

YOUR RIGHTS YOUR CHOICES



Villamanta Disability Rights
Legal Service Inc.

**An easy to read book about legal rights for people
who have an intellectual disability in Victoria**

Your Rights, Your Choices

An Easy To Read Book About Legal Rights For People With An Intellectual Disability In Victoria

Written by : Trish Jardine, Ian Parsons, Andrew Pitt and Deidre Griffiths
Illustrations by Michael Powers

First published: 1991
Last Revised: September 2015

Published By:
Villamanta Disability Rights Legal Service Inc.
Building 1B, Level 3, Deakin University, 75 Pigdons Road, Wauryn Ponds, Vic. 3216

Free Call (for people who have a disability and their carers): **1800 014 111**
Email: legal@villamanta.org.au

General Enquiries (03) 5227 3338
Fax: (03) 5229 3354
Email: legal@villamanta.org.au
Website: www.villamanta.org.au

© Villamanta Legal Service

This book is copyright. Not-for-profit organisations have permission to copy parts of the book as long as the original meaning is kept, and proper credit is given to Villamanta Disability Rights Legal Service Inc. (formerly known as Villamanta Legal Service). Anyone else wanting to copy parts of the book should get permission from the publishers.

Reg No A0023376z
ABN 32 690988 235

IMPORTANT NOTES!

This book is not meant to give legal advice. It is only meant to give you general information. It is important, when you want legal advice, to talk to a lawyer. Villamanta Disability Rights Legal Service Inc. cannot take responsibility for any loss that happens if things are done, or not done, because of what is in this book.

**The phone numbers in this book were right when this book was printed.
They might have changed after that.**

What is in this book?

	Page number
What is in this book?	5
About this book.....	6
Villamanta	8
Your right to have a say – advocacy and self advocacy.....	10
Making your own decisions	12
Office of the Public Advocate	14
Guardianship List	16
Getting a fair go – Disability Discrimination & Equal Opportunity Laws	18
Your rights where you live	20
Privacy and confidentiality	22
Pensions and benefits.....	24
Money	26
Health – doctors and hospitals	28
Relationships and sex	30
Having a baby or not having a baby	32
Sexual assault and rape.....	34
Being hassled or picked on	36
If someone at home is hurting you or hitting you	38
Rights at work	40
The police.....	42
Your right to get services.....	44
Making a will.....	48
Voting	50
Statewide advocacy services in Victoria	52
Advocacy services in Victoria.....	53
Community Legal Centres in Victoria	54
Specialist Community Legal Centres in Victoria	55
Some words in this book and what they mean	57

About this book

This book is all about rights. It is for people who have an intellectual disability and it has been written in easy to read language. The book tells you some of the rights you have in many different parts of your life. It also tells you about places that you can phone to find out more information.

In each section of the book, the main information is in the same position as this, at the top of the left hand page. At the bottom of the page it tells you who to phone for more information.

On the right hand page of each section, there is more information, which might be useful as well.



For more information phone
VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE INC.
Ph: (03) 5227 3338

Free Call 1800 014 111

(For people who have a disability and their carers only)

Email: legal@villamanta.org.au

Other people can phone us on (03) 5227 3338

If you have access to the internet you can also look at our website on
www.villamanta.org.au

About this book

The law says that people who have an intellectual disability have the same rights as everyone else. This means you have a right to make your own decisions and choose what you think is best for you, as long as you do not break the law.

Sometimes people will try to stop you having these rights. Sometimes people will try to stop you making the choices that you want to make. When this happens you might need to fight for your rights, or to get someone else to help you stand up for your rights.

For this reason, this book tells you where you can go for more help in getting your rights.

A lot of the rights that are covered in this book are complicated. Sometimes you need to get more information about some rights before you can really know what choices you can make. Sometimes you need more information so that you can make the choices that are best for you.

That is why it is important to contact some of the places that are mentioned in this book, because they can help you with this information. It is very important that you do this if you find that you are getting confused, or if you are not sure about what your rights and choices are. This can often happen when you try to stand up for your rights, or when other people try to tell you that you do not have rights.

If people tell you that you are wrong when you try to stand up for your rights, do not give up, GET MORE INFORMATION AND HELP from the places in this book.

Villamanta

This book was written by Villamanta Disability Rights Legal Service Inc.

Villamanta is a community legal service, which works only on disability legal issues. It works for all people in Victoria who have a disability, families and others who support the rights of people who have a disability.



For more information about your rights phone
VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE INC.

Ph: (03) 5227 3338

Free Call 1800 014 111

(For people who have a disability and their carers only)

Email: legal@villamanta.org.au

Villamanta

Villamanta works to get a better deal for people with a disability, and supports them to stick up for their rights.

Villamanta does this in 5 main ways.

- Giving people information and advice about the law and supporting them to find ways to get their rights
- Using the legal system to help people get their rights
- Teaching people about rights and the law
- Working to change laws to make them fairer to people with a disability
- Selling books on disability issues.

For more information about Villamanta and information sheets about lots of different rights issues, check out our website

www.villamanta.org.au

or you can email us at

legal@villamanta.org.au

If you cannot use the internet we can send you an information booklet about Villamanta, or information sheets about your rights.

Villamanta has two telephone numbers:

VILLAMANTA has a **FREE** telephone number

WHICH IS ONLY FOR PEOPLE WHO HAVE A DISABILITY OR THEIR CARERS

It is 1800 014 111

Everyone else will need to phone us on our other number,
which is (03) 5227 3338

Email: legal@villamanta.org.au

Your right to have your say: Advocacy and Self Advocacy

You have the right to have a say in things to do with your life. You have the right to have someone support you to speak up for yourself, or to have someone speak up for you IF YOU WANT THEM TO.



TO FIND OUT WHERE THE NEAREST ADVOCACY SERVICE IS, LOOK AT
THE LIST ON PAGE 52 & 53
OR PHONE:

VALID (03) 9416 4003
1800 655 570 for country callers

OR

THE OFFICE OF THE PUBLIC ADVOCATE 1300 309 337
(03) 9603 9500
TTY: 1300 305 612
Email: opa_advice@justice.vic.gov.au

OR

VILLAMANTA 1800 014 111

Your right to have your say: Advocacy and Self Advocacy

You have the right to have a say in the things to do with your life. Having a say means that YOU choose what happens in your life. It means you have some control over your life. Having your say might not always mean you get what you want.

You have a right to have a say, to speak up for yourself about what goes on in places like:

- Where you live
- Where you spend your day – at school, day centre or anywhere else.
- Where you work

Speaking up for yourself is called SELF ADVOCACY.

There are people at advocacy services who can support you to speak up for yourself.

You have the right to have someone speak up for you IF YOU WANT THEM TO. A person who speaks up for someone else is called an ADVOCATE

Advocates are in lots of places in Victoria, and can help you get your rights.

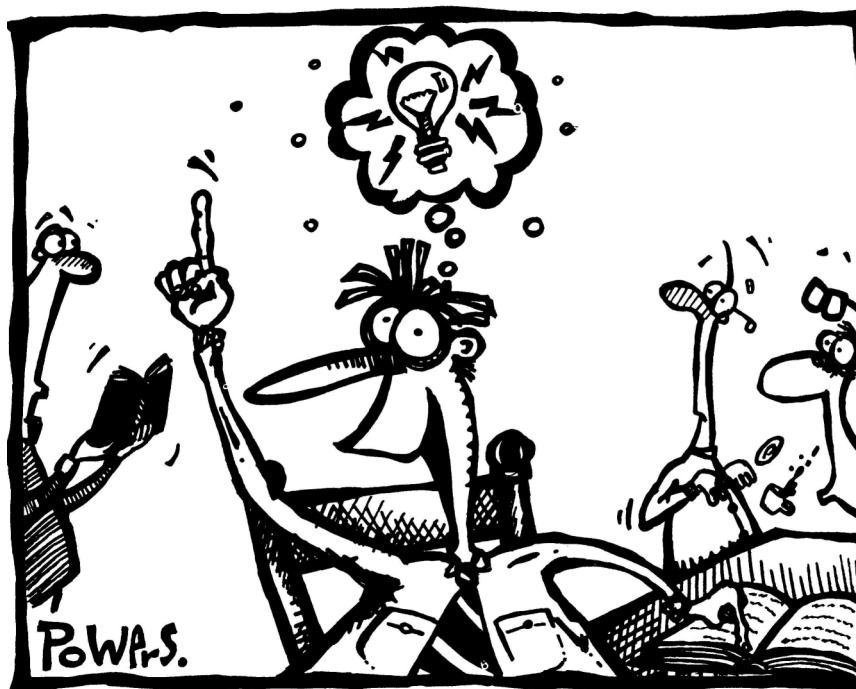
Advocacy Services can support you to speak up for yourself, or they can speak up for you if you want.

They are good places to get information about your rights, or about services for people with a disability.

To find the address and phone number of the Advocacy Service nearest you, look at the list on page 52 & 53.

Making your own decisions

You have the right to make your own decisions, and you have the right to have all the information you need to make decisions for yourself.



If someone is not letting you make your own decisions and you want an advocate or a lawyer to help you, phone:

THE OFFICE OF THE PUBLIC ADVOCATE

1300 309 337

(03) 9603 9500

TTY: 1300 305 612

Email: opa_advice@justice.vic.gov.au

OR

VILLAMANTA

Free call 1800 014 111

Making your own decisions

You have the right to make your own decisions. You also have the right to have all the information and support you need to be able to make decisions for yourself. This is called making an INFORMED CHOICE. You can get advice from other people to help you, if you want to. You do not have to follow their advice if you do not agree with it.

Making your own decisions is important, because it means that you have more control over your own life.

You still have the right to make your own decisions, even if other people do not always agree with the things that you decide. SOME of the decisions that you have a right to make for yourself are:

- Where to live
- Who to live with
- What to spend your money on
- What friends to have
- What to do in your spare time

The only ways that your right to make your own decisions can be taken away is by the Guardianship List or a court. We explain more about the Guardianship List later in this book, on pages 16 and 17.

If people are not letting you make your own decisions, then you might like to get help from an ADVOCATE or a LAWYER. (A lawyer is a person who is specially trained to know a lot about laws, which are the rules we all have to live by.) Sometimes an advocate or a lawyer can make sure that other people understand that they are not allowed to stop you from making your own decisions.

The Office of the Public Advocate

There are laws to protect people with a disability. The Office of the Public Advocate will stand up for people with a disability.

The Office of the Public Advocate can help you if you think that you are not being treated fairly.



For more information, you can phone

THE OFFICE OF THE PUBLIC ADVOCATE

1300 309 337

or

(03) 9603 9500

TTY: 1300 305 612

Email: opa_advice@justice.vic.gov.au

The Office of the Public Advocate

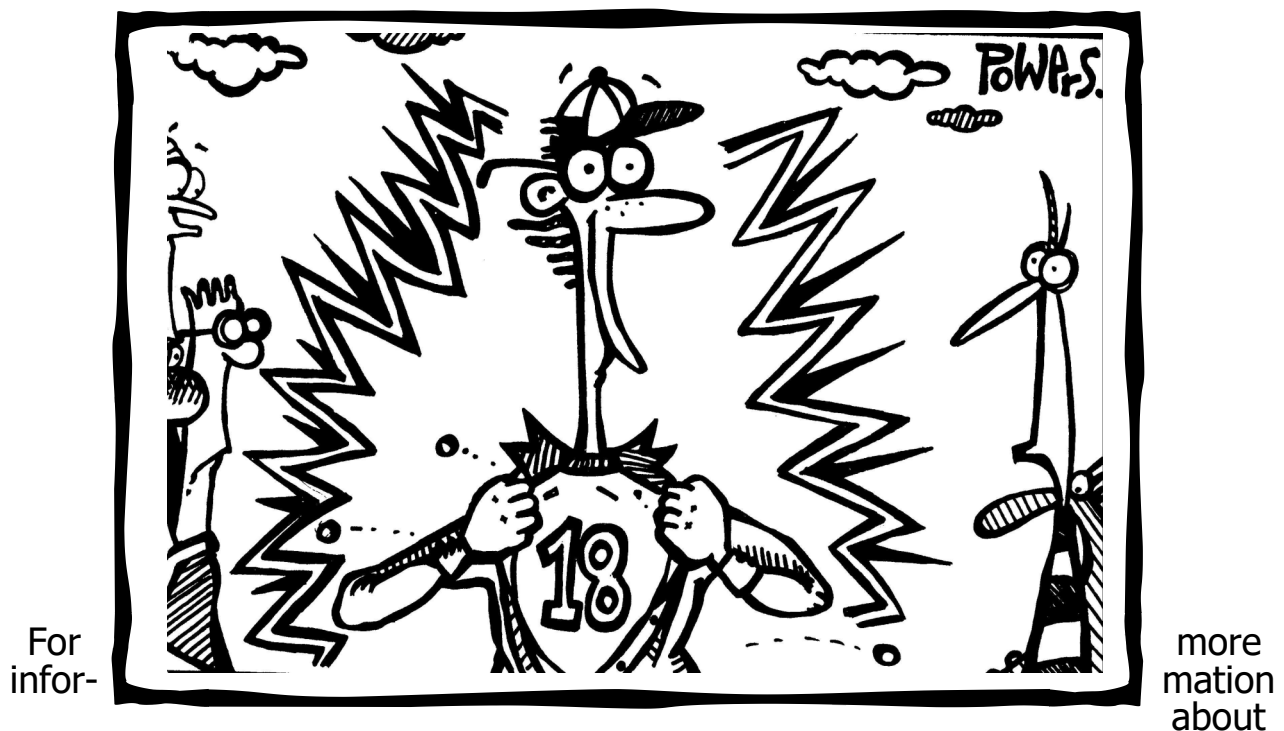
Some of the things that the people at the Office of the Public Advocate can do if you are not being treated fairly are:

- Talk with you about it
- Tell you what your rights are
- Suggest things that you can do to fix up the problem
- Put you in touch with someone who can help you
- Help you fight for your rights

You can always talk to the people at the Office of the Public Advocate IN PRIVATE. This means that no one else will be told that you are talking to the Office of the Public Advocate. It is important to know this, just in case you are scared that you might get into trouble for speaking up about things that you think are not fair.

Guardianship List

You have a right, when you turn 18, to make your own decisions. This means that other people are not allowed to make decisions for you. The only way your right to make your own decisions can be taken away is by the Guardianship List, or a court. Even before you turn 18, you still have the right to make some decisions.



For
infor-

more
mation
about

Guardianship
you can phone

THE GUARDIANSHIP LIST

Free Call 1300 018 228 (VCAT)

Or (03) 9628 9911

Or

Villamanta on 1800 014 111

Guardianship List

You have a right to be protected from other people making decisions for you when they don't have the legal right to do that.

If there is no other way a person can be helped to make their own decisions, the Guardianship List might choose someone to make decisions for them. This person is called a GUARDIAN or an ADMINISTRATOR.

A GUARDIAN makes decisions about lots of things about your everyday life. These can include where you live, what you do in the daytime, who you can see, and medical treatment that you get. An ADMINISTRATOR makes decisions about your money and legal matters.

Before the Guardianship List makes any decision about whether or not you need a guardian or an administrator, the law says that they must ask you what you think about it.

If the Guardianship List decides you need a guardian or an administrator, they will decide who that person should be. A guardian can be a friend or a relative, or a worker from the Office of the Public Advocate. An administrator can be a friend or relative, or a worker from State Trustees Ltd. or some other organisation that looks after people's money.

Sometimes parents or other people think that they are your guardian and can make decisions for you. If you are eighteen years or older, no-one can make a decision for you if you do not want them to, UNLESS the Guardianship List has said that they can.

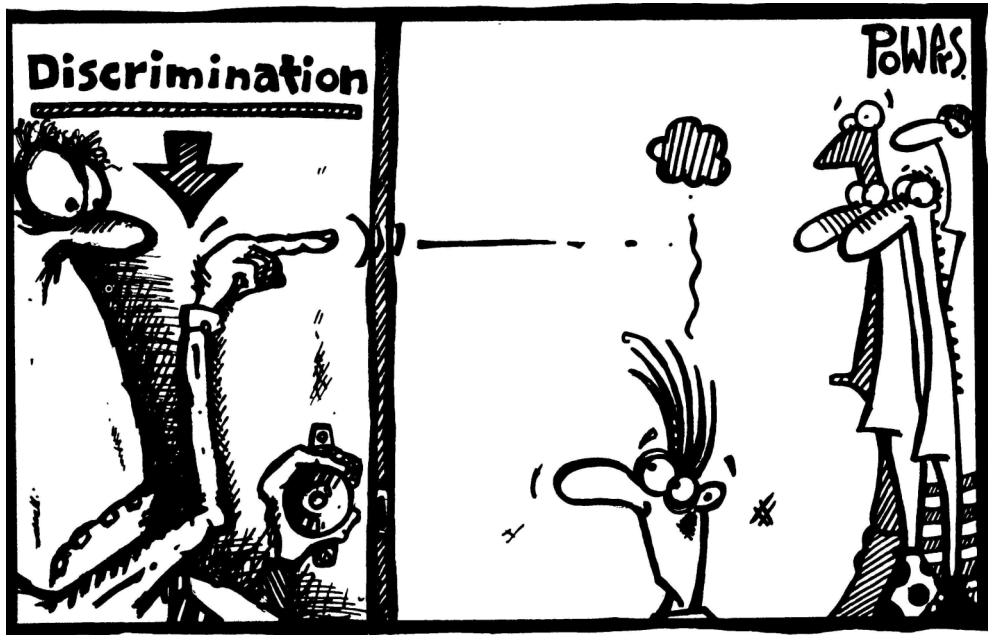
The Guardianship List will also decide just what decisions the guardian or administrator is allowed to make. This is because in lots of cases a person might only need a guardian or administrator for some things. For example, a person might be able to make most of their own decisions, but need a guardian to decide whether or not they should go to hospital for an operation. If this was the case, the guardian would only be allowed to make decisions about the person going to hospital and having an operation, NOT ABOUT OTHER THINGS AS WELL.

The Guardianship List makes sure that guardians and administrators do the right thing and do a good job for people. If you have a guardian or an administrator, they must act in your best interests and consult with you. If you are not happy with your guardian or administrator, you can ask the Guardianship List to look at it and maybe change their decision.

Getting a fair go

Disability Discrimination and Equal Opportunity laws

You have a right to be treated fairly. No one is allowed to treat you unfairly because you have a disability. If they do, this is called DISCRIMINATION.



If you think that you are being discriminated against, you can phone:

DISABILITY DISCRIMINATION LEGAL SERVICE

1300 882 872

OR

(03) 9654 8644

THE VICTORIAN EQUAL OPPORTUNITY & HUMAN RIGHTS COMMISSION

Complaints Line 1300 891 848

OR

Advice Line 1300 292 153

OR

TTY 1300 289 621

OR submit your complaint online via the website

VILLAMANTA 1800 014 111

THE OFFICE OF THE PUBLIC ADVOCATE 1300 309 337 Or (03) 9603 9500

Or you can phone your nearest COMMUNITY LEGAL SERVICE.

There is a list of these on pages 52 & 53.

Getting a fair go Disability Discrimination and Equal Opportunity laws

There are laws that are meant to make sure DISCRIMINATION does not happen.

SOME of the ways in which people with a disability sometimes get treated unfairly might be:

- Estate agents might not let you rent a house or flat because you have a disability
- A club might not let you join because of your disability
- You might get picked on at work because of your disability
- You might be made to do a written test for a job when you don't really need to read or write to do that job.

These things don't happen all the time, but when they do you have a right to complain about it and use the law to make sure you get treated fairly.

Your rights where you live

You have a right to have a say in decisions about where you live and about what happens at your home.



If you want to know more about your rights
where you live, phone:

AMIDA (03) 9650 2722 Or

the TENANTS' UNION OF VICTORIA ADVICE LINE
(Mon—Fri 9am-4pm)
(03) 9416 2577

Public Housing line: 1800 068 860

Or

VILLAMANTA on Free Call 1800 014 111

If you want help from a COMMUNITY VISITOR, phone

THE OFFICE OF THE PUBLIC ADVOCATE
1300 309 337 Or (03) 9603 9500

Your rights where you live

Some examples of decisions you might want to have a say in are:

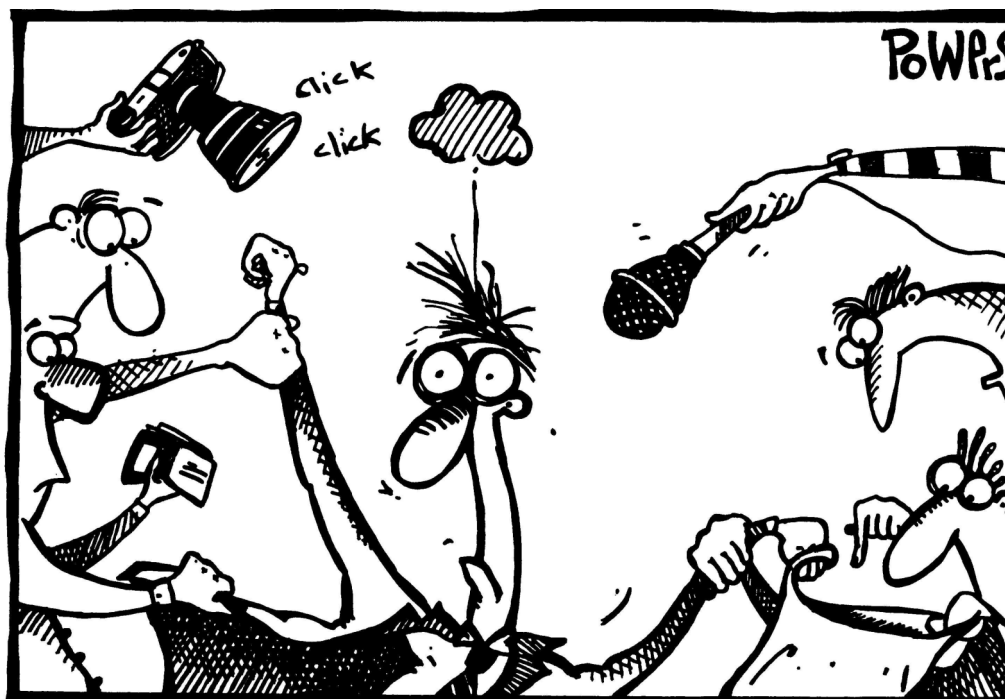
- Where you live and what sort of place you want to live in
- Who you live with at your house
- Who works at your house
- What time you have your meals
- How jobs like cleaning and cooking are done
- Who can come into your house
- When to get up and when to go to bed
- When to go out and when to come home

You have a right to have a say in these decisions no matter where you live – whether it is in a flat by yourself, sharing with others, a community residential unit, an institution or anywhere else.

COMMUNITY VISITORS can help you if you have problems with the place where you live, if it is a place run by the government, disability organisations or other supported homes. Staff must help you talk to a Community Visitor if you want them to. Community Visitors can talk to the staff if you want them to help get things sorted out. Community Visitors do not work for the government or the boss of the place where you live. They work for the Public Advocate's Office, whose job is to stand up for the rights of people who have a disability.

Privacy and confidentiality: Being by yourself and keeping your business to yourself

You have the right to be by yourself if you want to and for other people to only find out things about you that you want them to know.



If you think that you are not getting the
privacy or confidentiality that you have a right to,
you can phone VILLAMANTA

1800 014 111

OR

THE PUBLIC ADVOCATE'S OFFICE

1300 309 337

OR

THE OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

1300 363 992

Email: enquiries@oaic.gov.au

OR

THE HEALTH SERVICES COMMISSIONER

1300 582 113 Or (03) 9032 3100

Or lodge a complaint online via the website

OR

The Disability Services Commission

1800 677 342

TTY: 1300 726 563

Email: complaints@odsc.vic.gov.au

Privacy and confidentiality: Being by yourself and keeping your business to yourself

Privacy means that you have the right to things like:

- Having your own room and choosing who can come into it
- Being on your own when you have a shower, a bath, use the toilet, or get dressed
- Being on your own when you want to

Other people should be around you for these things ONLY IF YOU WANT THEM TO BE THERE.

You also have the right to keep your business to yourself. The only people who need to know your business are the people you want to tell. This means you have the right:

- To make and receive phone calls when you want
- Not to have anyone listen to your phone calls
- For your doctor, social worker, solicitor, or other workers not to tell anyone about you unless you say they can
- For workers in disability services not to tell anyone else about you unless you say they can

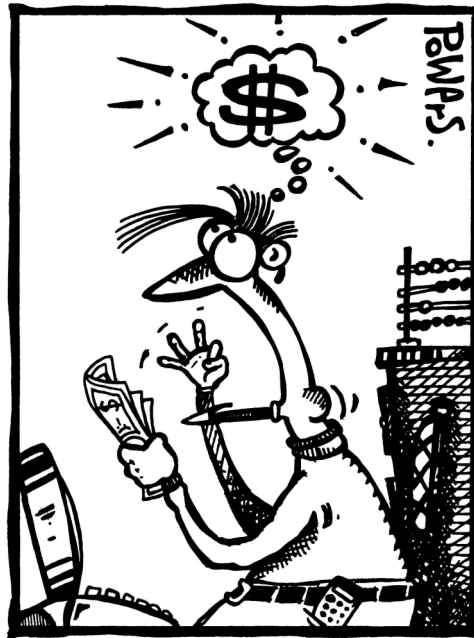
If a disability service works with you (for example, it could be the service which supports you where you live, or where you work) they will probably write information about you. This information is called a file.

You have the right to look in and read this file and to ask for things to be taken out or changed if you do not want them in there. They must keep this file locked up so that only the right people can read it (like your worker).

These are just SOME of your rights to privacy and confidentiality.

Pensions & Benefits

You have the right to get money from the Government, if you do not have a job, or if you have a job that does not pay you a proper wage, or if you are sick and cannot work.



If you are having problems with Centrelink, or want to find out more about pensions and benefits you can phone

SOCIAL SECURITY RIGHTS, VICTORIA on
1800 094 164 **or** (03) 9481 0355 (Monday to Wednesday a.m. only)

or NATIONAL WELFARE RIGHTS NETWORK, GEELONG
Phone (03) 5221 4744 **or** 1300 430 599
131 450 Free interpreter service
To make an appointment for Advice

(SOCIAL SECURITY RIGHTS and NATIONAL WELFARE RIGHTS NETWORK are not part of Centrelink – they can help you stick up for yourself with Centrelink).

or you can phone

CENTRELINK
13 27 17 or for Languages other than English **131 202**

Pensions and Benefits

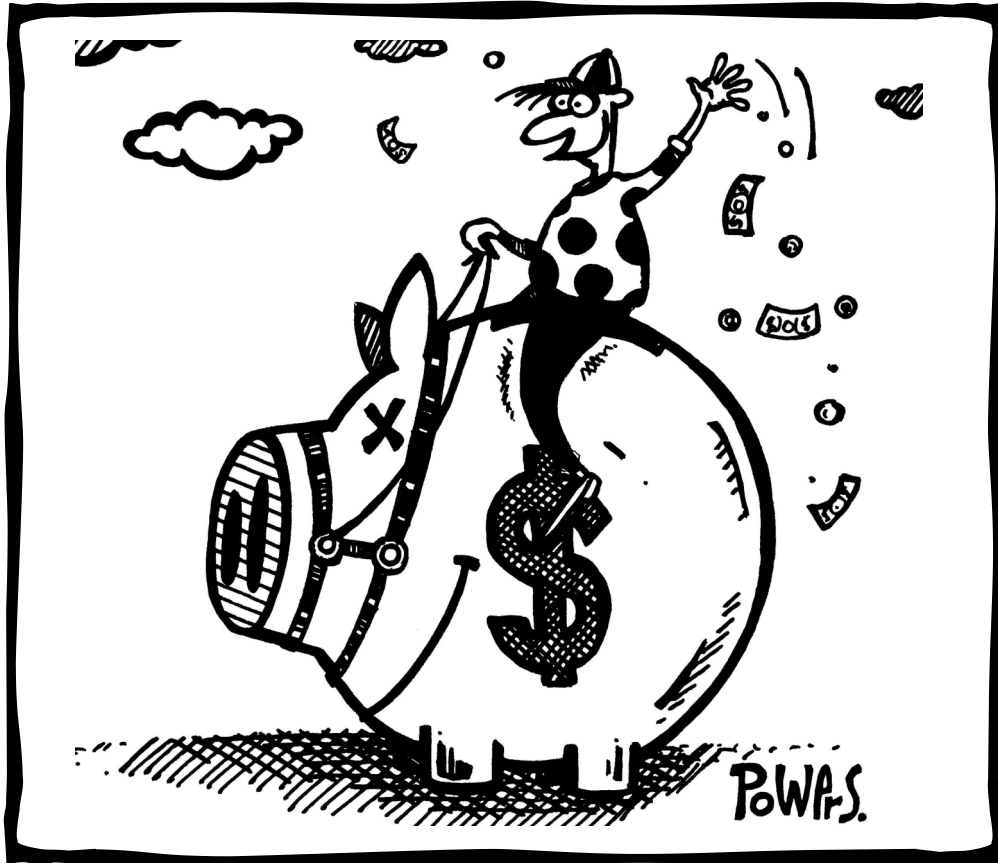
The money you get from the government is called a pension, benefit or allowance, and it gets paid to you every two weeks.

If you have a disability, you might get what is called the DISABILITY SUPPORT PENSION. If you get the Disability Support Pension, (or other benefit or allowance) you can still earn some money. Once you start earning more money than the Government says you can, you will start to lose SOME of your Disability Support Pension, (or other benefit or allowance). In most cases, you are still better off, because you do not lose as much as you earn, so you still end up with more money.

The Government department which looks after pensions and benefits is called Centrelink. If you have problems with Centrelink, you can ask to see one of their social workers or disability officers. If you would rather talk to someone who is independent from Centrelink, talk to the Welfare Rights Unit, or in Geelong, Welfare Rights.

Money

You have the right to look after your own money and to make your own decisions about what to do with it.



To find
one
where
live to

some-
near
you
help

you learn to look after your money, you can phone

MONEY HELP

Free Call 1800 007 007 Or (03) 9663 2000

If people are not letting you make your own decisions about your money,
phone VILLAMANTA

1800 014 111

OR

THE OFFICE OF THE PUBLIC ADVOCATE

1300 309 337 OR (03) 9603 9500

TTY: 1300 305 612

Money

Unless you have an ADMINISTRATOR, you have a right to look after your own money and to make your own decisions about things like:

- Whether or not to put it into the bank
- What to spend it on
- How much to save and how much to spend

An ADMINISTRATOR is someone chosen by the Guardianship List to make decisions about your money if you cannot make your own decisions. See pages 16 and 17 for more information.

Often there are lots of things that you will need to spend money on, such as bills, rent and food. If you choose NOT to spend money on these things it will usually mean that you have to go without some very important things. These can include electricity, a telephone, proper food and a decent place to live.

It can be hard sometimes to work out how to spend your money. If you are having trouble working out how to spend your money, and you have a lot of bills to pay, a financial counsellor can help you learn to look after your money better.

Health – Doctors and hospitals

You have a right to make decisions about what happens if you get sick, or what health care you need to stay well.



If you are not
about your
or hospital or

happy
doctor
any

health service, you can phone the

HEALTH SERVICES COMMISSION

Free Call **1800 582 113**

Or (03) 9032 3100

Health – Doctors and hospitals

Unless you have a guardian, some of the decisions that you have a right to make about looking after your health include:

- Choosing which doctor or hospital to go to when you need them
- Deciding if you want to have any of the pills, injections, tests, operations or other things doctors might say you need.

Some of these decisions can be hard to make. You have the right to information and support to help you make these decisions.

Doctors should give you this information IN A WAY THAT YOU CAN UNDERSTAND. No doctor should do anything to you until they have explained it clearly and you have said it is OK. IT IS YOUR BODY AND YOU HAVE THE RIGHT TO SAY WHAT HAPPENS TO IT.

You have the right to get another opinion from another doctor before you make your decisions.

You can also ask to see your files – this is the information that doctors or health workers write down about you.

Relationships and Sex

You have the right to choose your own friends and to have a boyfriend or girlfriend if you want to.



To find
more
sex and
sex
OR

out
about
safe

To find a counsellor who can help you with ways to make
relationships work better, phone your nearest
COMMUNITY HEALTH CENTRE

OR

FAMILY PLANNING VICTORIA

Free Call 1800 013 952

Or (03) 9257 0100

To find more about the laws about getting married, you can phone your
nearest **COMMUNITY LEGAL SERVICE**
There is a list of these on pages 54 & 55.