



About this **Issues Paper**

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



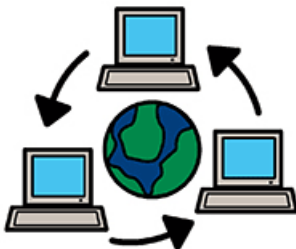
This **Issues Paper** is in Easy English.

We use simple words and pictures to show some ideas.

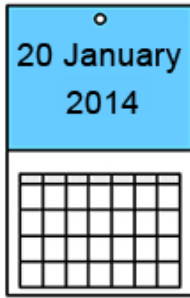
There are some hard words in this **Issues Paper**.

We write the **hard words in blue**.

A list of the hard words and what they mean are on page 29 to 32.

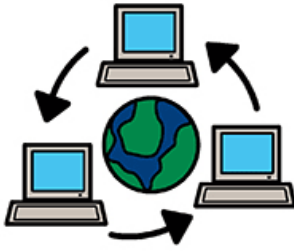


To see the full **Issues Paper** go to the **ALRC** website www.alrc.gov.au.



How to make a **submission**

Give us your answers by **20 January 2014**.



Go to the **ALRC** website

www.alrc.gov.au/about/easy-english

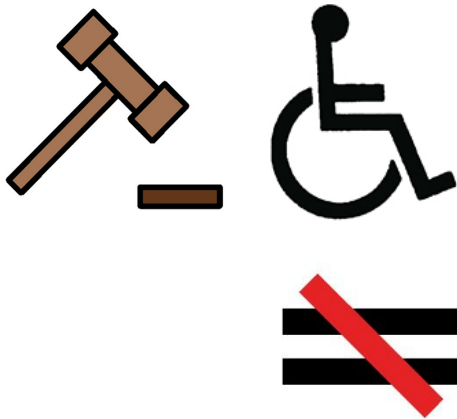
Get information in Easy English about

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



What is this paper about?

People with a disability have the same rights as all people.



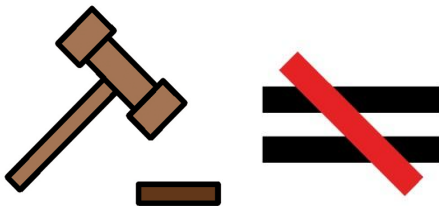
In Australia, some laws make it hard for people with a disability to

- be treated as equals
- make legal decisions.



Australian Government
Australian Law Reform Commission

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



Parts of the law that treat people with a disability unfairly

- Anti-discrimination law
- **National Disability Insurance Scheme**
- Working
- Being on a **jury**
- Voting
- Access to justice

Also

- Banking
- Insurance
- Centrelink
- Health
- Aged care
- **Restrictive practices**



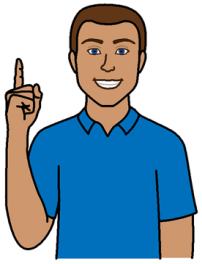
Australian Government

Australian Law Reform Commission

The **ALRC** wants to know

- what you think
- how the law can be better.

Legal capacity



The law needs to work out if a person has **legal capacity**.

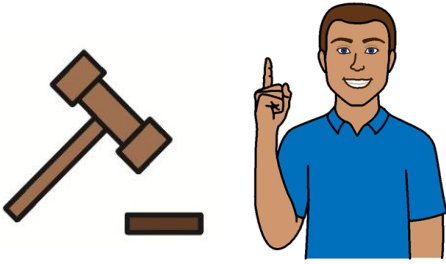


People with a disability

- should be able to make decisions the same as everyone
- may need help to make decisions.

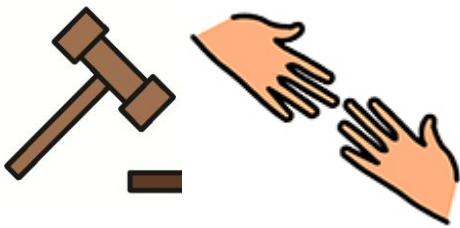


The law says if you can **not** make decisions you may need a person to make decisions for you.



Question 1

How should the law decide if you are able to make your own decisions?



Question 2

How can the law work out when

- you can make a decision about something or
- a person needs to make a decision for you about something?



Question 3

How can the law make sure that a person who makes decisions for you

- respects you
- talks to you about decisions
- makes a decision you would want?



Family, carers and support people

The people who can help people with a disability make decisions are

- family members
- friends
- carers who are paid
- other support people.

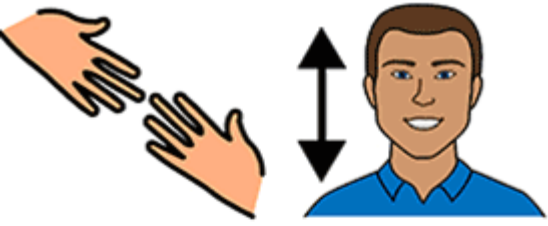


Sometimes people who make decisions for people with a disability **abuse** them.

We need laws to make sure this does not happen.

Question 4

Do you need someone to help you make decisions?



Who?

Question 5

Does a **guardian** or **nominee** make decisions for you?



Question 6

How can the law make sure the people who make decisions for people with a disability do not **abuse** them?

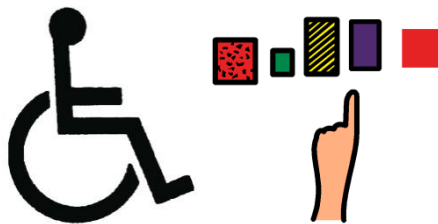




National Disability Insurance Scheme (NDIS)

NDIS will

- help some people with a disability
- give information
- find the right services for people with a disability.



The NDIS will make sure people with a disability

have more **choice** about

- where they live
- who helps them
- what support they need to make decisions.

Everyone needs different support.

NDIS will work out what support you need.



NDIS can give you a **nominee**.

We have heard about problems with the rules for giving people a **nominee**.



Question 7

Will you use the **NDIS**?



What is the most important thing the **NDIS** can do to help you?



Question 8

Do you have an **NDIS nominee**?



If you do, are you happy with how you got your **nominee**?



Anti-discrimination law

Laws in Australia say no one can treat you unfairly because you have a disability.



If you are treated unfairly, the law says you can make a complaint about this.



Question 9

Have you been treated unfairly because of your disability?



Question 10

Did you make a complaint to someone about being treated unfairly?

Tell us more.

Work



People with a disability have the right

- to work
- and
- to be treated fairly and equally at work.



Sometimes people with disability find it hard to get work.



Question 11

Is it hard to get work?



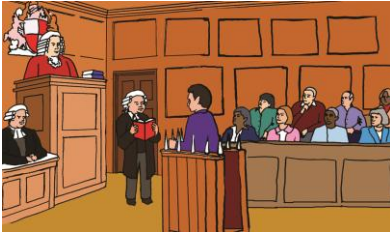
Question 12

Are you treated fairly and equally at work?



Question 13

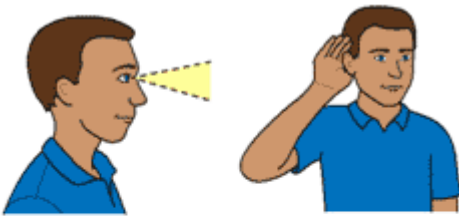
What changes would help you be treated fairly and equally at work?



Being on a jury

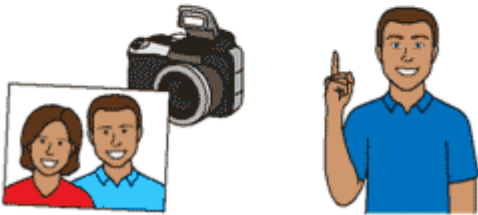


The law says not all people with disability can be on a jury.



People with a disability might not be allowed to be on a jury because they can not

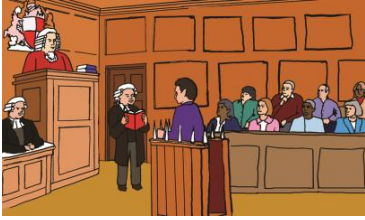
- hear and read evidence
- listen to what people say in court
- see photographs or videos
- understand what happens in court.



We think the law may need to change so people with a disability are allowed to be part of a jury.



We need to work out a way to help people with a disability be part of a jury.

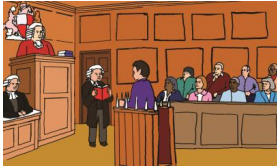


Question 14

Have you been on a **jury**?



If you have, what help did you get?



Question 15

What would help a person with a disability be part of a **jury**?

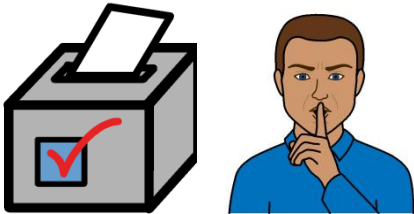


Voting

People with a disability have the right to vote.



The law says that some people with a disability can **not** vote.



When a person with a disability votes we must make sure voting is easy and secret.



Question 16

Do you vote?

If you vote, is it hard or easy to vote?



Do you get help to vote?



Question 17

If you do not vote, what stops you voting?



Access to justice

People with a disability have the right to

- take people to court
- take part in courts.



We must make sure people with disability can tell their story to the court.



A person with a disability might find it hard to get a fair go in court. They might

- find it hard to tell their story
- not be able to get the help they need
- not understand the legal words and papers
- need extra help with the police and the court.



Question 18

Have you had problems getting a fair go with

- police
- or
- in court?

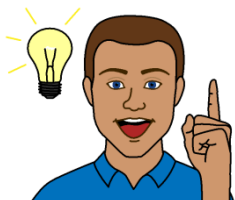


Tell us more.



Question 19

Did you feel the police and the court believed you?



Question 20

What would help people with a disability get a fair go in court?



Banking

People with a disability should

- control their own money
- be able to borrow money.



Sometimes banks

- want proof that a person with a disability can make their own decisions about their money
- say no when person with a disability wants a family member or carer to help them get their money.



Question 21

Do you do your own banking?



If you get help, how do they help you?



Question 22

Have you had problems with a bank?

Tell us more.



Centrelink

People with a disability sometimes get government payments. For example, Disability Support Pension or Newstart.

We have heard some people find it hard to understand information from Centrelink.

Some people with a disability get a person to talk to Centrelink for them.



Question 23

Do you have to talk to Centrelink?



Does someone help you talk to Centrelink?



Question 24

Do you have problems with getting

- your payments
- information from Centrelink?

Tell us more.



Health

People with a disability have the right to

- have good health
- get health services.

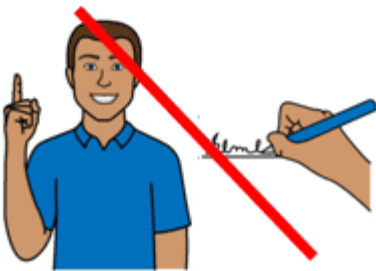


The law says people must say yes before a doctor can do a medical procedure. For example, an operation.



If you do **not** have **legal capacity**, a person may

- help you make medical decisions
- or
- make medical decisions for you.





Question 25

Is it hard to get health services?



Question 26

Does a person help you make decisions about your health?



Question 27

Have you had problems with doctors or nurses listening to what you want?

Tell us more.

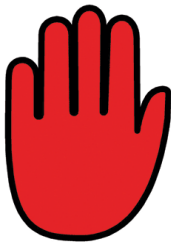


Restrictive practices

Some people do things that might



- hurt themselves
- hurt other people
- break things.

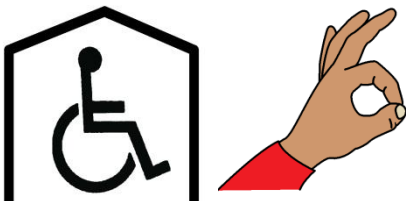


Other people sometimes try to stop the person doing this. This is called a **restrictive practice**.

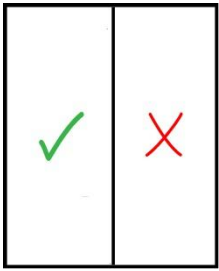


A **restrictive practice** might

- hurt the person with a disability
- or
- not respect the rights of the person with a disability.

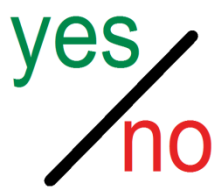


The law says that **service providers** can sometimes use restrictive practices.



There are different rules in different parts of Australia. We think the law needs to

- be the same across Australia
- say that **service providers** need permission before using restrictive practices.



Some people think **service providers**

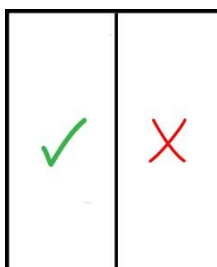
- can only use **restrictive practices** if nothing else works. If **service providers** use restrictive practices, someone needs to check what happens.
- should **not** use **restrictive practices** at all.



Question 28

Have **restrictive practices** been used on you?

Tell us more.

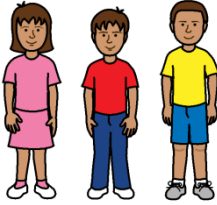


Question 29

What should the rules be for using **restrictive practices**?

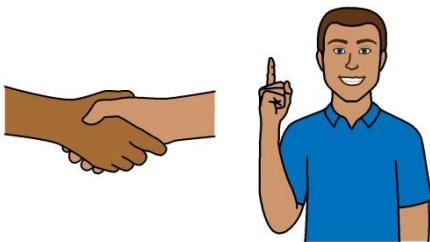


Marriage and children



People with a disability have the right to

- get married
- have children.



The law says both people must

- agree
- and**
- understand what they are doing.

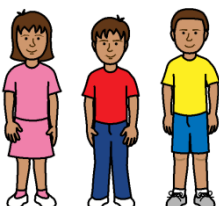


Question 30

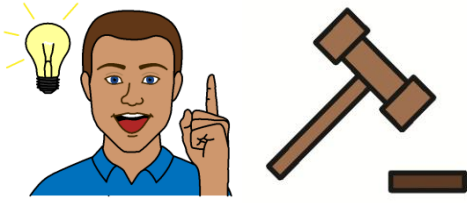
Does the law make it hard for people with a disability to



- have a relationship
- get married?



Does the law make it hard for people with a disability to have children?



Last question

Question 31

Tell us more about how to make the law better for people with a disability.

Contact the **ALRC**

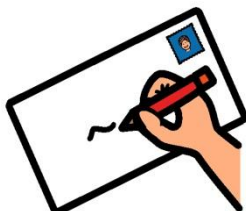


Street address

Level 40, MLC Centre

19 Martin Place

Sydney NSW 2000



Mail address

GPO Box 3708

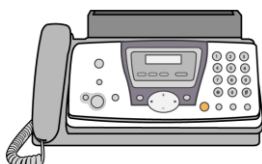
Sydney NSW 2000



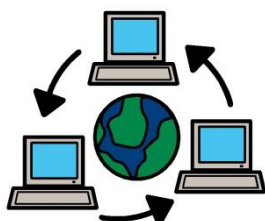
Phone number (02) 8238 6366



Email tina.obrien@alrc.gov.au



Fax number (02) 8238 6363



Website www.alrc.gov.au

Words in this Issues Paper

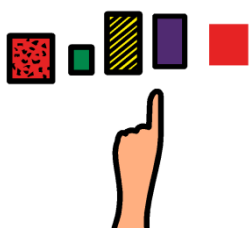


Abuse. Hurt a person. Hurt can be physical hurt or emotional hurt.



Australian Government
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.



Choice. You can pick what you want.



Evidence. Information or things to show a crime happened.



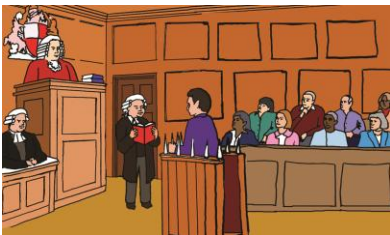
Inquiry. Looks at ways to make the law better.



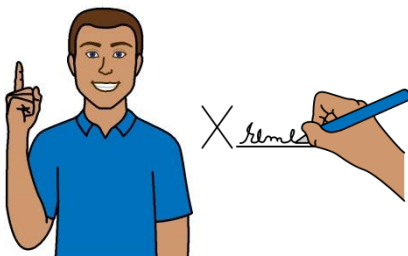
Issues Paper. The Issues Paper talks about the problems we have learned about. It also has questions so we can find out more information from people.



Guardian. A person with a disability who can not make their own decisions may need a Guardian. The Guardian can make decisions for a person.



Jury. A jury is a group of people in court. The jury hears all the **evidence** in court and then makes a decision. For example, a jury can decide if a person has committed a crime or not.



Legal capacity. To be able make legal decisions.

For example,

- sign legal papers
- give consent.



NDIS. National Disability Insurance Scheme.



Nominee. Like a **guardian**. A **nominee** makes decisions for people with disability about things like the **NDIS** or Centrelink.



Restrictive practices. Do not let a person with a disability do things that could hurt them or other people. For example,

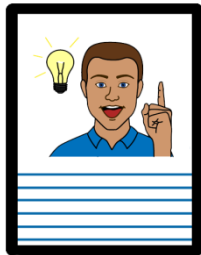
- put a strap over the person's arm to stop them hitting themselves
- medication to calm the person down.



Service providers.

A service provider does work to help people. A disability service provider is a place that might give you

- respite
- therapy
- support worker.



Submission. Give your ideas.

Scope's Communication Resource Centre wrote the Easy English for the Australian Law Reform Commission.

October 2013. www.scopevic.org.au.

Mayer-Johnson LLC says we can use the Picture Communication Symbols © 1981 – 2013.

Change pictures © 2013. www.changepeople.co.uk.

Valuing People ClipArt © Inspired Services, UK.

www.inspiredservices.org.uk