



**NDIS Quality
and Safeguards
Commission**

Malcolm Schyvens
Chair AGAC
Guardianship Division
NCAT
PO Box K1026
HAYMARKET NSW 1240
Via email: Malcolm.schyvens@ncat.nsw.gov.au

RE: Participation of the proposed represented person – draft guidelines

Dear Malcolm,

I refer to your letter dated 8 November 2018 to Mr Graeme Head. Thank you for providing the opportunity to comment on the draft guidelines on the participation of the proposed represented person in guardianship and financial management/administration hearings. I am pleased to respond on behalf of Mr Head by way of general comments.

Overall, the guidelines are well considered and identify a range of practices and strategies that will support tribunal members and registry staff to increase the participation of the represented person. The examination of practices across different jurisdictions is valuable and provides innovative ideas that can be applied to the unique situations that often present with people with disabilities.

The NDIS Quality and Safeguards Commission (NDIS Commission) supports the draft guidelines as an important tool for people with disabilities to realise their rights under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). In particular, the draft guidelines will help ensure people with disability have equal recognition before the law (Article 12). The NDIS Commission is supportive of the recommendation to utilise visual and auditory aids as well as augmentative and alternative communication tools. The focus on ensuring tribunal members and registry staff are trained to effectively utilise these communication tools is also a strength of the guidelines, supporting freedom of expression and opinion and access to information under Article 21 of the UNCRPD.

We would like to comment on Draft Guideline 17, and recommend the inclusion of a specific reference to people with cognitive impairment and their communication needs. This includes all professionals involved being aware of the agreeable nature sometimes present in people with cognitive impairment, being aware of the use of leading questions and allowing the person time to process verbal information. The suggestion of a tribunal member meeting with the person before the hearing is also of value, allowing the tribunal member to become aware of the person's individual communication style, further supporting their participation.

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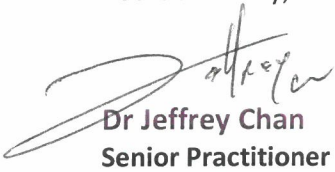
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I hope you will find the comments helpful. Thank you again for the opportunity to provide feedback.

Yours sincerely,



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