



**ADACAS**

A D V O C A C Y

# Living with choice and control: the NDIA and substituted decision making

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# What is ADACAS?

- ▶ ACT Disability Aged and Carer Advocacy Service.
- ▶ ADACAS is an independent community based organisation which aims to assert, promote, and protect the rights and responsibilities of people with disabilities, people who are older and their caregivers.

# What is advocacy?

- ▶ “The process of standing alongside an individual who is disadvantaged and speaking out on their behalf in a way that represents the best interests of that person” (Institute for Family Advocacy and Leadership Development in Australia)
- ▶ “Advocacy is essentially the very ordinary process of standing up for the rights of people who are being treated unfairly” Ian Parsons “Oliver Twist Has Asked for More”

# 'Choice and Control' in the NDIS Act

- ▶ *The objects of this Act are to ... enable people with disability to exercise **choice and control** in the pursuit of their goals and the planning and delivery of their supports (s 3(e))*
- ▶ *People with disability should be supported to exercise **choice** including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports (s 4(4))*
- ▶ *People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise **choice and control**, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity (s 4 (6))*
- ▶ *People with disability should be supported in all their dealings and communications with the Agency and the Commission so that their capacity to exercise **choice and control** is maximized in a way that is appropriate to their circumstances and cultural needs (s 4 (9))*

# The NDIS nominee scheme

- ▶ Decisions about a persons plan can filter into many aspects of the daily life of person with disability
- ▶ A form of substituted decision making
- ▶ Theoretically only to be used when needed, but often recommended to participants to provide others with a ‘path of least resistance’

