



Easy English: Equality, Capacity and Disability Report



ALRC Report 124

August 2014



Australian Government

Australian Law Reform Commission

The full version of this Report is at
www.alrc.gov.au

About this Easy English Report



Australian Government

Australian Law Reform Commission

In this **Report** we call the **Australian Law Reform Commission** the ALRC.



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

This Easy English Report does not have all the information from the full Report because the full Report is very long.

BIG words

There are some big words in this **Report**. We write the big words in blue. A list of the big words and what they mean are on pages 25 to 27.



To see the full **Report** go to the ALRC website - www.alrc.gov.au

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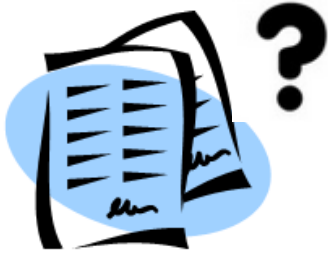
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What is this Report about?



People with disability have the same rights as all people. But sometimes people with disability are not treated fairly.



The Australian Government asked the ALRC to look at some laws that treat people with disability unfairly and to find ways to make the laws fairer.



Some laws we looked at were about

- making decisions
- voting
- access to justice



This **Report** tells the Australian Government how it can change laws to make them fairer for people with disability.



The Government will decide if it likes the ideas in this **Report**.



If the Government does like the ideas in this **Report** it will make changes to the law.

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 can not get the information they need to help you make a decision



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

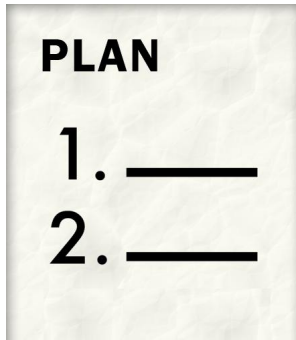


- your family or carer makes decisions that help them instead of you.



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 Principles

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

The principles are



1. You have an equal right to make your own decisions



2. If you want help to make decisions you should be able to get it.



3. If you need someone to make decisions for you the decisions must reflect what you want and your 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.



You don't have to have a **supporter** if you don't want one.



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.



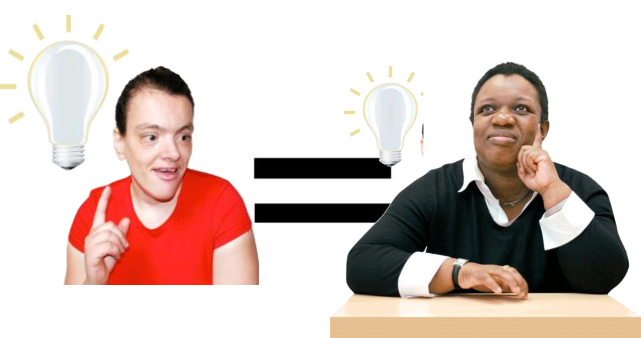
For example, if you become very sick and can't say what you want.



You can choose your **representative**.



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



When a **representative** makes a decision for you, they must try to 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't find out what decision you wanted to make, then they will look at your human rights.



Safeguards

The new model will have safeguards.



Safeguards make sure that **supporters** and **representatives** respect your rights.



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

Voting



The ALRC says people with disability have an equal right to vote and be on the **electoral roll**.

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 to make decisions about how to vote



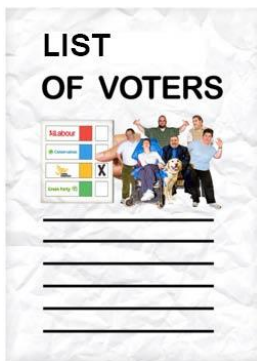
- help to write on the voting paper



- help to put the voting paper in the box



If a person with disability does not vote they should not be fined.



And they should stay on the **electoral roll**.



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.

The NDIS



The Australian Government has a new plan for making it easier for people with disability to get better services.

The plan is called the **National Disability Insurance Scheme**. It is called “NDIS” for short.



The NDIS can appoint people to make decisions for you about the support you get.



The NDIS should allow your supporter to help you make your own decisions about the support you get.

For example –



Emily had a car accident and now has brain injury.



Emily has a brother called James who is her **guardian**.



James has asked to be Emily's NDIS **representative**. This is ok.



Emily is ready to leave the hospital but needs full-time care. At the moment she is not able to make decisions.



Emily needs decisions to be made about where she will live and what services she needs from the NDIS.



James will make these decisions by thinking about

- what Emily likes



- what Emily does not like



- decisions Emily has made in the past



- what other people in Emily's family and her friends think she would want.



James will tell NDIS what services Emily needs.



If Emily gets better, she can make her own decisions with the help of a supporter.

What happens next?



The Government will decide if it likes the ideas in the **Report**.



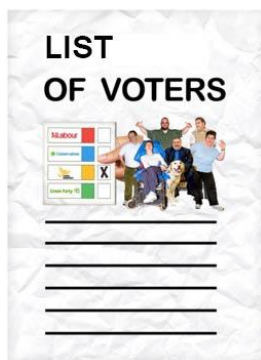
If the Government does like our ideas it will make changes to the law. Laws will then use **National Decision-Making Principles**.

Big words



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.



Electoral roll

A list of everyone in Australia who is allowed to vote.



Guardian

A person appointed under State law to make decisions for another person.



National Decision-Making Principles

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



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.



Report

This Report talks about our ideas for changing the law.



Representatives

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



Safeguard

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



Australian Government



Supporter

A supporter is someone who helps you make decisions. They are recognised by the Australian Government.

Contact us



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