

Talk UP!

A story about the rights of mob
with disability in Dubbo and Wellington




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Space for you to write down information or questions that are important to you



Chapter 1

The Talk Up Story

Our Goal

To help mob with disability understand their legal rights



We sat, listened and learnt from people's stories

The Talk Up Team came to yarn with mob in Naniwa Village, Wellington, about their legal problems



Talk UP!

Together, we agreed on the 5 biggest problems faced by mob with disability:

1. Knowing where to get help in Dubbo and Wellington
2. Disability discrimination
3. The NDIS
4. Housing
5. Contact with police and the criminal justice system



We worked together to design educational resources and workshops



This book is the result of these yarns.
It has been done by community for community, to help you know your legal rights



Chapter 2

Who are lawyers and how can they help you?



How can lawyers help you?

- ✓ Listen to your story

- ✓ Explain the law

- ✓ Give you advice about your problem and your rights

- ✓ Write letters on your behalf

- ✓ Represent you at Court, Tribunals or other processes

- ✓ Help you find other lawyers who work in the area of law you need help with, or connect you with other services that can help

You should call a lawyer as soon as possible!



If you think your rights are not being protected or if you have a problem affecting your:

- * Freedom
- * Personal finances
- * Physical or mental wellbeing



QUICK TIPS

- * **Write things down** - take notes when you speak to a lawyer.
- * **Think about what outcomes you would like** - Money? An apology? Something to happen?
- * **Keep any documents/evidence** - keep any documents and give them to your lawyer.
- * **Ask someone to support you** - if you are bit nervous or need support for your disability or cultural safety, ask someone you trust to be with you when you call or speak to a lawyer. Just **remember they can not speak on your behalf.**

Chapter 3

Where can you get help in Dubbo and Wellington?

A guide to the services and places that can help you

Legal Support

LAWACCESS NSW

Government telephone service that provides legal information, referrals and (in some cases) advice for people who have a legal problem.

☎ 1300 888 529 (9am–5pm Mon-Fri)

💻 www.lawaccess.nsw.gov.au

AUSTRALIAN CENTRE FOR DISABILITY LAW

Disability discrimination law and domestic, family and sexual violence.

☎ 1800 800 708 (9am–5pm Mon-Fri)

✉ advice@disabilitylaw.org.au

WESTERN NSW COMMUNITY LEGAL CENTRE

Free legal help for people living in western NSW for general legal advice and family violence support.

☎ 1800 655 927 (9am–4pm Mon-Fri)

📍 51 Bultje Street, Dubbo NSW 2830

ABORIGINAL LEGAL SERVICE

Free legal help for First Nations people.

☎ (02) 6841 6966 (9am–5pm Mon-Fri)

📍 23-35 Carrington Avenue, Dubbo 2830

Disability Advocacy

FIRST PEOPLES DISABILITY NETWORK (FPDN)

☎ 1800 006 455 (10am–4pm Mon-Fri)

PEOPLE WITH DISABILITY AUSTRALIA (PWDA)

Provide information, go to meetings with you, write letters, make phone calls and help you make complaints.

☎ 1800 422 015 (9am–5pm Mon-Fri)

💻 www.pwda.org.au

SYNAPSE

Support services for persons with brain injuries (specialist First Nations service).

☎ 1800 673 074 (9am–5pm Mon-Fri)

💻 www.synapse.org.au

INTELLECTUAL DISABILITY RIGHTS SERVICE

Service for people with intellectual or other cognitive impairment. They can provide legal assistance and advocacy support.

☎ Advocacy: (02) 9265 6300 (9am–5pm Mon-Fri)

☎ Legal help: (02) 9265 6350 (9am–5pm Mon-Fri)

💻 www.idrs.org.au

DISABILITY GATEWAY

Assists people with disability, their families and carers to locate and access services.

☎ 1800 643 787

Scan this code for more services in Dubbo and Wellington



Mental Health Support

LIFELINE

24/7 Crisis support line for anyone experiencing emotional distress or a personal crisis

☎ 13 11 14

13YARN

Free and confidential 24/7 support from Aboriginal and Torres Strait Islander crisis support workers

☎ 13 92 76

BROTHER TO BROTHER

24/7 crisis support for Aboriginal men to talk about relationship issues, family violence, parenting, drug and alcohol issues or other issues. The line is staffed by Aboriginal men.

☎ 1800 435 799

BLOOMFIELD HOSPITAL

Mental health inpatient treatment

☎ (02) 6369 3000 (24/7)

📍 1502 Forest Road, Orange NSW 2800

Aboriginal Services

FIRST PEOPLES DISABILITY NETWORK (FPDN)

Advocacy First Nations people with disability

☎ (02) 9267 4195 (9am-5pm Mon-Fri)

WELLINGTON ABORIGINAL MEDICAL CENTRE

Health and specialist programs

☎ (02) 6845 5400 (9am-5pm Mon-Fri)

📍 28 Maxwell Street, Wellington NSW 2820

WELLINGTON ABORIGINAL CO-OP

☎ (02) 8836 9444 (9am-5pm Mon-Fri)

📍 8 Maughan Street, Wellington NSW 2820

WELLINGTON LOCAL ABORIGINAL LAND COUNCIL

☎ (02) 6845 2229 (9am-5pm Mon-Fri)

📍 163 Simpson Street, Wellington NSW 2820

DUBBO LOCAL ABORIGINAL LAND COUNCIL

☎ (02) 6884 5276 (9am-5pm Mon-Fri)

📍 Wingewarra Street, Cnr of Darling Street, Dubbo 2830

Community Centres and Charities

DUBBO NEIGHBOURHOOD CENTRE

Community services that assist families, children, youth and older people

☎ (02) 6883 2300 (9am-5pm Mon-Fri)

📍 31 -33 Church Street, Dubbo NSW 2830

WELLINGTON PCYC

Sport and recreational activities for young people

☎ (02) 6845 2590 (12pm-7pm Mon-Fri)

📍 69 Gobolion Street, Wellington NSW 2820

MISSION AUSTRALIA

Services to help people find safe & affordable housing, support disadvantaged children and families, assist people with mental illness and disability

☎ (02)6884 8526 (9am-5pm Mon-Fri)

📍 2 Nanima Crescent, Wellington NSW 2820

Government Services

CENTRELINK

Employment services:

☎ 132 850

Indigenous call centre:

☎ 1800 136 380

📍 64 Wingewarra Street, Dubbo 2830

🖥 www.servicesaustralia.gov.au

NATIONAL DISABILITY INSURANCE SCHEME (NDIS)

☎ 1800 800 110

📍 64 Wingewarra Street, Dubbo 2830

🖥 enquires@ndis.gov.au

NDIS EARLY CHILDHOOD PARTNER

☎ 1800 932 118

📍 110-114 Macquarie Street, Dubbo 2830

Scan this code for more services in Dubbo and Wellington



Housing

WESTERN ABORIGINAL TENANCY ADVICE ADVOCACY SERVICES

Advice and advocacy to Aboriginal people experiencing issues with their tenancy in social, community or private housing

☎ (02) 6881 5700

📍 2/207 Brisbane Street,
Dubbo NSW 2830

✉ MMV@murramia.com

LINK WENTWORTH

Offers housing supports, such as social housing, homelessness support, disability housing, affordable housing and support to leave family and domestic violence

☎ 13 14 21

🌐 www.linkwentworth.org.au

LINK2HOME

24/7 telephone services for people who are homeless or at risk of homelessness

☎ 1800 152 152

Domestic Violence

1800RESPECT

24-hour national sexual assault, family and domestic violence counselling line

☎ 1800 737 732

NSW DOMESTIC VIOLENCE LINE

24/7 Provides counselling and referrals

☎ 1800 656 463

WESTERN WOMEN'S LEGAL SUPPORT

Domestic violence help

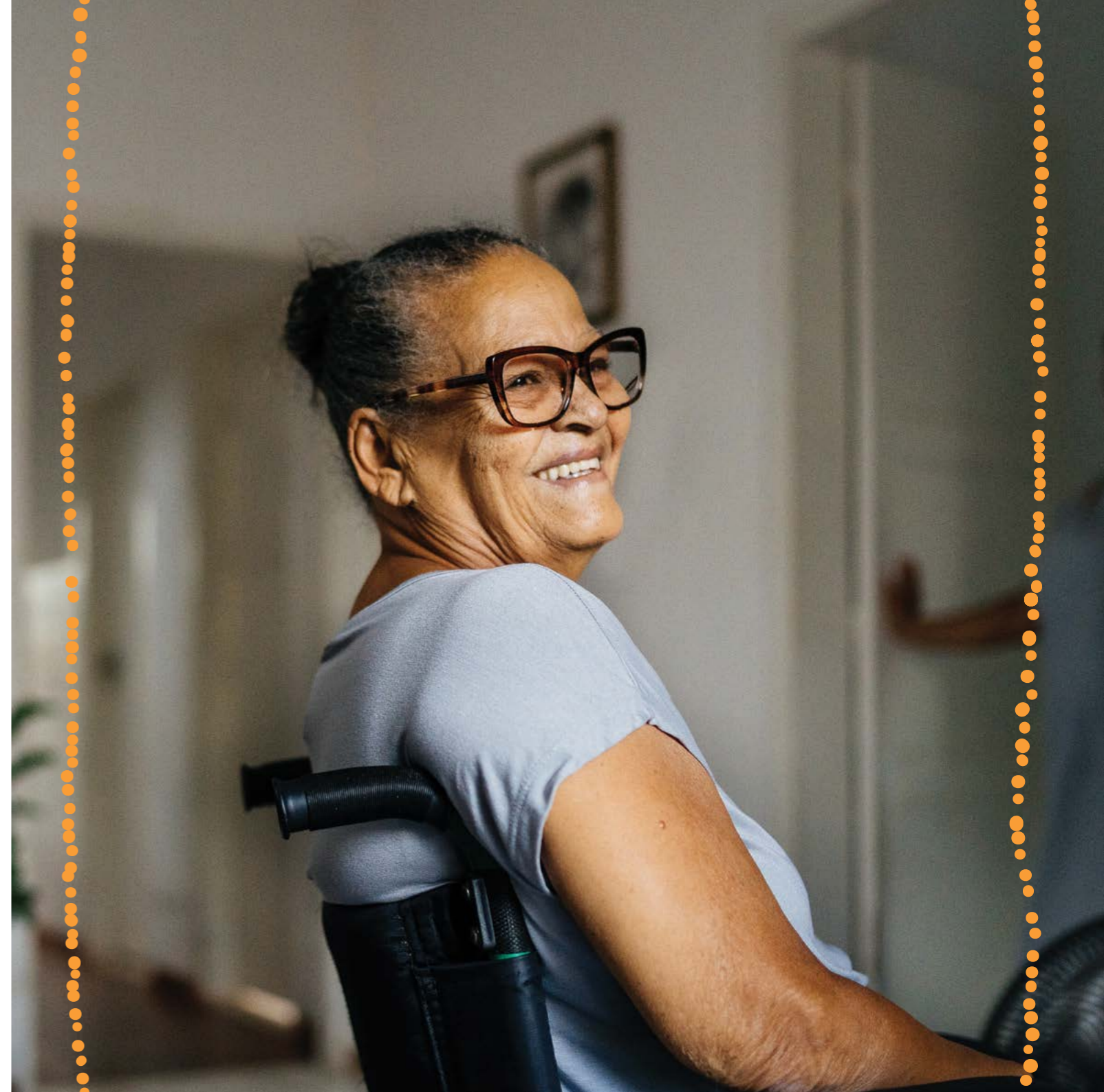
☎ (02) 6885 4531 or
1800 874 998 (free call)

📍 Suite 3, 207 Brisbane Street,
Dubbo NSW 2830



**If you or someone you
know is at immediate
risk call 000**

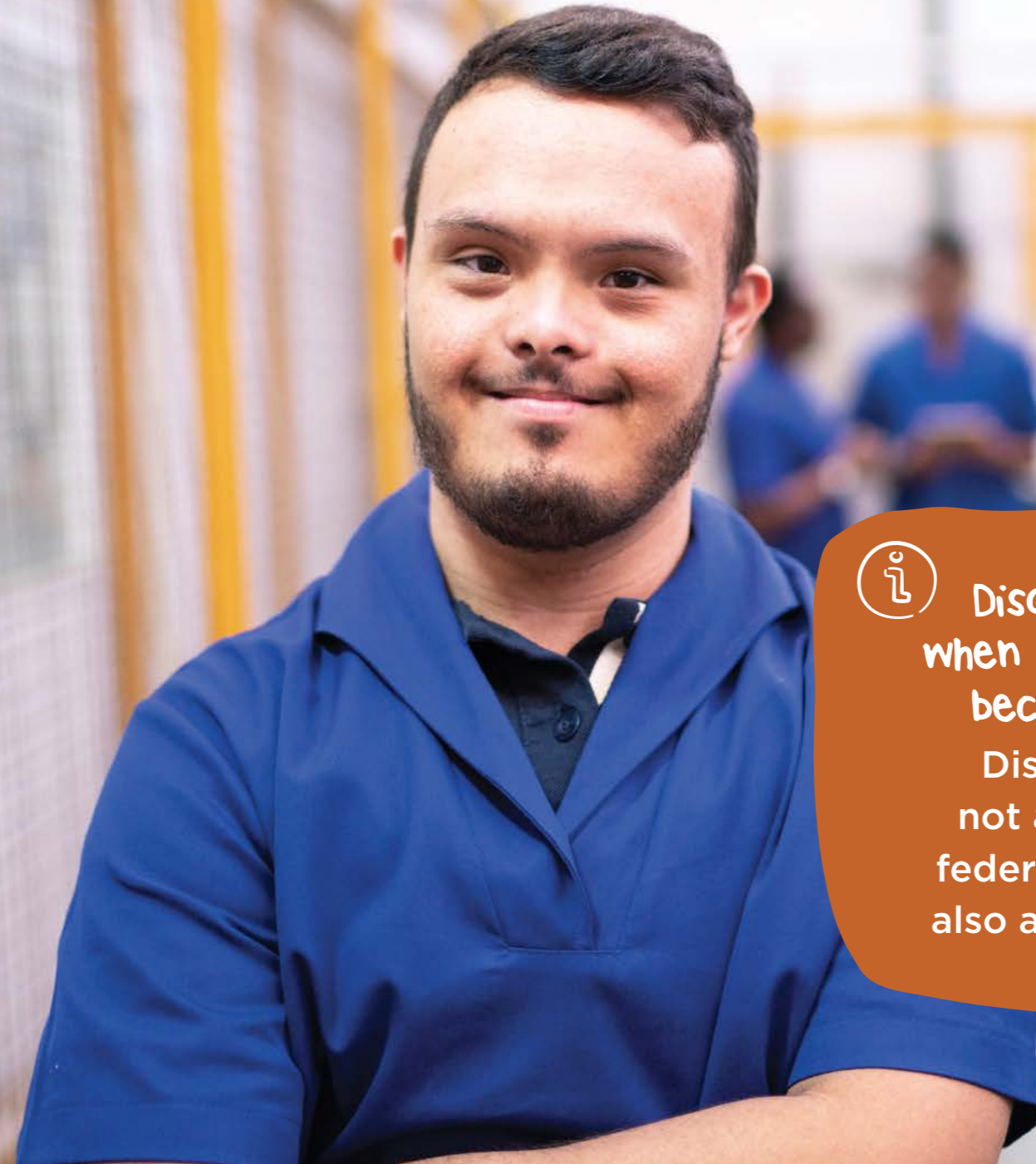
Scan this code
for more services
in Dubbo and
Wellington



Chapter 4:

Disability Discrimination

If you would like more information about disability discrimination, scan this QR code with your phone



Disability discrimination is when you are treated unfairly because of your disability

Disability discrimination is not allowed under Australian federal and NSW state law. It is also against your Human Rights

Is it Disability Discrimination?

ASK YOURSELF:

“Would I have been treated this way if I did not have a disability?”



Mel was charged more money to get on the bus because she uses a wheelchair



A school refused to enrol Bevan because he is Autistic



Keira got fired when her boss found out she lives with Bipolar



A real estate agent told Jarrah he couldn't rent any flats because of his guide dog

“Is there a rule that applies to everyone, that I cannot follow or that disadvantages me, because of my disability?”



All students will be suspended if they swear



This is unfair for a student with Tourette Syndrome who cannot control if or when they swear



My Public Housing has stairs



This is unfair for someone with mobility problems who cannot use stairs

TALK UP for your rights!

IF YOU ARE BEING TREATED UNFAIRLY BECAUSE OF YOUR DISABILITY -

You have the right to ask for changes to be made. This is called asking for “reasonable adjustments”.

Jayden asks for extra time to do his exams, because of his learning disability

Max asks for a ramp to be installed at her public housing, so she can access her laundry with her wheelchair

Yindi asks for flexible hours at work for her Anxiety and Depression

* If these kinds of adjustment are not made, this could also be disability discrimination. However, sometimes an adjustment is not reasonable – maybe because it costs too much, is too hard to do or is unfair to others. If an adjustment is not reasonable, this may mean it is not disability discrimination.

Where can I get help and advice?

Call a lawyer at the Australian Centre for Disability Law for FREE!

 1800 800 708



Sally called a Lawyer after she didn't get a job because of her vision impairment.

The Lawyer helped her to get compensation (money) and an apology.



There is space at the end of this book to write down any questions you would like to ask a lawyer.

 From the date the discrimination took place you have: 24 months to complain to the Australian Human Rights Commission and 12 months to complain to Anti-Discrimination NSW



Chapter 5: Understanding the NDIS

If you would like more information about the NDIS, scan this QR code with your phone



What is the NDIS?

The NDIS is the National Disability Insurance Scheme.

The aim of the NDIS is to help eligible people with disability live a good life and access the support they need to enjoy their life.

It can help you to:

- ✓ Connect with others
- ✓ Gain independence
- ✓ Learn new skills
- ✓ Improve your quality of life
- ✓ Achieve your goals

The NDIS does this by paying for services and supports that you choose.



 The National Disability Insurance Agency (NDIA) is the government organisation that runs the NDIS.

They make decisions about whether you are eligible to get the NDIS and how much funding you should get.

Who is eligible for the NDIS?

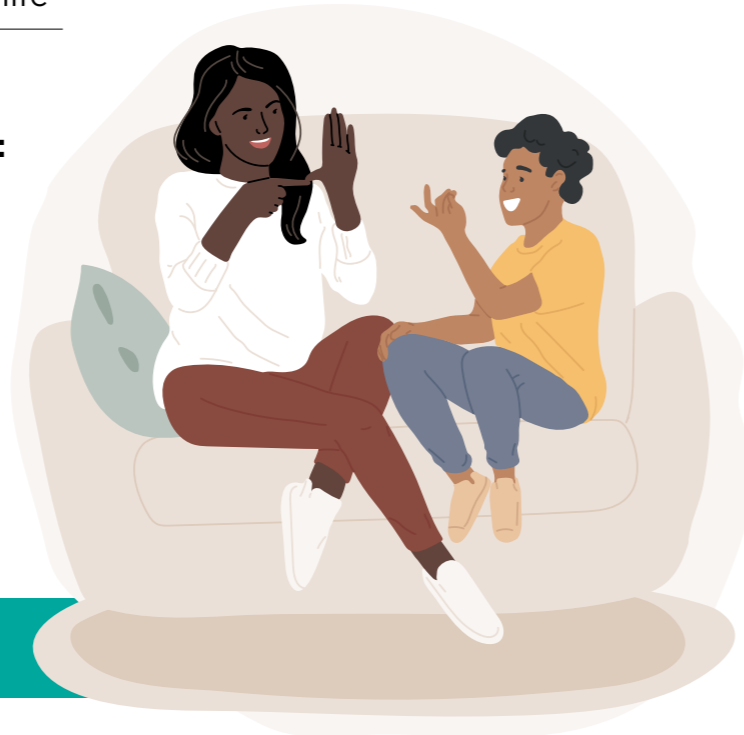
- ✓ Are aged between 9 and 65
- ✓ Are an Australian citizen (or permanent resident)
- ✓ Live in Australia and be an Australian citizen, Permanent Visa holder or on Protected Special Category Visa holder
- ✓ Have a disability
- ✓ Have a disability that is permanent (will not go away)
- ✓ Have a disability that affects whether you can work, study or take part in a social life

CHILDREN UNDER 9 CAN ACCESS THE NDIS 'EARLY CHILDHOOD' APPROACH IF:

- ✦ They have a permanent impairment
- ✦ Early intervention supports would help and could result in the child needing less disability support in the future
- ✦ Your child doesn't need a diagnosis to get support
- ✦ The support needed is best funded by the NDIS

If you are unsure if you are eligible, Call the NDIS on 1800 800 110

Children under 9 do **NOT** need a diagnosis to get NDIS Early Childhood support



How to Apply for the NDIS

You can apply over the phone on **1800 800 110**

You can also complete a **Access Request Form NDIS application form** and send it via:



Download form

Email - NAT@ndis.gov.au

Post - GPO Box 700, Canberra ACT 2601

Give it to your LAC - 156 Brisbane Street, Dubbo 2830 NSW (Social Futures)
Phone: 1800 522 679

Local Area Coordinators (LAC) help people with disability to connect with supports and services, and use their NDIS funding. They will be your main point of contact for the NDIS.



THINGS TO SUPPORT YOUR APPLICATION

- ✓ Documents that prove who you are - this could be your driver's licence or passport
- ✓ Any information that proves you have a disability - e.g. a letter or report from your GP or health worker

You can apply for the NDIS as many times as you like.

Children under 9

If you have concerns about your child's development, they made need support.

CONTACT AN EARLY CHILDHOOD PARTNER

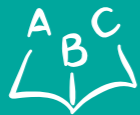
Your local early childhood partner will help you and your child by:

- ✓ Working with you to understand your child's needs
- ✓ Giving you information about the best supports and services for your child
- ✓ Helping you connect with other services and support organisations (even if your child is not able to access the NDIS)

The closest Early Childhood Partner to Dubbo is Mission Australia:

📍 110-114 Macquarie Street, Dubbo NSW 2830

☎ Phone: 1800 932 118



Early Childhood Partners 

are local organisations who deliver the early childhood approach and help families connect with other supports to help their child's development



Complaints

TO MAKE A COMPLAINT ABOUT:

- * Your eligibility
- * Your funding
- * Your plan

Contact the National Disability Insurance Agency directly

☎ 1800 800 110

🖥 Scan QR code 



TO MAKE A COMPLAINT ABOUT:

a service provider (a business or organisation who provides your support)

Contact the NDIS Quality and Safeguards Commission directly

☎ 1800 035 544

🖥 Scan QR code 



Legal Aid NDIS Service

☎ 1300 888 529

🖥 Scan QR code 





You have a right to receive quality services and achieve your goals. If you're not happy, you have the right to make a complaint



Chapter 6

Housing, Homelessness and your rights

If you would like more information about your Housing rights, scan this QR code with your phone.



Affordable Housing Options in Dubbo and Wellington

In Dubbo and Wellington there are services that aim to provide people on low incomes with affordable and safe housing.



SOCIAL AND ABORIGINAL HOUSING

Social Housing is low-cost housing managed by the Department of Communities and Justice. It includes Aboriginal Housing and Social Housing managed by other community providers.

To be able to access Social Housing, you must:


- ✓ Be a citizen and permanent resident of NSW
- ✓ Have a low household income, under a certain limit (there is a test for this)
- ✓ Not own any assets or property you could live in
- ✓ Be able to keep a tenancy with appropriate support in place
- ✓ Be over 18 (but not always)
- ✓ Be able to make repayments on any other debts you owe to former social housing providers
- ✓ Be a First Nations person if applying for Aboriginal Housing

To Apply:



Scan the QR code



Or call  1800 422 322 (24/7)

Renting and Your Rights

In NSW, your rights are protected by the *Residential Tenancies Act 2010* if you rent.

Under this law you have the right to:

- ✓ A copy of your residential tenancy agreement (lease) – this agreement tells you the rules that you and your landlord must follow
- ✓ Housing that is clean, safe and can be private and quiet
- ✓ Get things fixed quickly
- ✓ Have written notice if your landlord wants to end your rental agreement or increase your rent
- ✓ Make a complaint if your landlord does the wrong thing

Repairs and Your Rights

Your landlord must make sure the property is kept in reasonable repair and is secure.

They must:

- ✓ Fix things that are broken or damaged (unless you caused the damage)
- ✓ Take care of issues such as mould and
- ✓ Make sure you have working locks that keep your property secure

You have the right to have broken things or problems fixed.

You have the right for your housing to be secure.

Domestic Violence and Your Renting Rights

If you are experiencing domestic violence, you may be able to:

- ✓ End your tenancy without giving notice
- ✓ End the tenancy of the person that is being violent
- ✓ Change your locks without your landlord's prior consent
- ✓ Not pay the fees or costs for damage to the property that has happened because of the violence
- ✓ Get your bond back from a co-tenant (someone who shares the lease with you)
- ✓ Get help to have any of your property or possessions left in your house, returned to you

You can also apply for an Apprehended Violence Order (AVO).

AVOs are orders that stop a person that has been violent from doing certain things like coming to your house, coming within a certain distance of you or contacting you.



If you are experiencing domestic violence call **1800 656 463**.

If you are or someone else is in immediate danger call **000**.



Link Wentworth

Link Wentworth offers a number of housing supports:

- ✓ Social Housing, disability housing and affordable housing
- ✓ Homelessness support
- ✓ Support to leave family and domestic violence

 02 4777 8000

 Scan QR code




LinkaHome

Link2Home is a 24 hour, 7 day per week telephone service for people who are **homeless or at risk of homelessness**.

They provide:

- ✓ Information about local services
- ✓ Assessment to decide what kind of help you need
- ✓ Referrals to support services and temporary accommodation

 1800 152 152



Homelessness includes living in a refuge, crisis accommodation, couch surfing or living in a car



Chapter 7

Contact with Police and the Criminal Justice System

If you would like more information about your rights in relation to contact with the police and the criminal justice system, scan this QR code with your phone.



A search of your body usually involves patting you down and asking you to empty your pockets, take off your coat or shoes, shake your hair or open your mouth.



Police Powers and Your Rights

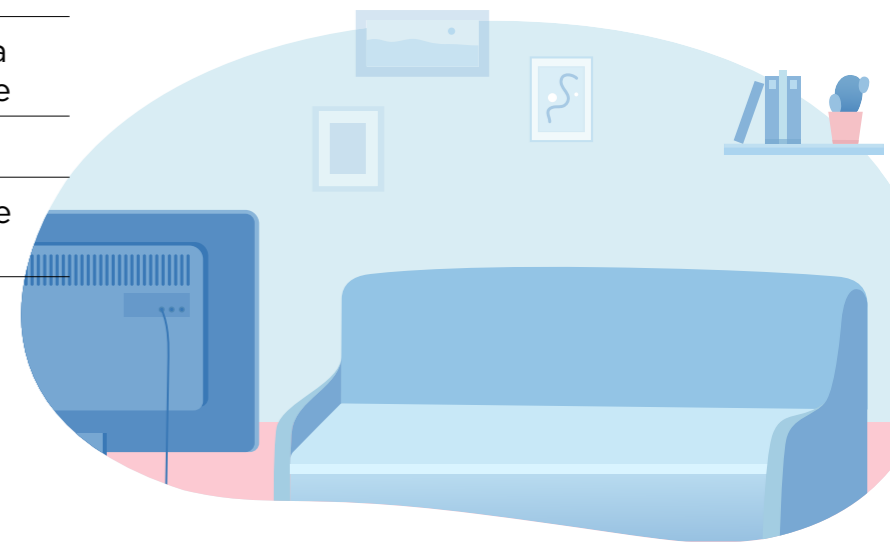
SEARCHES

Police can search you if:

- ✓ You agree to be searched
- ✓ They think you have stolen goods
- ✓ They think you have illegal drugs
- ✓ They think you have something that can be used in a crime, like weapons
- ✓ You are with someone who the police want to talk to about a crime
- ✓ They have an order from a court, called a "warrant"
- ✓ They enter your home because of a reported domestic violence offence
- ✓ At the time of your arrest
- ✓ At the police station, after you have been arrested

Police have the power to search:

- ✓ You
- ✓ Your car
- ✓ Your house
- ✓ Things you own
- ✓ Other people at your house



Strip searches

A strip search is where a police officer asks you to take your clothes off and a police officer visually examines your body.

The law says that strip searches should be used as a last resort. For example a strip search may happen, if police think you have something unlawful hidden under your clothes in a situation that is 'serious and urgent'.

THERE ARE RULES FOR STRIP SEARCHES:

- ✓ They should be done in a private space
- ✓ They should be done by a police officer who is the same gender as you. For example a police woman should search a woman
- ✓ The police officer must provide you their name and where they work and the reason for the search
- ✗ **The police cannot** look inside your body

If you have trouble understanding information or have an intellectual disability you should:

- Tell police about your disability
- Tell them you want a support person
- ☎ Call the Intellectual Disability Rights Service on **1300 665 908**

Arrest

A Police Officer can arrest you, if:

- They see you break a law
- They think it was you that broke a law, for example someone told them it was you
- The police see you with stolen property
- You do not come to the police station when you said you would, for example as part of your bail conditions
- The Court gives the police a piece of paper that says that the police must arrest you. This is called an arrest warrant and the police must have the arrest warrant from the court with them
- They need to give you an AVO (Apprehended Violence Order). This is an order that stops you from going near or contacting a particular person, like a family member or a partner
- Someone in your life wants to apply for an urgent AVO against you

The Police officer must tell you:

- **That you are under arrest**
- **Why you are under arrest**
- **Their name**
- **What police station they work at**

If they do not give you these details, do not get into an argument with them. **You can make a complaint later.**

CAN THE POLICE USE FORCE TO ARREST ME?

- ✓ Yes, but they should only use as much force as is needed and there should be a good reason for the amount of force used. For example, because you tried to run away or were hurting someone.
- ✗ **They must not** use more force than they need to or do things like hitting you in the face or banging your head on a wall. This is assault. If this happens you should make a complaint about the police.



For people under 18

- **A parent or guardian must be present for a strip search**
- **OR there must be a reason that the search must be done immediately**

For example, for the safety of the person or to prevent evidence being destroyed.

If you are arrested:

- ✓ You must go with the police, even if you do not want to
- ✓ Police are allowed to take your photographs, fingerprints and in some situations, your DNA
- ✓ Police can take your clothes, but they must give you something to wear
- ✗ **You should not** hurt or kick the Police officers. This is called assault and could get you into trouble
- ✗ **You do not** have to take part in an identification parade if you do not want to. An identification parade is where you are lined up with other people, and a witness is asked to identify the person they saw

If police want to ask you questions or interview you, you should:

1. Talk to a Lawyer first 
2. Do an interview if you want to, after talking to a lawyer

AT THE POLICE STATION YOU HAVE RIGHTS

- ✓ You have the right to be silent
- ✓ You have the right to talk to a lawyer and a friend or family member
- ✓ If you are Aboriginal, you have the right to speak to a lawyer from the Aboriginal Legal Service's Custody Notification team. The Police can contact them for you
- ✓ If you have an intellectual disability, you have the right to have a support person present at the Police Station and during a Police interview
- ✓ You have the right to medical treatment

Going to Court

If you have been charged by police with a crime and have received a letter called a Court Attendance Notice, you must go to court.



If you must go to court, call a lawyer as soon as possible.

This is very important if you have been charged with a serious crime or have a mental illness or intellectual disability.

You should ask for the 'duty solicitor' on the day at court if you do not already have a lawyer.

Duty solicitors can give you legal advice and assistance on the day, for free in many situations.



Making Complaints about Police

You have the right to make a complaint about the police if you think they have done the wrong thing.

For example, you could make a complaint because police:

- ✗ Strip searched you in a public place
- ✗ Did not explain why you were under arrest
- ✗ Did not tell you why they were searching you
- ✗ Used capsicum spray on you and this was unnecessary
- ✗ They used excessive force or tried to intimidate you or assault or vilified you because of your race, gender or sexuality
- ✗ Did not let you have medical treatment when you asked for it at the police station

YOU CAN COMPLAIN BY:

Going to Dubbo or Wellington police station

and asking to see the duty officer or Local Area Commander

21 Maughan Street, Wellington NSW 2820

143 Brisbane Street, Dubbo NSW 2830

Contacting the Ombudsman's office

1800 451 524

Contacting the Law Enforcement Conduct Commission

1800 657 079

Scan QR code



Lodging an online complaint to the Commissioner of Police

Scan QR code



Where to get help if you are arrested and at the Police Station

Aboriginal Custody Notification Service

Legal advice and wellbeing support for First Nations people under arrest at a police station. This line is open 24 hours per day, 7 days per week.

Ask police to call for you.

You have a right to access this service if you are an Aboriginal person in custody.

Justice Advocacy Service

Legal advice and Support Persons for people with intellectual disability at the police station.

1300 665 908

Legal Aid Youth Hotline

Legal advice for people under 18 at the police station.

1800 10 18 10

For all other people, call your own lawyer or LawAccess on 1300 888 529.

The Intellectual Disability Rights Service covers people with

- brain injury,
- foetal alcohol spectrum disorder, autism,
- dementia and
- borderline intellectual functioning.



Chapter 8: Release from Prison

If you would like more information about what your rights are and what supports are available post prison release, scan this QR code with your phone



Release should be made during office hours (9:00am-5:00pm) where possible



Upon release of prison, you are entitled to:

- ✓ Fares for transport to place of residence (if appropriate)
- ✓ Have all your property and cash returned
- ✓ A release certificate
- ✓ Any required medication Get your bond back from a co-tenant (someone who shares the lease with you)

Crisis accomodation

If you will not have accommodation upon your release, there are options available.

- Speak to your Services and Programs Officer (SAPO) about short term transitional beds as well as 'Set to Go'.

Crisis payment

You may be eligible for immediate assistance through a crisis payment when you are released from prison. You can receive this payment:


- ✓ for whom a social security pension or a social security benefit is payable, AND
- ✓ who is in severe financial hardship, AND
- ✓ who has been in prison, as a result of being charged for committing an offence, for 14 days or more, AND
- ✓ who claims the crisis payment within 7 days after release from prison


You can make your claim for this payment via the MyGov website.

Where to get help after release from prison

COMMUNITY RESTORATIVE CENTRE

Free and confidential telephone service provides specialist information to anyone affected by the criminal justice system and those supporting them.

 (02) 9288 8700


 Scan QR code to learn more about surviving on the outside




Where to get help during incarceration

PRISONERS LEGAL SERVICE


Specialist service of Legal Aid NSW. Provides advice, minor assistance and representation to prisoners. The service is free and confidential.


 Common Auto Dial List (CADL) as a free call - just press 11# (Legal Aid) and ask for PLS.

 Friends and family can call: (02) 9066 6046

The Miranda Project

Assists women attending court, on community orders or exiting prison. First Nations workers who assist with case work, group activities and counselling

 (02) 9288 8700 and ask for The Miranda Project

 miranda.referral@crcnsw.org.au

Complete the referral form



Download form



Funded by Department of Social Services



First Peoples
Disability Network

Australian Centre for
Disability Law



Australian Government
Department of Social Services