

Turning 18 Questions and Answers

for young adults with a disability,
family members, carers and
advocates

Part 3

Preparing for other practical decisions
after turning 18



About IDRS

The Intellectual Disability Rights Service (IDRS) is a not-for-profit organisation that works with and for people in NSW living with cognitive disability.

Services at IDRS include:

Ability Rights Centre (ARC): a community legal centre that provides legal services, including legal advice, representation, NDIS appeals, and community legal education.

Justice Advocacy Service (JAS): a non-legal criminal justice support service, including support at police stations and in court.

Disclaimer:

This document is for general information only

It is not intended to replace the need for specific legal advice

This resource was developed on the land of the Gadigal people of the Eora Nation.

We acknowledge and pay respect to the Traditional Owners and Custodians on whose land we walk, work, and live.

Always was, always will be Aboriginal Land.

Part 3

Preparing other practical decisions after turning 18

Part three of this resource is designed to help young adults living with cognitive disability, their parents and advocates prepare for making practical decisions after turning 18.

This includes:

- Simple and practical advice to help navigate the transition into adulthood, such as voting, applying for a passport or signing contracts for goods and services.





1. Identification documents (ID)

Having current ID may be necessary to access services, banking, and government agencies.

What ID can a young person have?

A young person can get a Photo Card in NSW when they are 16 years or older.

This is a good alternative to a driver's licence when someone needs to show ID.

How do you apply for a Photo Card?

You need to go to a Service NSW office to complete the form and show other identification documents, such as a birth certificate, passport, or Medicare card.

The form can be downloaded and printed online from the Service NSW website.

The Photo Card is free to someone on the Disability Support Pension (DSP).

A Photo Card is valid for 5 years if the person is under 21.

How can I support a young person applying for a Photo Card?

A young person with disability can fill out the form by themselves or with support, but they should sign the form themselves.

A witness can sign the document if the person with a disability cannot sign it. A witness can be an employer, school principal, bank manager, parent, or advocate.

A parent or carer can also go to a Service NSW office to confirm the young person's identity if they are under 18.

Once the person has their physical Photo Card, they can set up a Digital Photo Card on the Service NSW app.

- This is good for young adults who might lose or forget a physical wallet but always have their phone with them.
- It is legally accepted like a plastic card.

Can a young adult with disability apply for a Passport?

Yes, a person aged 18 and over can complete the passport application by themselves or with support. The application can be completed online, or the paper form can be printed out and taken to a post office.

What if a person cannot sign the application form because of their disability?

Leave the "Specimen Signature" box blank. Do not sign inside the box on the person's behalf, as the application may be rejected.

Use **Form B11 (General Declaration)** to explain the person's disability and why they cannot sign the form. You will also need to attach a letter from a doctor confirming the person's disability and their inability to sign.

If the person has an NCAT appointed Guardian or Financial Manager, they can usually sign the application if the orders include making legal or administrative decisions for the person.

2. Voting

Does a young adult with disability need to vote?

Yes, in Australia, voting is compulsory for everyone aged 18 and over. A young adult must register with the Australian Electoral Commission (AEC), or they may be fined for not voting.

Can a young adult with disability have support to vote?

Yes, a person with disability can take a trusted family member into the voting booth to help them read the paper or mark the boxes.

If someone has sensory or mobility issues, they can ask to vote by mail.



Can someone be excused from voting if they have a disability?

To exempt a person from voting on medical grounds, including disability, you can use the **AEC Objection claim that an elector should not be enrolled (Form ER005Aw)**.

You can download the form online from the AEC.

1. Fill out the "Objector" section. This is filled out by someone who is already on the electoral roll, usually a family member, carer, or advocate.
2. Fill out the "Elector" section. Provide the details of the person with the disability.
3. Tick the box that says, "Cognitively impaired and incapable of understanding the nature and significance of enrolment and voting."
4. Take the form to a GP to complete and sign the second page.

Note: If the doctor provides their own separate letter instead of signing the form, it must use the exact words: "incapable of understanding the nature and significance of enrolment and voting."

Once completed and signed by the doctor, you can return it to the AEC:

- Upload online via the AEC Upload Tool.
- Post it to "Australian Electoral Commission, Reply Paid 9867" in your capital city - no stamp required.
- Drop it off at any AEC office.

What happens next?

The AEC will process the form and send a letter to both the person making the claim and the person with disability to confirm that they have been removed from the roll. Once removed, they will no longer be required to vote and will not receive any fines for future elections.



3. Signing contracts & using services

Can a young adult with a disability sign a contract?

Yes, when a person turns 18, they are legally assumed to have the ability to enter into contracts, like signing up for a mobile phone plan or a gym membership.

What if a young adult with disability doesn't understand the contract?

If a young adult with disability signs a contract but does not understand it, or if the terms are unfair, they may have a legal reason to challenge or cancel it. A lawyer may be able to help challenge unfair contracts.

Case study

A young adult with disability bought two mobile phones and signed two phone plans.

They did not need two phones. One of the phone providers agreed to cancel the phone contract if the phone was returned, "as new".

The provider said the person with a disability needed to pay for the phone calls they made.

Evidence of the person's disability and an explanation were given to the phone company to reach this settlement.

What if a young adult is unable to enter into or sign contracts?

If a young adult lacks the capacity to enter into or sign a contract, the NCAT Guardianship Division can appoint a Financial Manager, or the person with disability can appoint a Power of Attorney who can legally sign contracts on their behalf.

4. Accessing private and personal information

Everyone has the legal right to see information that organisations hold about them. This includes things like medical records, school reports, or notes from government departments.

Can a young adult access their personal information from public government agencies?

If someone wants to see their records from a NSW government department, like Housing or Education, they can ask under a law called the Privacy and Personal Information Act (PPIIP Act). If they want to access their medical or health records, they can ask under the Health Records and Information Privacy Act (HRIP Act).

Asking for your own personal information from a NSW government agency is usually free.

You can call them, email them, or visit their office. They will ask to see some ID to make sure they are giving the information to the right person.

Can I support a young adult access their personal information?

If the young adult understands that they are asking for their own files, they can sign a Consent Form giving a trusted person permission to receive the records.

If the person lacks the capacity to ask for their records, an NCAT-appointed Guardian or someone with Power of Attorney must sign the request.



Can a young adult access their personal information from a private company or organisation?

If someone wants their information from a private company, like a bank, a private doctor, or a shop, you can ask under the Privacy Act.

You should contact the company and ask to speak to their Privacy Officer. It is often best to send an email, so you have a record. Private companies are allowed to charge a small, reasonable fee for the time it takes to print or find records, but they may do it for free if you ask.

If an agency refuses to give you your information, they must tell you why in a letter. If you are unhappy with their answer, you can call the **Information and Privacy Commission (IPC) NSW** at **1800 472 679**.

5. Useful documents to keep together in a folder

Keeping these documents safe and together makes applying for services, ID, and government support much easier:

- Birth Certificate
- Letters from doctors
- Medical reports and specialist reports
- School reports
- Documents recording the person's name and address
- Passport
- Driver's licence
- Photo card from Services NSW
- NCAT court orders if you have them.

Important:

Do not laminate original documents, like a Birth Certificate. Laminating can make the document invalid for official purposes.

6. Key contacts

Ability Rights Centre (ARC) – a service of IDRS

Free legal advice, legal representation, and NDIS appeals support for people with cognitive disability in NSW

Call to make an appointment or get advice

P: (02) 9265 6350 (Monday – Friday 9 AM – 5 PM)

E: arc@idrs.org.au

W: www.idrs.org.au

Justice Advocacy Service (JAS) – a service of IDRS

Non-legal support for people with cognitive disability in the criminal justice system

P: (02) 9265 6300 or 1300 665 908 (Monday to Friday 9 AM – 5 PM)

E: intakeJAS@idrs.org.au

Call the Hotline on **1300 665 908** if a person in Police custody requires a support person and/or legal advice **24/7**

W: www.idrs.org.au

NSW Civil and Administrative Tribunal's (NCAT) Guardianship Division

Information on applying for or reviewing Guardianship or Financial Management Orders

P: 1300 006 228 (Monday to Friday 8:30 AM to 4:30 PM)

Ask for the Guardianship Division – press 2 when prompted

E: gd@ncat.nsw.gov.au

W: www.ncat.nsw.gov.au

Search: NCAT Guardianship Division

Australian Taxation Office (ATO)

- General tax and TFN enquiries.

P: 13 28 61 (8:00 am to 6:00 pm, Monday to Friday)

- To get free help with your tax, you can call the ATO Tax Help program

P: 13 28 61 (8:00 am to 6:00 pm, Monday to Friday)

Press **3**, then press **2**. This will take you to the Tax Help team

NSW Trustee and Guardian Wills

For Wills and estate planning enquiries

P: 1300 102 030 (Monday to Friday from 9am-5pm)

Search: NSW Trustee and Guardian – Create a Will in NSW

Information and Privacy Commission (IPC) NSW

P: 1800 472 679

E: ipcinfo@ipc.nsw.gov.au



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