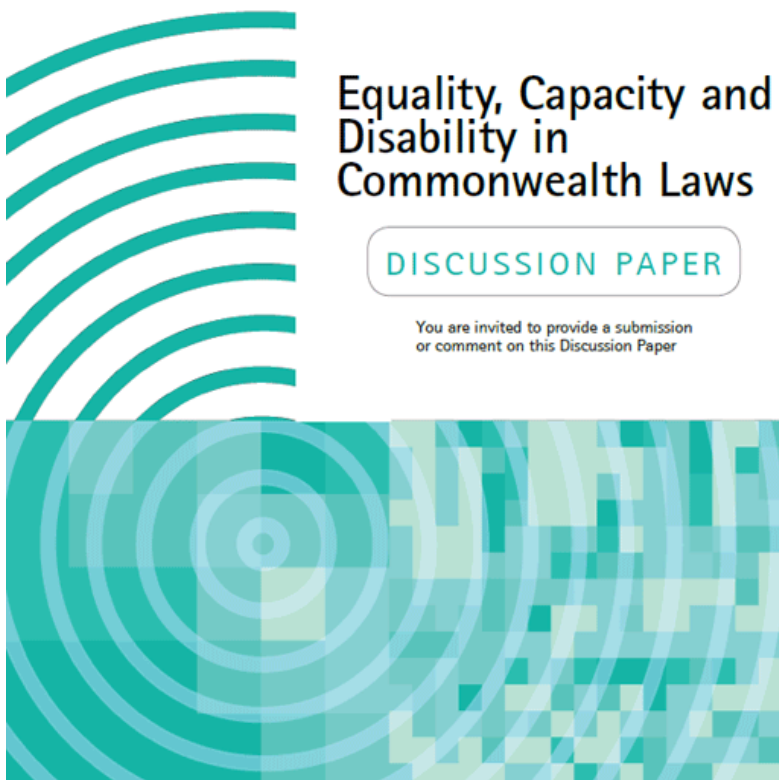




# Easy English: Equality, Capacity and Disability DP 81



Discussion Paper (DP 81)

May 2014



**Australian Government**  
**Australian Law Reform Commission**

The full version of this Discussion  
Paper is at [www.alrc.gov.au](http://www.alrc.gov.au)

# About this Discussion Paper



Australian Government

Australian Law Reform Commission

In this **Discussion Paper** we will call the **Australian Law Reform Commission** the ALRC.



This **Discussion Paper** is in Easy English. We use simple words and pictures to show some ideas.

# BIG words

There are some hard words in this **Discussion Paper**. We write the hard words in blue. A list of the hard words and what they mean are on pages 20 to 21.



To see the full **Discussion Paper** go to the ALRC website [www.alrc.gov.au](http://www.alrc.gov.au).

# How to make a submission



We would like to hear what you think about the ideas and questions in this Paper.



Please give us your answers by **30 June 2014**.



Go to the **ALRC** website  
[www.alrc.gov.au/about/easy-english](http://www.alrc.gov.au/about/easy-english)

Get information in Easy English about

- how the ALRC works
- how to make a **submission**

# What is in this Paper?



**What is this Paper about?**

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**BIG  
words**

**Words used in this Paper**

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# What is this Paper about?



People with disability have the same rights as all people.



The ALRC is looking at laws that treat people with disability unfairly.



Some laws we are looking at are about

- making decisions
- voting
- access to justice



This **Discussion Paper** describes some ideas the ALRC has about how to make the laws better.

# Making decisions



Making decisions can be a problem for people with disability when



- people only want to talk to your family or carer instead of talking to you



- your family or carer cannot get the information they need to help you make a decision



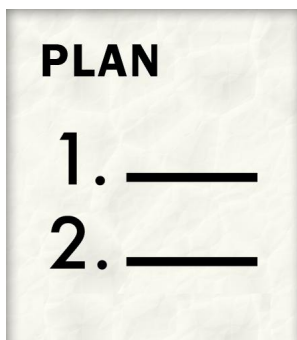
- your family or carer might make decisions that they think are best for you, instead of helping you make your own decisions



- your family or carer makes decisions that help them instead of you.



The ALRC has a plan to help fix these problems.



The plan is made up of two things

- National Decision-Making Principles
- New Model for Decision-Making



## National Decision Making Principals

These are guidelines that must be followed to make sure people with disability can make their own decisions.

The principles are



1. People with disability have a right to make their own decisions



2. People with disability should be given the help they need to make their own decisions





3. If a person with disability does need somebody to make a decision for them, the decision should reflect what they would choose for themselves and their rights



4. There should be **safeguards** to make sure your rights are not abused.

## New model for decision-making

The new model for decision-making has two types of people you can choose to help make decisions



- supporters
- **representatives**



They can help make decisions about things like

- Centrelink payments
- the **National Disability Insurance Scheme (NDIS)**
- aged care







Australian Government



## Supporters

A supporter is recognised by the Australian Government.



A supporter is someone who helps you make decisions.



A person with disability can choose their supporter.

A supporter could be a



- family member
- carer
- friend
- somebody else that you choose



A supporter can help you make a decision. They **do not** make the decision for you.



For example, a supporter can look at your letters from Centrelink and explain to you what the letters say.



They can help you talk to Centrelink



but **you** choose what to tell Centrelink.



If you change your mind about who you want to be your supporter you can choose a new one.



## Representatives

Sometimes a person with a disability might need someone to make a decision for them.



A **representative** is someone who can make decisions for you if you really need them to.



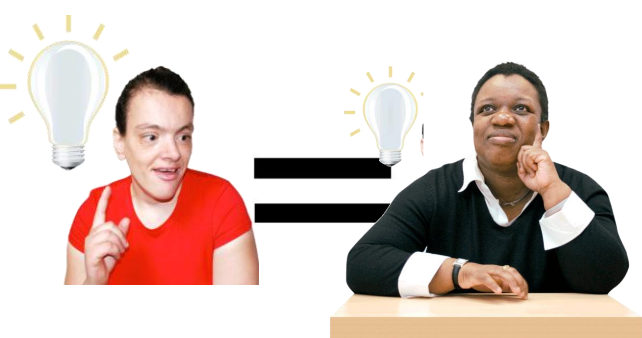
For example, if you become very sick and can not say what you want.



You can choose your **representative**.



If you cannot choose a **representative**, a court can choose one for you.



When a **representative** makes a decision for you, they must try and make the same decision you would make yourself.

Your **representative** should try to find out



- what you like



- what you don't like



- your past decisions



- what your family, carers and friends think you would want.



If your **representative** can not find out what decision you wanted to make, then they will look at your human rights.



**QUESTION.** Do you think this new plan for having supporters and **representatives** will help you to make your own decisions in a better way?



## Safeguards

The new plan will have safeguards.



**Safeguards** make sure that supporters and **representatives** do not **abuse** you.



For example, one **safeguard** is that you can change your supporter or **representative** at any time.



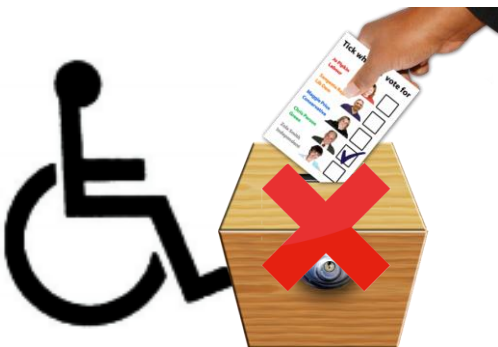
**QUESTION:** Can you think of any **safeguards** to have in the new plan?



# Voting



Voting can be a problem for people with disability when



- they are not allowed to vote because of their disability



- they get fined for not voting



The ALRC thinks people with disability should be allowed to have help so they can vote.





Help could include



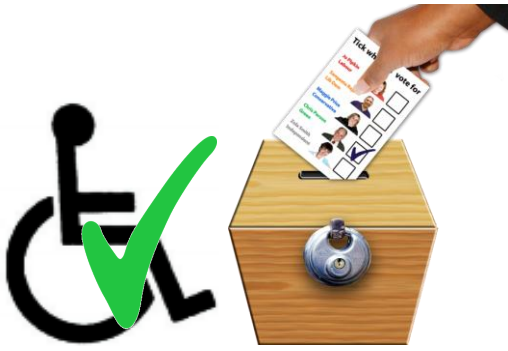
- help making decisions about how to vote



- help writing on the voting paper



- help putting the voting paper in the box



The ALRC thinks people with a disability should be allowed to vote if



- they can understand enough to make a decision about how to vote



- they have the support they need to help them make a decision about voting



- they can express how they want to vote to the person helping them



The **National Decision-Making Principles** should be followed to help people with a disability be able to vote.

# Access to justice



Sometimes people with a disability don't get a fair go in court.



The ALRC thinks people with disability should be able to have their say in court as long as



- they can understand enough to answer questions and make decisions in court



- they have the support they need to help them make decisions in court



- they can express their answers and decisions to other people in court



The **National Decision-Making Principles** should be followed to help people with disability get a fair go in court.



**QUESTION** Are there other things that would help you get a fair go in court?

# Hard words



## Abuse

Hurt a person. Hurt can be physical hurt or emotional hurt.



## Australian Law Reform Commission (ALRC)

The Australian Law Reform Commission makes the law better. It was set up by the Australian Government. Our short name is ALRC.



## Discussion Paper

This Discussion Paper talks about our ideas for changing the law. It also asks questions so we can find out what people think.



## National Disability Insurance Scheme (NDIS)

A scheme by the Australian Government that provides services and support to people with disability.



## National Decision-Making Principles

New guidelines suggested by the ALRC so people with disability get support they need to make their own decisions.



## Representatives

Someone who can make decisions for you if you really need them to, like when you are sick.



## Safeguard

Safeguards make sure that supporters and **representatives** do not **abuse** you.



## Submission

Give your ideas.

# Contact us



ALRC  
GPO Box 3708  
Sydney NSW 2001



**(02) 8238 6333**



**[info@alrc.gov.au](mailto:info@alrc.gov.au)**