

3. Accessing disability services

This fact sheet is about the rights family and friend carers have when they are accessing disability services with or for the person they care for. Disability services are generally used by people with disability under 65 years of age and can include personal care, domestic services, therapy supports and equipment.

Knowing your rights is important, because it helps you understand what you can and can't expect when you access services with or on behalf of the person you care for. When you know your rights, you are in a better position to stand up for yourself or the person you care for when a problem arises. This fact sheet focuses on rights that can be upheld through formal complaints processes.

The NSW Disability Inclusion Act 2014 and the National Disability Insurance Scheme (NDIS) Act 2013 underline the importance and value of carers. The role carers play and their relationship with the people with disability they care for is to be acknowledged and respected.



Applying for the NDIS

The National Disability Insurance Scheme (NDIS) provides government funded support for Australians under the age of 65 who have permanent and significant disability. If the person you care for is under 65 and needs support from a person, uses special equipment or needs support now to reduce their future needs, they may be eligible for support. You can **contact the [National Disability Insurance Agency \(NDIA\)](#) on 1800 800 110** to find out more.

Supporting someone to access the NDIS

You can support the person you care for to get information about, and to access support from, the NDIS. However if you want to make decisions on their behalf you will need to apply to become their nominee. A nominee will only be appointed when it is not possible for the person with disability to make decisions for themselves. You can **contact the [National Disability Insurance Agency \(NDIA\)](#) on 1800 800 110** to find out more.

Appealing a decision

Not all people with disability who apply for the NDIS are able to get support. And not everyone who applies to be a nominee will be appointed. The person you care for may also not get the type or amount of support that they want or need from the NDIS. Even if you provide a Carer Statement, you may not get the support you ask for.

If you disagree with a decision that is made, you can ask for an internal review. For more information about internal reviews, you can **contact the [National Disability Insurance Agency \(NDIA\)](#) on 1800 800 110**.

If you are not happy with the outcome of an internal review, you can apply for another review by the [Administrative Appeals Tribunal](#). This process can be complicated and may take some time. You can get free help from a support person through by **calling [Disability Advocacy NSW](#) on 1300 365 085**. In some cases you may be able to access free legal assistance by contacting [LawAccess NSW](#) on 1300 888 529.

Quality of information and services

If you are not happy with how you or the person you care for have been treated under the NDIS, you can contact the [National Disability Insurance Agency \(NDIA\)](#) on 1800 800 110 and ask how to make a complaint. If the issue is not resolved you can contact the [Commonwealth Ombudsman](#) on 1300 362 072 for assistance.

You have the right to expect that services funded through the NDIS will be safe and of a high quality. If you have concerns about the quality or safety of services, you can first discuss this with the staff or managers of the service if you feel comfortable. If the issue is not resolved, you can contact the [NDIS Quality and Safeguards Commission](#) on 1800 035 544.

Alec lives with intellectual disability and has a range of related chronic health conditions. He is in his 40s and lives with his parents. Alec's mother Diana applied for the NDIS on Alec's behalf but Alec was not eligible. Diana disagreed with this decision because Alec's disability and health conditions mean that he needs a lot of daily support and assistance. Diana rang the National Disability Insurance Agency (NDIA) and asked for an internal review of the decision. When she wasn't happy with the outcome, she rang Disability Advocacy NSW and was provided assistance to apply to the Administrative Appeals Tribunal, where a decision was made in Alec's favour.



Getting what you pay for when purchasing disability services

If you are paying for equipment or private home care services, you have the right to be treated fairly and be given accurate information about what you are paying for. If this is not your experience, or if you would like more information about your rights, you can contact [NSW Fair Trading](#) on 13 32 20.

Concerns about abuse in the community

If you are concerned that a person with disability is at risk of being abused, neglected or exploited in their home or in the community, you can contact the [NSW Ageing and Disability Commissioner](#) on 1800 628 221.

Assistance with making a complaint

If you need more information or support you can contact [Disability Advocacy NSW](#) on 1300 365 08 or another government funded disability advocacy listed at <https://disabilityadvocacyfinder.dss.gov.au/disability/ndap/>.

All of the agencies listed on this fact sheet also provide support through the Translation and Interpreting Service and National Relay Service.