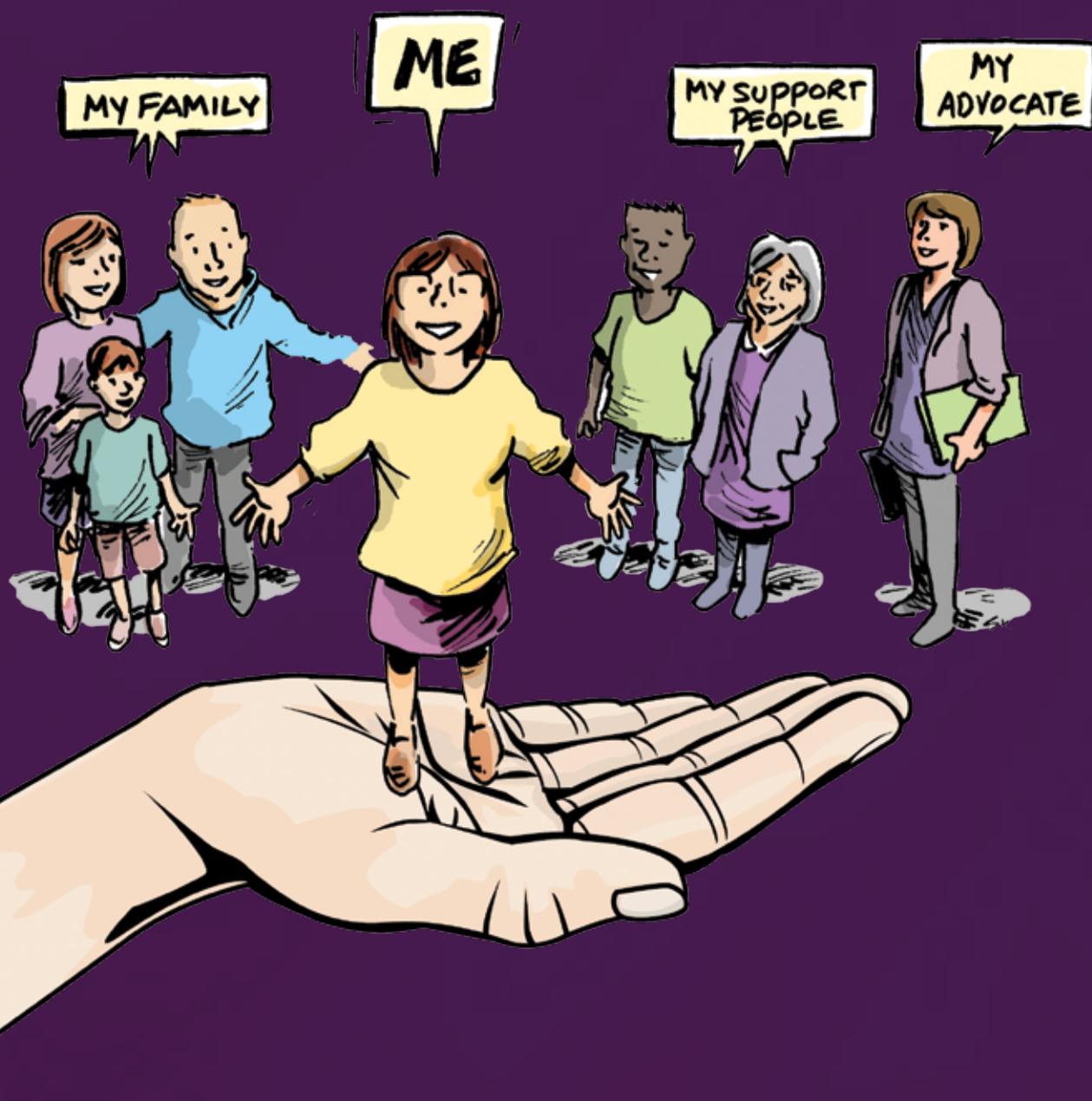


Discover

A resource for people planning for the future.

A DisabilityCare Australia, the National Disability Insurance Scheme Help Guide



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These fact sheets were prepared by Gail Casey DipT, BEd, MEd, LLB, Dip. Legal Prac; Veronica Jones BBus, MMarkMgt and Professor Patrick Keyzer BA (Hons), LLB (Hons), LLM, PhD on behalf of the Centre for Law, Governance and Public Policy, with the assistance of Matthew McLean and Kate Byster-Bowles LLB, BIR. The Centre takes responsibility for the content of the fact sheets and we welcome your feedback. To provide feedback, and for more details regarding the consultation method and research techniques employed by the team from the Centre, please email lawgovpolicy@bond.edu.au.

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The opinions, comments and/or analysis expressed in this document are those of the author or authors and do not necessarily represent the views of the Minister for Disability Reform and cannot be taken in any way as expressions of government policy. This document contains legal information, not legal advice. Always consult a solicitor when you develop your legal planning for the future.

These fact sheets were completed in the days following the passage of the legislation, but before the DisabilityCare Australia Rules were finalised. While every effort has been made to ensure that the material is up to date, it is possible that there have been changes that we could not account for. We have also compiled a comprehensive help guide called 'Discover An DisabilityCare Australia Help Guide' which provides additional information. DisabilityCare Australia also has a website www.ndis.gov.au and a hotline: 1800 800 110.

A DisabilityCare Australia – Easy read fact sheet

1 What is DisabilityCare Australia



DisabilityCare Australia will be a new part of the Australian Government which is different to Centrelink. DisabilityCare Australia aims to help all Australians with disability for the long term.



DisabilityCare Australia will provide information and encourage people to have their own individual plan for the future.



DisabilityCare Australia will help people find the right services. These may be services especially for people with disability or other services they choose.



DisabilityCare Australia will help carers with their role.



DisabilityCare Australia will provide support to people with a disability if they need it.

Worksheet – Thinking time



Write down some things you would like to do, and think about how DisabilityCare Australia might help you achieve them.

What help would you need from DisabilityCare Australia to do the things you want to do?



2 Becoming a participant in DisabilityCare Australia

DisabilityCare Australia will help people who are born with disability or who develop disability later in life.



A participant must have a disability.



The disability must be permanent which means it will not go away over time.



A participant will need to be a resident of Australia.



There will be Rules which will help work out who can become a participant and who can receive services and support.



DisabilityCare Australia will help with use of therapy so that support can improve a person's life.

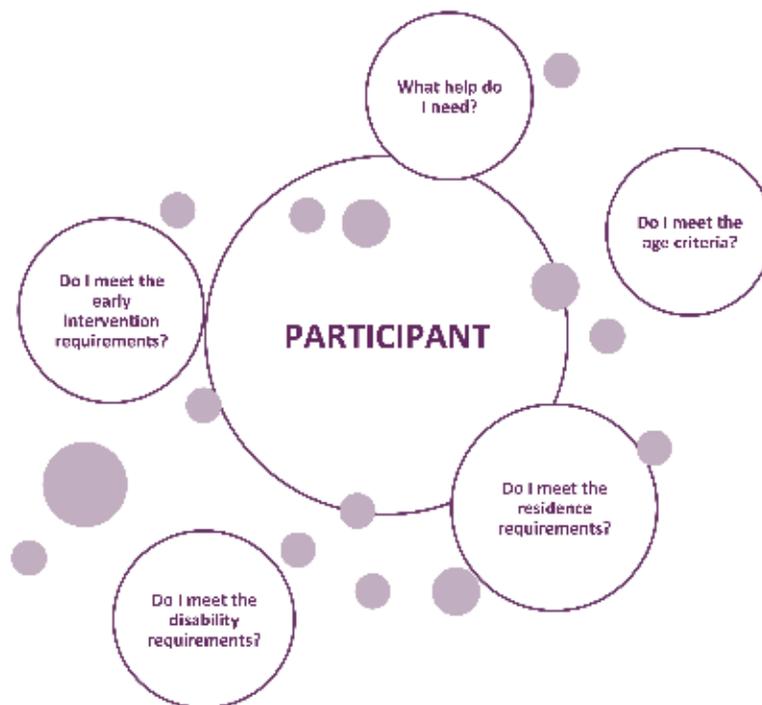


DisabilityCare Australia wants to make sure that people who are currently receiving disability support services can continue to get support.

Worksheet – Thinking time



Write down queries or questions you have about becoming a participant.



3 Early intervention



DisabilityCare Australia will help people or children 'early on'.



This means that help and support may stop things getting worse.



Children often benefit if they receive help with their disability while at school.

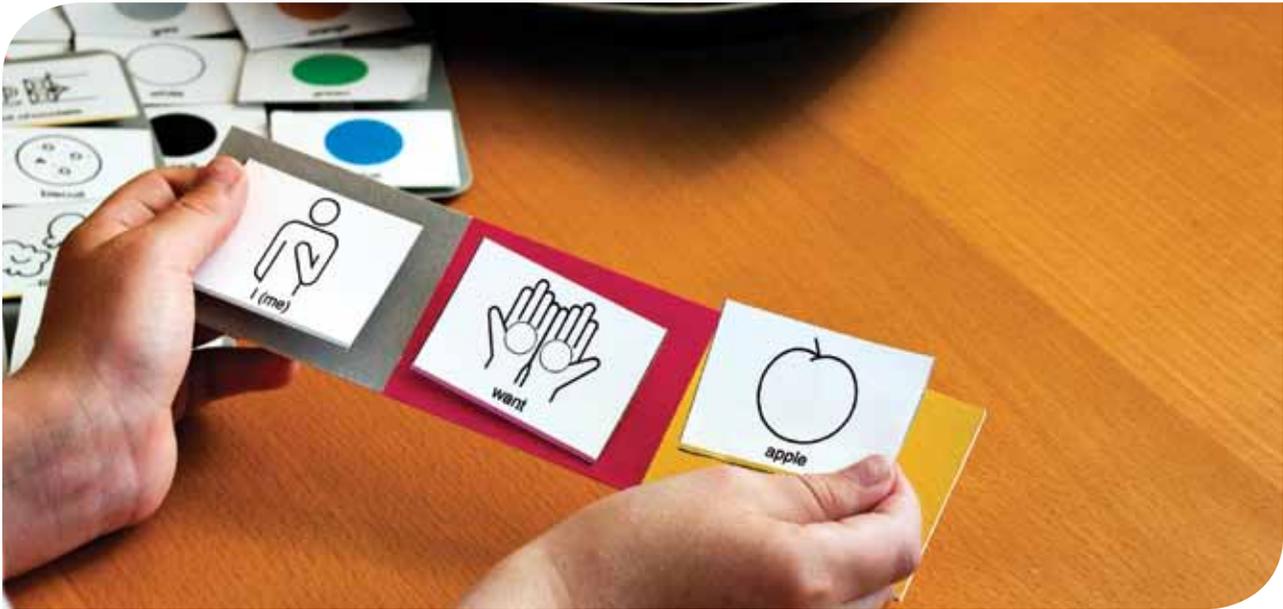


DisabilityCare Australia will provide help 'early on' so that people with disability may not need so much support in the future.



DisabilityCare Australia will help an older person with equipment or aids in their home so they can stay at home, rather than go into a nursing home.

Worksheet – Thinking time



Think about a child who has trouble with speaking...
DisabilityCare Australia can help that child with speech therapy.

Write down other help a child could receive if they have a disability.

4 DisabilityCare Australia and human rights



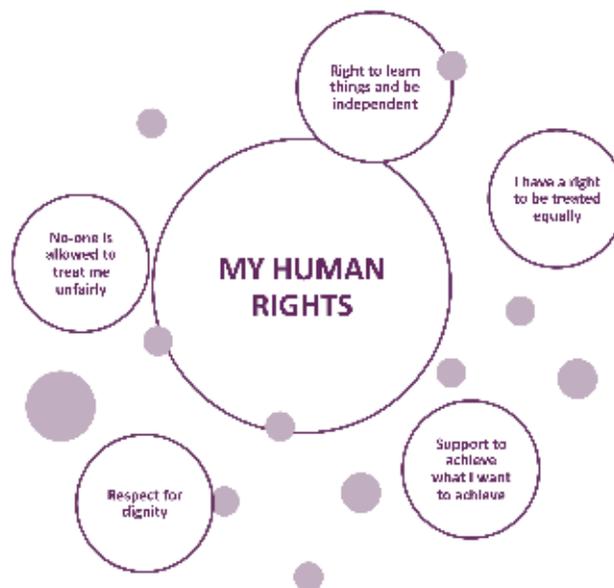
Everyone has rights. There are laws in Australia which require people to treat those with disability the same as everyone else.



Australia has international obligations to ensure that people with disability have rights in Australia.



The United Nations Enable website is all about the Convention on the Rights of People with Disabilities: www.un.org/disabilities



Worksheet – Thinking time



Write down some events or things in your life which have been difficult for you – for example if you use a wheelchair, making yourself understood in a shop or trying to get a job...

Sometimes when things are made difficult for you this is 'discrimination' which means you have been treated unfairly and not like everyone else. Who did you tell about this and what did they do?

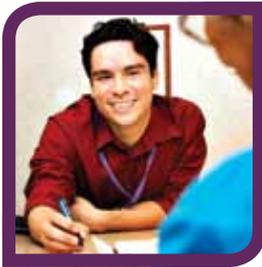
5 Advocacy and advocates



There are people outside your family who can also 'speak up' for you and they are called 'advocates'.



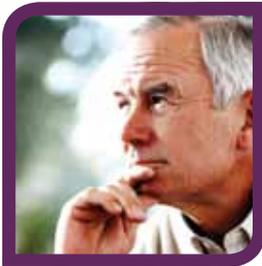
Advocates listen to what you have to say.



Advocates can go with you to speak on your behalf, if you want them to, when you have a problem.



Advocates can help you plan your future.



Advocates work with you to fix your problem.

Worksheet – Thinking time



Do you remember when you had a problem and you needed help?
Who did you go to for help?

Was that person in your family or outside your family?

List down the type of problems you need help with (problems with Centrelink,
problems at work or problems with a bank).

Would you like to meet an advocate to talk to them about what you want?

6 Communicating with people with disability



Communication takes place during much of our lives and is a basic human right.



Communication disabilities affect four main areas. This includes a person's ability to speak, to understand what others are saying, to read and/or to write.



Some of the main types of communication disabilities affect the following: hearing, movement, learning and remembering, and language.



Regardless of the cause of disability all people who have communication disabilities are individuals and communicate in their own ways.



All people with disability can communicate more effectively when they are given appropriate support.

Worksheet – Thinking time



Write down some ways people can communicate
(for example pointing, sign language, drawing, etc).

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Think of a person you know with a disability and write down the two most
important ways they are able to communicate with you:

1
2

Can you think of other ways you could communicate with them?

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7 What is 'capacity' and why does it matter?



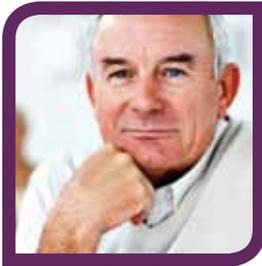
'Capacity' is a legal word that refers to a person's ability to make decisions.



The law in Australia says that everyone over the age of 18 years has 'capacity' including people with disability.



This really means that just like everyone else, people with disability are supposed to have capacity to make decisions about their own life.



Some decisions are harder than others to make, while some decisions are easier to make.



Any decision a person with a disability makes requires them to understand the consequences of their decision.



A person must also think about the choices, what can happen when a choice is made and they must be able to communicate their decision.

Worksheet – Thinking time



We make decisions every day, for example, what to eat and which television channel to watch. List as many everyday decisions as you can think of:

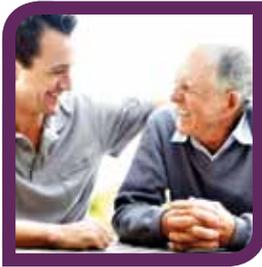
What are some major decisions you have had to make in your life? For example, having an operation in hospital, going on a holiday or moving house. Write down some major decisions you have made.

Who helped you make those decisions?

8 Independent, supported and substitute decision-making



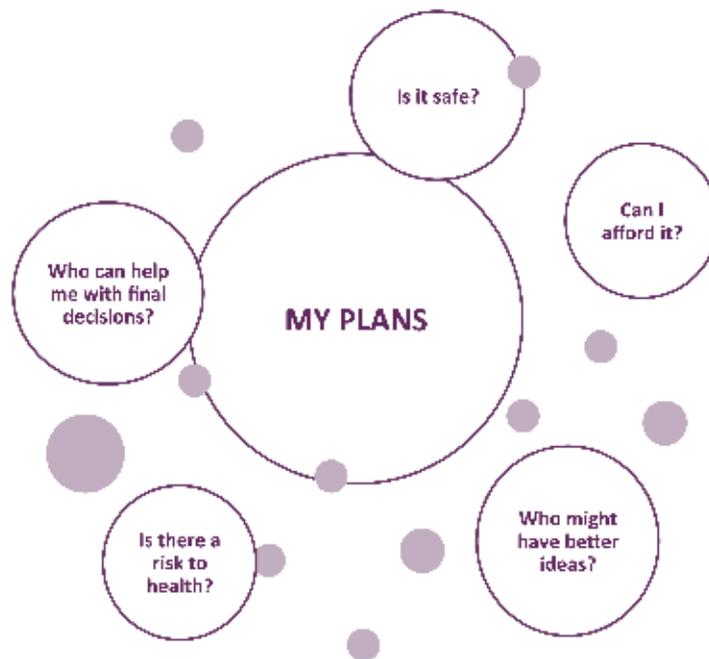
'Independent Decision-Making' is when you make the decisions by yourself – you do not need any help.



Sometimes you may need help with making daily or other decisions, so you would ask a parent or carer to help you – this is called 'Supported Decision-Making'.



Some people are unable to make most major decisions, so they are assisted by 'Substitute Decision-Makers'.



Worksheet – Thinking time



List the decisions you make by yourself as an ‘Independent Decision Maker’:

List the decisions you make with a ‘Supported Decision Maker’:

Do you have a guardian to help you make decisions?
What decisions do they help you with?

9 The role of parents, carers, guardians and nominees



'Nominees' are people who are able to help you and act on your behalf.



Someone may be able to help you with putting a plan together called a 'Plan Nominee'. That person may be a parent or a service provider.



Someone may be able to receive and explain letters about DisabilityCare Australia to you. That person is called a 'Correspondence Nominee'.



This is similar to the Centrelink situation where people are able to talk to Centrelink officers on your behalf, but there are separate appointments for each.

Worksheet – Thinking time



Who helps you make decisions now?

Do you need help with making most of your decisions?

What decisions do you need help with?
(For example, money or where you live?)

Is there someone new that could help with decisions?

Where can I go if I need help with decisions?

10 How do I develop a participant's plan with DCA



DisabilityCare Australia allows you to have a plan for your future.



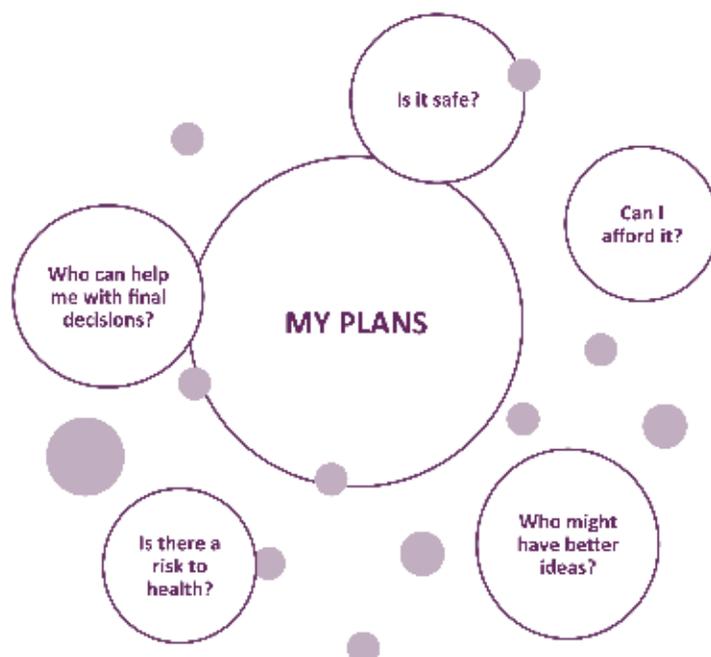
You can plan for some new things in your life such as study, or moving into a group home, or support with everyday life.



DisabilityCare Australia says that plans should be 'reasonable and necessary'.



This means that: a plan has to be safe for you or other people; a plan must be value for money and must not affect your health.



Worksheet – Thinking time



Write down the things you are happy about in your life now
(for example friends, work etc).

Is there anything you would like to change?

Is there anything you need now that you do not have now?

Is there anything new you would like to try out in the future?

Ask your friends and family if they have any ideas. Are you happy with those
ideas or would you like to try something different?

11 Planning for the future



Each participant in DisabilityCare Australia will have their own individual plan. This explains the things that people want to do with their lives and what support is needed to help people meet their goals.



Choice and control is important for the participant in their plan. This includes having a choice to manage the plan on their own or getting help to manage it.



Everyone can get help to manage their plan if they want or need it. It is important that the support in the plan meets each person's individual needs.



Support provided should be:

Reasonable – this means 'just about right', or 'balanced'.

Necessary – this means what is needed.



You might need an aid or appliance like a wheelchair to help make your life easier. You might also need changes made to your home or car. These are things you can put in your plan.

Worksheet – Thinking time



Does your home need changing to suit your disability or impairment?
Write down what you think you need.

Do you need a carer to visit you and help you take care of yourself?
Write down what you think you need.

Do you need a disability service sometimes? What services?

Do you need help with accessing the community sometimes?
Where do you like to go? Who do you like to go with?

Would you like to move away from home? Do you like to live with other people
or by yourself? Where would you like to live?

12 How will the plan be managed



A plan is needed to show your personal 'goals'. This means what you want to get in the future or what you want to do in the future.



A plan should include what supports you need now and in the future.



The plan when written down must be 'managed'. This means a person is responsible for paying bills and other paperwork.



A plan must be managed because the money comes from the Government.



Managing the plans means that someone is responsible for doing all this. The person could be: you, another person such as a service provider, DisabilityCare Australia, or your nominee such as one of your parents or friends.

Worksheet – Thinking time



Management of the plan involves many tasks including:
Keeping all records, accessing bank records and administrative
duties to comply with the DisabilityCare Australia Rules.

Think about who can manage the plan.
Write down people who may be able to do this:

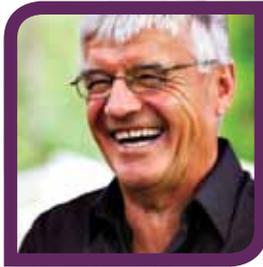
List the major issues which come to mind for example 'time', 'complexity',
'access to the person', 'cost' or other things:

Who best from the list above would be able to manage your plan?
Think about a service provider, a friend, family member (for example).

13 Reviewing and changing plans



You can change your plan with DisabilityCare Australia.



Your life may change and your supports may change as well.



A new plan will have to be in writing.



DisabilityCare Australia can ask you to provide information on your current situation which may include whether you need less support or more support.



DisabilityCare Australia can ask you to go for an examination or assessment to see if you are getting better or worse if you have health issues.

Worksheet – Thinking time



List below the changes you can see will happen in your life – for example, moving out of home, going on a holiday and/or changing your plan for study.

Are there things that you might change in the future?

Who will help you plan for these changes?

14 Review of decisions



DisabilityCare Australia may make a decision that you do not like. If you do not like a DisabilityCare Australia decision, you can ask for a 'review'.



This means DisabilityCare Australia first must look at the decision again to make sure it is right.



To get DisabilityCare Australia to review the decision you must contact DisabilityCare Australia.



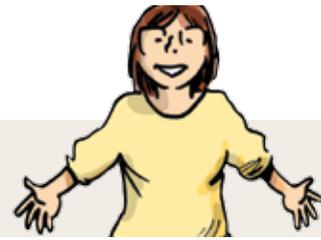
A new person will then look at the decision. After looking at it again one of these things will occur: The decision may stay as it is, or it may be changed a bit, or a completely new decision may be made.



If you are not happy with the decision, you can get it reviewed by an outside body called the Administrative Appeals Tribunal. Advocates and lawyers are able to help you with this.



Worksheet – Thinking time



Think of a time when someone has made a mistake. A mistake can be fixed.
Write down some events where a mistake has been made:

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People who work in Government can make mistakes too, just like everyone else. List down the steps you would take to help you sort something out with DisabilityCare Australia (for example, you could speak to your parent or carer).

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Think about for the easiest way you would try to contact DisabilityCare Australia for a 'review' if a mistake has been made. Which is easiest for you?

Write to DisabilityCare Australia

Ring up DisabilityCare Australia

Go to a DisabilityCare Australia office



Have you ever had a dog? Or maybe a cat?
Perhaps you had a bird or fish?



Are they still alive? Or maybe they died. How did you
feel when a pet died? Did you feel sad?



Animals don't live forever and people do not live forever
either. You may have had a grandparent or friend who
died. Sometimes people say they 'pass away' instead of
'die'. If you have had a family member die, you probably
felt very sad.



When a person dies, they have things such as a house,
or car, or CD's or computer. Who would get those
things?

Just think about the things you own...



Think about people who are close to you...



Family members such as brothers, sisters, cousins, or
friends or people who have been especially kind to you,
may like to be given a gift from your things.

16 Guardianship



A guardian is a person who makes some important decisions about your life. A guardian may make decisions such as where you live, medical treatment and what support you should have.



If you have made some decisions and they have not worked out or you have made really big mistakes, then having a guardian might be the best way of helping you.



The law says a guardian should make any decisions which are in your 'best interests'. This means the guardian must think very carefully before making any decisions about you.



You can tell your guardian how you feel about things and your guardian must think about your wishes. People who know you well may help with what decisions need to be made and why.



A 'Guardianship Order' is a piece of paper that says how long the guardian will be in your life to make decisions and what kinds of decisions your guardian can make.



If you don't like a decision you can ask your guardian why it was made. If you are still unhappy, you can get things 'reviewed'. You can ask a friend or family member to help you write a letter and then wait a month or so for a decision.

Worksheet – Thinking time



Sometimes people make big mistakes. Think about some decisions you have made where everyone has been unhappy. Write them down:

The Government can appoint a guardian which might be the best way of helping you with some decisions. Write down some people you think would be a good guardian for you:

No one wants you to make decisions which could put your health and safety at risk. Write down some areas of your life where you need help, (for example managing money):

17 Powers of Attorney



A 'Power of Attorney' is a written paper that gives another person, called the guardian, the power to deal with your assets and financial affairs while you are still alive. This means another person will be able to spend money you have in the bank.



You must be able to trust the person and this can only happen if you understand what you are doing at the time.



You might need a power of attorney if you become ill for a long time, or you go away on a holiday and there are bills to be paid while you are away, or you have difficulty handling money.



Any person over 18 can be given 'Power of Attorney'.



It can be a friend you trust or a close family member and you should ask the person if they agree to be your attorney and look after your money.



You can give The Public Trustee (which is part of the Government), a lawyer or an accountant 'Power of Attorney' if you wish. If you give one of these people 'Power of Attorney' they may charge fees. You can end a power of attorney at any time.

Worksheet – Thinking time



Signing any document is sometimes very hard to do. You must understand what the document means. Write down three documents you have signed recently:

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.....
.....

Did you understand what you were signing?

Yes or No

If you did not understand what you were signing, do not sign any more documents.

If you did not understand what you were signing, write down why you didn't ask about the document (for example too nervous, no time to ask, no-one to help you).

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A Power of Attorney is a very serious document to sign because it will give another person 'authority' or the right to do certain things, instead of you doing those things. Tick some of the items you agree with:

- Someone else paying my bills for me and spending my money
- Selling any of your property, for example your scooter or home unit
- Having an operation in hospital.

If you want to make those decisions by yourself, then a Power of Attorney may be not the right thing for you.

If you want someone else to help you with big decisions, make sure they are a person you trust. Write down some people you trust below:

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.....