

About the Disability Act 2006

For more information please see the website

www.dhs.vic.gov.au/disability





Do you need support?

- This information is written in an 'easy to read' way.
- We use drawings to highlight key points.
- You might need support to read this information.
- You might need assistance to understand what it means for you.
- A friend, family member or support person can assist you.



Your support person can use:

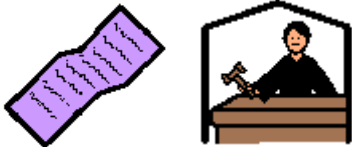
- clear, simple language
- natural gesture and mime
- pictures, photos or real objects about this book
- other information, for example video, DVD, internet websites

What is in this book?

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What do these words mean?

Administrator – a person who the court decides will look after another person's money

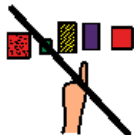


Civil order - the court of law says a person must do something

Community Visitor – a person who goes to residential services to check what is happening



Complaint - You are treated in a way that makes you unhappy. You let someone know about it.



Compulsory – there is no choice



Criminal - a person who breaks the law



Criminal order – the court of law says a person must do something because they have broken the law



Culture – a person thinks and acts in a way that is special to their family group of people, for example Chinese culture, Italian culture



DHS – the Department of Human Services in Victoria

Guardian – a person who makes some life decisions for another person



Guidelines – rules



Illegal – break the law



Intimidate – you scare someone to get them to do something



Law - the government or a court makes rules for the community. People in the community must follow the rules



Minister – a person who is the leader of a government department



Parliament - the place where politicians meet to discuss matters



Responsibilities – tasks that you are expected to do



Restraint – control or hold someone back

Review – look at again



Rights - everyone should be treated in the same way.
There are laws to make this happen.

Seclusion – by yourself, away from other people

The Secretary – the person who is the leader of DHS

Standards – the rules that disability services must use to do their work

Statewide Forensic Service – Some people who have an intellectual disability may hurt themselves or others. They can stay in this place to get treatment



Victorian Civil and Administrative Tribunal (VCAT)
– is like a court and it makes decisions

The Disability Act 2006

Before, the laws for people with a disability in Victoria were called:



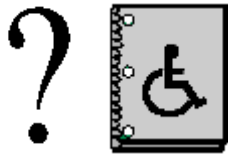
- Intellectually Disabled Persons' Services Act 1986
- Disability Services Act 1991



Now we have a new law called the Disability Act 2006.



In this book we will call the Disability Act 2006 the Act.



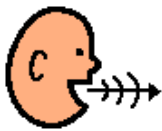
What is the Act for?



The whole government and the whole community must work together to support the rights and needs of people with a disability.



The Act will show how people with a disability will get good support and services.



Before the Act starts the government will talk to:

- People with a disability
- Families of people with a disability
- Carers for people with a disability
- Other people in the community



The information will help us write the guidelines.

We will find out the best ways to make the Act happen.



What does the Act mean for people with a disability?

People with a disability should have the same rights and responsibilities as other people, for example:

- To understand any information they get
- To use services in the community



What does the Act mean for disability services?

Disability services must:

- Respect the rights of people with a disability
- Provide good quality services

Disability services should support people with a disability to:

- Make choices and be independent
- Make decisions and get support if they need it
- Take part in their local community

Disability services should:

- Know that people with different disabilities may need different supports
- Respect families and other people who are important to a person with a disability
- Assist families to support people with a disability, where they can
- Understand the needs of children with a disability

Disability services should also:

- Understand about the problems a person might have because of their culture, language or where they live
- Protect the rights of people using the service



People with a disability have the right to get information

People with a disability must get information about:

- The services they use
- Their rights

The information must be easy to read and easy to understand.

If the person with a disability cannot understand the information, they can choose someone to support them.



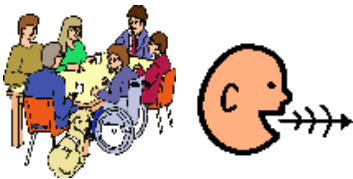
Making sure people with a disability take part in the community



Victorian Disability Advisory Council

The members on the Council must:

- Mostly be people with a disability
- Come from different backgrounds



What does the Council do?

The Council members tell the government Minister about the issues for people with a disability. The Minister listens to the Council when they make decisions about people with a disability.

State Disability Plan



The Victorian State Disability Plan is for 2002 – 2012.

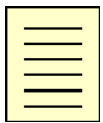
The plan says that people with a disability should take part in their local communities.



Disability Action Plans

Each government department will write a Disability Action Plan.

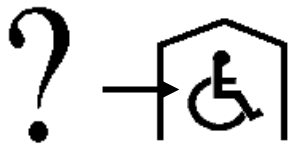
The plan will show how the government department will:



- Support people with a disability to take part in the community
- Make it easier for people with a disability to use services that are in the community



Government departments must put their plans into action and they will give a report every year.

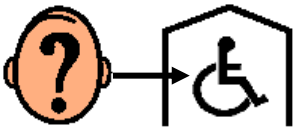


How to access disability services



Who provides disability services in Victoria?

- Department of Human Services (DHS)
- Disability service providers that get money from DHS



Who can use disability services?

People who have:

- a physical impairment, for example cerebral palsy
- a sensory impairment, for example hearing loss
- a neurological impairment
- an acquired brain injury
- intellectual disability
- developmental delay



How do people with a disability ask for disability services?

- A person with a disability can ask a disability service for services.
- A support person can ask a disability service to give services to the person with a disability.

What happens if the service does not think a person has a disability?

A disability service may say a person does not have a disability, so they cannot get a service.

The person can go to the Secretary of the Department of Human Services. They will decide if the person has a disability and if they can get disability services.

If the Secretary says the person does not have a disability and cannot get services, they may ask the Victorian Civil and Administrative Tribunal (VCAT) to make a decision.



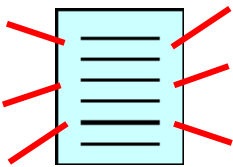
Plans for people with a disability

People who get regular disability services must have a support plan.



What happens with the plan you have now?

You keep your plan until it needs a review.



New support plans must:

- Be about the person
- Think about the person's family and other important people

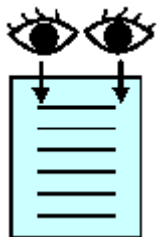
The person has the right to control his or her own plan and life.



Who can assist with planning?

A person with a disability can ask a disability service to assist them.

The disability service must ask a person with an intellectual disability if they need support with their planning.



When do you review your plan?

At least once every three years. You can review it earlier if you want to.



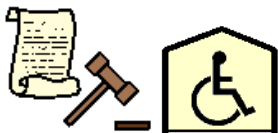
Residential Services

Residential Services provide houses and staff to support people with a disability in everyday life.



What types of residential services are there?

- Community residential unit
- Residential institution



Who has rights and responsibilities in residential services?

- People who live in residential services
- Disability service



What are the responsibilities for people with a disability?

Examples:

- Pay fees
- Keep your room safe, for example to stop a fire starting



What are the responsibilities for disability services?

- Give people with a disability a residential statement. A residential statement has information about the service, the costs and people's rights to complain
- Protect people's rights and also make sure housemates are safe



Privacy in residential services

People living in residential services must have privacy. For example, rules about when staff can go into a person's room.



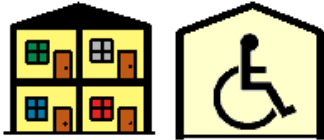
Community residential units

The Act has extra rules for community residential units.

You might get a notice to say:

- You have to pay more money to live in your unit,
or
- You have to move out of your unit

You can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review the decision.



Residential institutions

The Act says why a person with an intellectual disability might have to live in a residential institution.

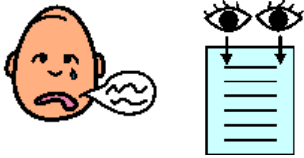
You can apply to VCAT to review the decision.



Looking after your money

The Act says that a disability service cannot look after all of your money for you.

A person with a disability or their guardian or administrator must write a letter to say it is ok for a residential service to look after some money.



Complaint and review systems

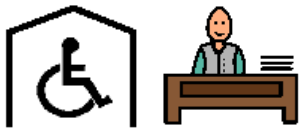
The Act has better ways to make complaints and do reviews.



Disability services

Disability services must:

- Have clear steps to look after complaints about their services
- Make sure that people with disabilities who use their service know how to make a complaint
- Write a report about the number of complaints they had and how they looked after the complaints. They must send the report to the Disability Services Commissioner every year.



Disability Services Commissioner

Victoria will have a Disability Services Commissioner.

The Disability Services Commissioner does not work for the government or disability service providers.

Any person can make a complaint to the Disability Services Commissioner about disability services.

The Act says very clearly that it is illegal to scare or bully a person who makes a complaint to the Disability Services Commissioner.



What will the Disability Services Commissioner do?

- Work with people with a disability and disability service providers to work out complaints
- Check complaints
- Report to Parliament every year



Victorian Civil and Administrative Tribunal (VCAT)

People with a disability can ask the Victorian Civil and Administrative Tribunal (VCAT) to look at decisions that disability services make.

VCAT can say if a disability service's decision is ok or it should change.



Providing good services

The Secretary of the Department of Human Services will:

- Make a list of disability services
- Make sure the list is correct

Anyone can look at the list.



Standards and checking performance

A disability service provider must follow the rules of the Act.

The Act will make sure services for people with a disability are good.

The Minister will set and check the standards for disability services. All disability services must follow the Act. If they do not, it is illegal.

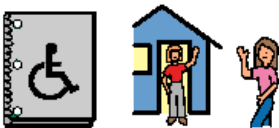
The Act says that the Secretary of the Department of Human Services will set the standards for disability services. The Secretary might check how disability service providers are performing.

The Secretary can take action when a disability service does not perform well or does not follow the Act.



Community visitors

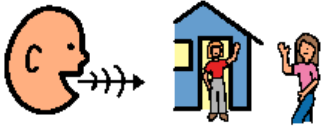
Community visitors are volunteers. They go to residential services to check what is happening.



The Act says what community visitors can do when they visit a residential service.

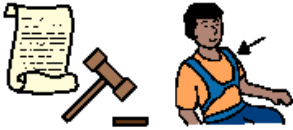
Community visitors can talk to the Community Visitors Board. The Community Visitors Board talks to the Minister for Community Services.

If there is a serious problem, community visitors can tell someone else, for example the Disability Services Commissioner.



What happens when a person asks to see a community visitor?

The disability service must tell the community visitors within 72 hours.



Restrictive or compulsory treatments

A small number of people with a disability have:

- Restrictive treatments, for example restraint or seclusion
- Compulsory treatment, because they may hurt themselves or others

There are strict rules in the Act to protect the rights of these people with a disability.



Senior Practitioner

The Act says there is a Senior Practitioner who will make sure that:

- The rights of people with a disability are protected
- Any treatment meets the standards

The Senior Practitioner can:

- Check what a disability service is doing
- Tell a disability service to either stop or start a treatment



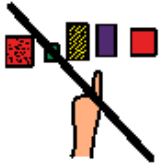
Restrictive treatments

The Act has the following rules:

- The disability service must have approval to use restrictive treatments
- A person's behaviour management plan must include the use of restraint or seclusion
- Someone, who does not work for the disability service, must talk to the person with a disability about the treatment and tell them that they can ask VCAT to review the decision
- The person's behaviour management plan must go to the Senior Practitioner

The Senior Practitioner:

- Must check the use of restrictive treatments
- May also check or make rules about using other restrictive treatments



Compulsory treatment

There are two types of compulsory treatment for people with an intellectual disability:

- Criminal order
- Civil order



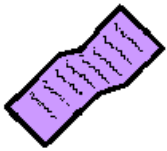
Criminal order

When a person has a criminal order, the residential treatment facility is allowed to give compulsory treatment.

The Act says that Statewide Forensic Service is a residential treatment facility.

There are new rules in the Act:

- A person must have a treatment plan
- VCAT must review the treatment plan
- The Senior Practitioner must check the treatment a person receives while at the residential treatment facility



Civil order

There is a new civil order in the Act. It is called a Supervised Treatment Order. This order is for a person who:

- Has an intellectual disability
- Lives in a residential service
- Could seriously hurt another person, so they have less freedom. This is called a restriction to their freedom



The Act protects people's rights by having rules about Supervised Treatment Orders. These rules say:

- There must be a treatment plan
- An application for a Supervised Treatment Order must go to VCAT
- The Senior Practitioner must look after the Supervised Treatment Order
- The person can apply to VCAT to review the order at any time



More information



www.dhs.vic.gov.au/disability



disability.legislation@dhs.vic.gov.au



1300 366 731 (9am – 5pm Monday to Friday)



TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication difficulties)

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