

The National Disability Insurance Scheme and SACAT

1. The National Disability Insurance Scheme (“NDIS”) is being rolled out progressively across Australia from 1 July 2016. At present, the NDIS is expected to be accessible in South Australia to all eligible people up to 64 years of age by July 2018.
2. The NDIS is a social assistance program which provides a new way for people with a permanent and significant disability to access individualised supports and services. The NDIS will provide participants, their families and carers with the reasonable and necessary support.
3. Further information about the NDIS is available on the NDIS website <https://www.ndis.gov.au/index.html>. The planned NDIS roll out in South Australia can be found at <https://www.ndis.gov.au/about-us/our-sites/SA.html>
4. SACAT’s Community Stream makes orders appointing substitute decision makers for people who have a mental incapacity (a cognitive impairment which affects their decision making abilities). **Guardians** are substitute decision makers for health, accommodation, and personal/lifestyle decisions and **Administrators** are substitute decision makers for financial and legal decisions.
5. However, many people with a disability who are eligible to access the NDIS will not have a mental incapacity and will not need a guardian or administrator appointed. In addition, many people with some level of cognitive impairment can be informally supported by family or appropriate advocates to make their own decisions under the NDIS.
6. Further, under the NDIS support may be provided by the appointment of a **nominee** by the participant who can make certain decisions, such as purchasing services and supports, on the participant’s behalf.
7. More information about nominees may be found at <https://www.ndis.gov.au/families-carers/what-are-nominees-and-guardians>
8. If you have a proper interest in the welfare of a person and you think a formal substitute decision-maker should be appointed for a person because of the NDIS, you can apply to SACAT. SACAT will decide whether the person needs a guardian or an administrator appointed to make decisions for them.
9. Before appointing a substitute decision maker, SACAT will look at whether there are any available alternatives, such as informal support. You should explore this first before applying to SACAT. Orders are only made by SACAT if they are the least restrictive of the person’s rights and personal autonomy as is consistent with his or her proper care and protection.
10. The Public Advocate will only be appointed as a guardian of last resort. Contact the Office of the Public Advocate (8342 8200) if you require further information about their role if appointed as a guardian for a person.
11. Further information about guardianship and administration applications in SACAT may be found at <http://www.sacat.sa.gov.au/types-of-cases/guardianship> and <http://www.sacat.sa.gov.au/types-of-cases/administration> .