

Submission  
No 40

**INQUIRY INTO SUBSTITUTE DECISION-MAKING FOR  
PEOPLE LACKING CAPACITY**

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## **Parliamentary Inquiry into substitute decision making for people lacking capacity**

Self Advocacy Sydney – this is an organisation run by and for people with intellectual disability for over 20 years. It is funded by FaHCSIA as part of the National Disability Advocacy Program.

We agree with many of the submissions, such as those from NSW CID – in particular in regard to the need for adequate resourcing of the Public Guardian program.

We would like to ensure the voices of people with intellectual disability, who make up a sizable percentage of people under guardianship orders, is heard.

To do this, a meeting was held at Self Advocacy Sydney on 28<sup>th</sup> September, the inquiry was explained to those present, most of whom have an intellectual disability. Their comments were based on their personal experiences as well as experiences with clients of the organisation. The following issues were raised:

- Guardianship Reviews are held over the telephone – it is difficult for many people with an intellectual disability to follow a phone conversation, therefore their needs and views are not necessarily represented or heard effectively
- How do services, including health and disability supports, know if a person is under a Guardianship order unless the person chooses to disclose?
- PWID often do not understand the role of the Guardianship Tribunal, Public Guardian or OPC. They do not understand the process of assessment nor the rulings made. This creates confusion – about what decisions they can make and what needs to be referred.
- Many clients under the OPC have expressed a desire to gain control of their finances. They do not feel supported to become financially independent - there is very little education provided to these people. There is considerable frustration at what is often viewed as unwanted interference.

We would also like to express our support for increased resources for community based programs which assist individuals to learn to make their own decisions. For many people the process of decision making is difficult. When this process is broken down into steps – identification of decision to be made, identification of options available, probable consequences of each option and preferred action – many people are able to actually make their own decisions. When this is added to training in rights and responsibilities, people are in a much better position to take control of their life- a situation preferable whenever possible. Self Advocacy Sydney attempts to do this, but is restricted by limited resources.

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