



# National Supported Decision Making Framework

FIONA MAY

CEO ACT DISABILITY AGED & CARER ADVOCACY SERVICE

# About ADACAS



**ADACAS**  
A D V O C A C Y

## ACT Disability, Aged and Carer Advocacy Service

We are an independent, community organisation that provides free advocacy and information to people with disabilities, people who experience mental health issues, frail older people and carers.

### If you are concerned about:

- Your Rights
- Services and Supports
- Care and Treatment
- Decisions being made about your life

### An ADACAS Advocate can:

- Provide you with information
- Assist you to work out your options
- Assist you to communicate your wishes to others
- Represent your interests

**Phone:** 02 6242 5060

**TTY:** Call 133 677  
(National Relay Service)  
and ask for 02 6242 5060

**E-mail:** [adacas@adacas.org.au](mailto:adacas@adacas.org.au)

**Web:** [www.adacas.org.au](http://www.adacas.org.au)



# National Supported Decision Making Network

- ▶ 100+ members
- ▶ Established 2012





# Network meeting November 2014



# Definition

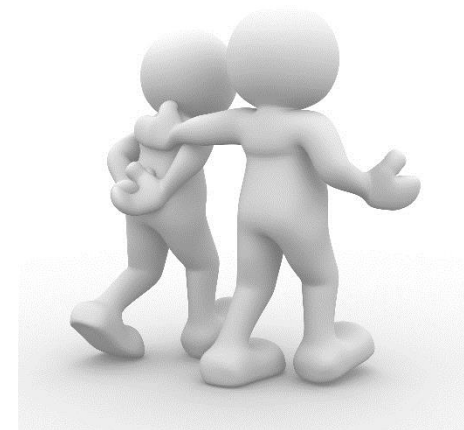
“The process whereby a person with a disability is enabled to make and communicate decisions with respect to personal or legal matters.”

(UN Office High Commissioner for Human Rights 2009)



# Supported decision making steps

- ▶ Building capability to recognise the role of decision making, the right to equality and self-determination
- ▶ Learning about decision making
- ▶ Recognising and expressing a decision
- ▶ Identifying and establishing support
- ▶ Exploring a decision
- ▶ Accessing information to inform a decision
- ▶ Advocating for the decision
- ▶ Fulfilling the decision
- ▶ Ongoing support for another decision.



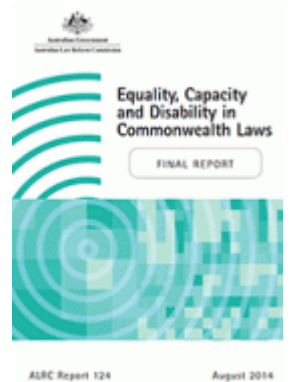
# Context

- ▶ UNCRPD
- ▶ National Disability Strategy
- ▶ Australian Law Reform Commission Report 'Equality, Capacity and Disability in Commonwealth Laws'
- ▶ Various state based legislation reviews and reports
- ▶ Pilot projects



# ALRC Principles:

- ▶ Everyone has the right to make decisions that affect their life and have those decisions respected.
- ▶ Persons who may require support in decision making must be provided with the support necessary for them to make, communicate and participate in decisions that affect their lives.
- ▶ The will, preferences and rights of the person who may require decision making support must direct decisions that affect their lives.
- ▶ Decisions, arrangements and interventions for persons who may require decision making support must respect their human rights.





# Stakeholders – community engagement

- ▶ Genuine Co-design
- ▶ Commitment from all governments
- ▶ Agency with responsibility to ensure sustained implementation



# Safeguards – reporting, regulation, oversight

- ▶ For the SDM process
- ▶ For people using SDM
- ▶ For supported decisions



# Risk

- ▶ The aim is NOT to eliminate all risk
- ▶ Balance dignity of risk against duty of care



# Language – consistency

- ▶ Formal and informal decision making
- ▶ Legal capacity and decision making ability
- ▶ Support for decision making and support with decision making
- ▶ Assisted decision making, co-decision making and supported decision making





# Resources – capability building, funding

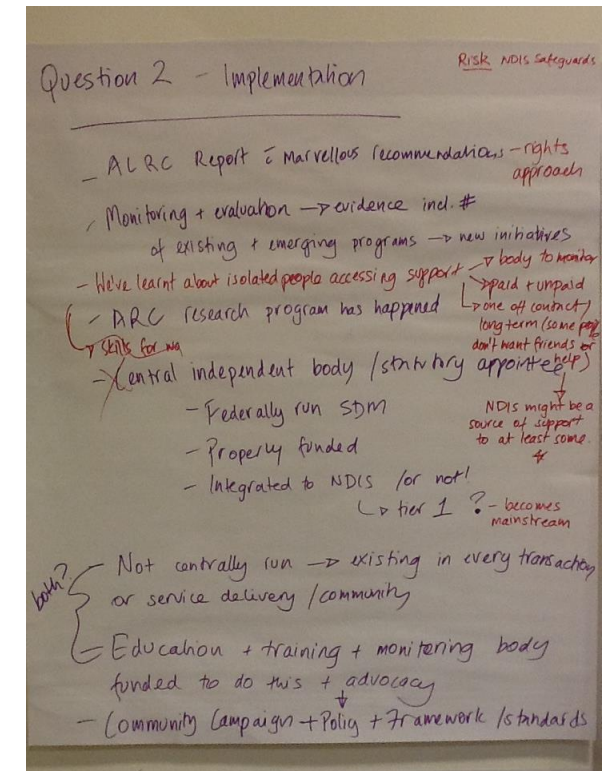
- ▶ Long term commitment
- ▶ Embedding SDM requires cultural change
- ▶ Cultural change takes time



# Innovation and Sustainability

## Investment in:

- ▶ Outreach for socially isolated people
- ▶ Mentoring and coaching
- ▶ Community wide training and skills development for decision makers and decision supporters
- ▶ Oversight and monitoring
- ▶ Gathering the evidence base
- ▶ Evaluation and innovation



# Recommendations

- ▶ National Advisory Committee
- ▶ Champions
- ▶ Integration of community practice
- ▶ Integrated evidence base
- ▶ Keep the conversation going



# Government responses





Thank you for writing to the Chief Minister about this matter

Your letter is currently receiving attention

Upholding rights...forms a core element of WA's approach. Premature...

Investing in a broad range of ...SDM approaches

Current review of guardianship. Premature...

Recognises that supported decision making is an area where careful consideration...is required

Premier understands importance of improved consistency across jurisdictions. SDM principles accord with Qld current practice.

At the forefront of reforms in the SDM space. Supportive of ASDMN's proposal

ACT Government can endorse the principles of the discussion paper

# Since then

- ▶ Projects and Conversations continued
- ▶ NDIS Quality and Safeguards Framework
- ▶ Disability Reform Council September 2016
  - ▶ Reaffirmed commitment to National Disability Strategy
  - ▶ National Disability and Carers Advisory Council to be established.

# ASDMN

- ▶ Framework Discussion Paper
  - ▶ <http://www.adacas.org.au/news-1>
- ▶ To join the Network
  - ▶ Justine\_O'Neill@opg.nsw.gov.au



# Thank you

Fiona May  
[manager@adacas.org.au](mailto:manager@adacas.org.au)