

Access to disability services

Disability Act 2006

Introduction

The *Disability Act 2006* (the Act) commenced on 1 July 2007.

Support for people with a disability is available from disability services as well as from services in the broader community. When a person with a disability asks for support from a disability service, the Act ensures that the process is simple and consistent for all people with a disability.

How does a person access disability services?

A person with a disability, or a person on their behalf, can ask a disability service provider for support. For a person with an intellectual disability, this changes the way they can access supports as they no longer have to be 'registered' with the Department of Human Services before receiving a service. This will provide greater choice as to which disability service providers can be asked for support. For people with other types of disability this is how they currently access support.

How does the Disability Act define disability?

The Act does not make any change to the target group of people who are able to access disability services. The Act defines disability as an impairment that may be sensory, physical, neurological or an acquired brain injury, which results in substantially reduced capacity in at least one of the areas of self-care, self-management, mobility or communication. A person must also require ongoing or long-term episodic support and their impairment must not be related to ageing. The definition of disability also includes an intellectual disability or developmental delay.

Further information regarding the target group for disability services can be obtained by contacting staff from Intake and Response at the Department of Human Services on 1800 783 783.

Does a person still need to have a formal assessment before accessing services?

The Act does not require a person to be formally assessed prior to accessing disability services. A formal assessment will only occur when it may be difficult to confirm whether the person has a disability. The information gathered to help make this decision will be as minimal as possible. This may include information from the person, their family or carer, school reports, doctors' letters, or other information. This will make the access process more streamlined and means that people do not have to undergo a formal assessment when it is clear they have a disability.

Can a decision be reviewed if a disability service provider believes that the person does not have a disability?

Yes, the person asking for access to disability services can ask the Secretary of the Department of Human Services to review the decision.

What happens if the Secretary states that the person does not have a disability?

The person can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision.

Who determines whether a person can access disability services?

The first step requires a disability service provider to determine whether or not a person has a disability. If a person does have a disability, the second step involves the disability service provider determining the person's priority for access to disability services.

How does a disability service provider decide who is a priority for access to disability services?

A disability service provider must consider the needs of the person with a disability in comparison to other people with a disability who have also requested support. Criteria for priority of access to disability services have been developed to assist a disability service provider to make a fair and transparent decision as to who should access supports.

What about people with a dual disability?

The Act does not define mental illness as a disability. If however, a person also has a physical, sensory or neurological impairment, an acquired brain injury or an intellectual disability, as well as a mental illness, then the person will be able to access disability services.

What about children under the age of six years?

The Act provides a definition of developmental delay that applies to children under the age of six years. Early childhood intervention services (ECIS) are provided through the Office for Children. In most circumstances a family with a child with a developmental delay will be able to access appropriate support through a referral to ECIS.

Families may consider requesting support from disability services if they have a child under school age who has high, multiple and complex support needs that require supports that are additional to those usually available through existing services or who require a range of coordinated services.

For more information about access policy, contact:

Disability Services Division, Department of Human Services

Telephone: 1300 366 731 (9 am to 5 pm, Monday to Friday)

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

Email: disability.legislation@dhs.vic.gov.au