

**Submission
No 28**

SUPPORTED DECISION-MAKING IN NSW

Organisation: Council for Intellectual Disability

Date Received: 13 March 2026



NSW Parliamentary Inquiry into Supported Decision Making 2026

Council for Intellectual Disability

Date of submission: 13 March 2026

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Acknowledgement of Country

CID acknowledges the Traditional Owners of the land on which we work, the Gadigal People of the Eora Nation. We pay our respects to Elders past, present, and emerging. We can learn many things together.

About CID

The Council for Intellectual Disability (CID) is based in New South Wales. People with intellectual disability are at the front and centre of everything we do – they are our decision makers, staff members, board members and spokespeople.

Through our systemic advocacy, we campaign on issues that are important to people with intellectual disability, such as health, NDIS, jobs, inclusive education, transport and safety. For more information, see our website: <https://www.cid.org.au>

Contact details

CID welcomes the chance to speak further about this matter at an in-person hearing and will be accompanied by project workers with intellectual disability who have contributed to this submission.

To arrange this, or for more information about CID's submission, please contact:

Carolyn Smith,
Senior Manager Advocacy
[REDACTED]
phone: 1800 424 065

Summary of Recommendations

Recommendation 1: The Ageing and Disability Commission (ADC) Parliamentary Committee recommend **Amendments to the ADC Act** giving ADC responsibility to develop a NSW Government Supported Decision Making (SDM) Framework. Legislating leadership to promote and implement good decision making support as an alternative to substitute decision making.

Recommendation 2: The NSW Government **fund the ADC** to establish dedicated positions and skilled roles in SDM to guide best practice with people who have lived experience, across government and the community. These roles should develop resources and tools that support early intervention and capability building of the person with disability and their supports.

Recommendation 3: The ADC be funded to **investigate and report** on the issues impacting a person's decision making ability which lead to the appointment of guardians and financial managers, in particular last resort agencies such as NSW Trustee and Guardian (NSWTG).

Recommendation 4: The NSW Government fund **community-based advocacy agencies** to collaborate with the ADC to provide decision making support and evidence-based training on the ADC Supported Decision Making Framework for individuals, their informal networks and the wider sector, including service providers and government agencies.

Recommendation 5: NSW Government agencies and disability service providers be required to **report on the implementation and activities of SDM via a legislated SDM evaluation framework** which measures impact and outcomes, including people's ability to participate, be included and self-direct decision in their lives.

Recommendation 6: The NSW ADC Parliamentary committee recommend **reform of the NSW Guardianship Act**, that compliments an amended ADC Act, to promote SDM and require evidence that SDM has been exhausted before a Guardianship Order can be made.

Impact of CID Recommendations:

- SDM legislation will ensure people get support for decision making
- Funding the ADC to lead SDM will build confidence across sectors
- Investigating factors leading to guardianship will reduce applications
- Funding community advocacy will strengthen the SDM system
- Monitoring and evaluating SDM activities will build capability
- Reforming the Guardianship Act will ensure guardianship is a genuine 'last resort'

“If you make decisions for yourself, that’s it, you’re free.”

- Len Robinson, CID

Introduction

NSW Council for Intellectual Disability welcomes the opportunity to make a submission to this inquiry. Our submission draws on the lived experience of people with intellectual disability and their supporters.

Approximately 125,000 people in New South Wales live with intellectual disability. People with intellectual disability face stark inequalities in all areas of life, including healthcare, education, access to the justice system, housing, employment and equitable access to information.

In preparation for this submission, we consulted with a group of people with intellectual disability that includes members of the CID Advocacy Group, project workers employed by CID, members of the community and agencies across the disability, mental health and aged care sectors.

Our consultation method involved translating the relevant Terms of Reference into the accessible Easy Read format, and the provision of relevant case studies to help illustrate the material application of these questions in the participants' real lives.

Supported Decision Making (SDM) is a core pillar of all the work of the NSW Council for Intellectual Disability. We have an evidence-based SDM framework that has principles, tools and guidance specifically for the intellectual disability community that underpins all our projects and advocacy work see:

[!\[\]\(8d0f0e0fe25b320c33272c52aec1fbca_img.jpg\) Supported Decision Making Framework - Council for Intellectual Disability](#)

Supported Decision Making means helping someone take steps to make more of their own decisions. SDM is about people with disability being at the centre of their own decisions. People with disability can make more of their own decisions when they have the support and adjustments to do so see:

[!\[\]\(2b376d1a92330ab09dad2665d2f89bf5_img.jpg\) Supported Decision Making Hub - Council for Intellectual Disability](#)

When we speak of Supported Decision Making, we use the acronym (SDM). We use the term capability not capacity. A person's decision-making capability can be maximized by the support and adjustments they receive. Unlike capacity, which in legal and medical systems, is often perceived to be fixed. This does not consider context, the impact of support or the episodic nature of a person's ability to make decisions. This is particularly relevant for those who experience complex health issues including mental health challenges, which the [National Centre of Excellence in Intellectual Disability Health](#) highlights in their extensive research and practice areas.

Throughout this document we also refer to the Ageing and Disability Commissioner (ADC), the NSW Trustee and Guardian (NSWTG) and the NSW Civil and Administrative Tribunal (NCAT).

Response to specific Terms of Reference

a) The lived experience of people seeking to access appropriate support to make decisions for themselves

“I was wasting my money on gambling and playing poker machines. My parents said, ‘I think you need Guardianship because you can’t look after yourself.’

Then my support worker sat with me – it took us about 6-8 months ... [to] work on a budget. I didn’t even know about money, because I just got pushed out of home, and I was living on my own.

My support worker said, ‘We can work around that. Be prepared to sit and write what you spend each week. Have a different account for different [things].’

Now, I’m saving that much more money it’s not funny!”

- CID Advocacy Group Member

When people with intellectual disability get good support for decision making, they build knowledge and skills. A person’s networks may want to reach for guardianship or financial management to manage risk. However, people with intellectual disability have the right to be assumed to be capable of managing risks, to be provided with good support to help build ability and to put appropriate safeguards in place. Financial management is often a disproportionate safeguard. Our current systems offer limited alternative options.

“I think the problem with Supported Decision Making is that supporters just want to do things for the person, and they don’t know how to do things with the person.”

- Project Worker CID

Family and friends are the first circle of support for people with intellectual disability. Unfortunately, many people do not have natural supports, or they have low quality relationships where undue influence or paternalism impacts their ability to be supported well. For people with intellectual disability, paid support is often necessary for inclusion.

However, the disability workforce is not currently equipped or supported to consistently practice SDM. The 2026 NDIA quarterly report shows 94% of providers are unregistered with the NDIS Quality and Safeguards Commission.

Disability and care workers are not trained or skilled in SDM. Workforce instability limits sustained capability building. National Disability Services (NDS), workforce data shows high turnover and growing reliance on casual work, with the 'NDS Workforce Census 2025' reporting that NSW had the highest casual workforce turnover nationally at 31 percent.

SDM requires a skilled workforce. When meeting with CID on SDM issues, NSW NDS State Manager Lowri Williams said, "Providers need funded time for supervision, training and workforce development to support consistent practice. Current price settings and planning approaches do not adequately reflect this, meaning SDM risks becoming an unfunded expectation for disability service providers." Without requirements to report on how SDM is practiced and what capability building outcomes have been achieved, many people receiving NDIS or care services experience little or no decision making skill building.

"Trustee and Guardian should be the last resort, not the first port of call. People are put on Trustee and Guardian too early. They're not told by their provider, 'Maybe we should try and see if we can manage your money before we put you on Trustee and Guardian.'"
- CID Advocacy Group Member

The NSW Trustee and Guardian annual report reveals too many people with intellectual disability are appointed substitute decision makers too soon. The number of people under the NSW TG has doubled over the last 10 years and increased over 100% just in the last 12 months. The NSW Guardianship system is being inappropriately used and is inevitably under significant pressure. This is alarming for our community, as they are overrepresented at the NSW TG.

People with intellectual disability also remain under orders for longer as they are in systems that constantly demand informed consent. Many systems do not recognise their responsibility to provide the adjustments and support for decision making that can build a person's ability to provide their own consent.

"There needs to be one policy and one area where you get help. [Somebody] who helps make doing SDM consistent... this would build trust for PWID."

- CID Project Worker

Currently there is no leadership or consistent guidance on how to do SDM. While our key pieces of legislation remain silent, our systems will continue to focus on old models of care and support that are often paternalistic. Our community and others with cognitive disability want a strong legal imperative to drive SDM practice and measure outcomes that relate to a person's strengths, focus on building ability and take a whole of life approach.

If substitute decision making in NSW remains the dominant decision making system, we will continue to invest in and inflate an approach that removes the person's rights, and neglects investment in building the person's capability to be both safe and strong.

CID Wants:

- Guardianship to be a last resort and Supported Decision Making (SDM) applied as a genuine alternative to NSW Trustee and Guardian (NSWTG).
- The Ageing and Disability Commission (ADC) to fill the systemic gap and become the lead agency for SDM.
- Families and other supports to have access to advice and resources to practice SDM from trusted sources including ADC and relevant regulatory and advocacy agencies.
- Providers to be well trained and funded to provide support for decision making and required to report on outcomes.

b) Barriers to implementing models for supported decision making across legal, financial, health, education, employment and care systems in NSW

“The relevant government bodies need to take SDM more seriously and get an understanding of it and help foster the idea that people can make their own decisions ... after all, everyone else gets to make their own decisions.”

- CID Project Worker

There are persistent negative attitudes towards people with intellectual disability. Many presume they can't learn, grow or contribute. This extends to doubts about their decision making ability. These attitudes allow systems to hide behind protective practices such as widely defined 'duty of care' processes that justify excluding people with intellectual disability from the everyday dignity of being able to make their own decisions. Genuine inclusion is the key to breaking down barriers and businesses/systems have a responsibility to demonstrate how they are doing this.

Although SDM is being implemented and practiced in many areas, some systems, particularly financial and legal, will need legislation to help build their understanding, confidence and consequent commitment. We do have evidence that demands we move on implementing SDM, including the ratified UNCRPD; Disability Royal Commission SDM recommendations; the 2014 Australian Law Reform Commission report; (Equality, Capacity and Disability in Commonwealth Laws) and the 2018 Review of the NSW Guardianship Act. All speak about the importance of implementing SDM.

Key stakeholders in NSW health, disability, aged, legal and justice sectors have already collaborated with Department of Communities and Justice (DCJ) in 2024 to provide advice on Guardianship reform as it relates to SDM. The DCJ internal Guardianship Working Party Report revealed consensus around the need for legislative reform, yet we still don't provide clear guidance and trusted options outside of that system that elevates and promotes innovation in supported decision making.

There is a lack of commitment and enforcement of the basic principles that require agencies to provide meaningful support to facilitate inclusion and full participation. Without legislation requiring regular and specific reporting on SDM outcomes, there will continue to be no industry standards or guidelines on how to consistently implement and embed the practice of SDM. This is evidenced by a distinct lack of reference to supported decision making in Government Disability Inclusion Action Plans.

We need the ADC to be the leading agency with legislation to produce and promote an SDM framework to guide practice, build confidence and monitor how SDM is embedded in our systems. However, they cannot do this on their own.

Advocacy agencies across all disability types are well positioned to understand and provide strong support for decision making, particularly for those who have no natural supports, or are in complex situations that make them vulnerable. Funding advocacy agencies to provide advice, support, system navigation and evidence-based training will be an important component of success in implementing SDM in collaboration with the ADC and working across various sectors and systems.

All systems in a person's life will need guidance on how to recognise and build decision making capability. Codesign/production on SDM with those with lived experience will be critical for success. With legislation change and practice leadership, learning institutions and professions will be provided with opportunities to develop evidence-based SDM skills and knowledge, with opportunities for embedment in curriculums and credentials.

“Other systems like health don't do it because they don't have training on Supported Decision Making and they are not encouraged to undertake any particular training on it.”

- CID Project Worker

CID Wants:

- Amended Ageing and Disability Commissioner Act to enable a Supported Decision Making Framework and a model of practice underpinned by Supported Decision Making principles to drive development of consistent guidelines for practice across legal, financial, health, education, employment and care systems in NSW.
- Fund advocacy agencies to provide advice, support and evidence-based training.

c) The distinct experiences of and challenges faced by Aboriginal people and people from culturally and linguistically diverse backgrounds

This question and exploration are best done with these communities directly. They are vast and diverse, including within each cohort, inclusive of LGBTIQ+. We understand the intersectional and contextual nature of decision making and recommend direct collaboration with diverse communities in a culturally and contextually safe and sensitive way.

“Probably because I am Aboriginal – they did not even ask me about if I trusted and wanted family to help me... my brother is really smart with money and we are really close.”

- CID Member

Government agencies often have an overrepresentation of First Nations people in their services and outdated legislation does not consider or accommodate cultural context. Cultural Safety must be promoted and the social and emotional wellbeing approach practiced with direction and oversight from First Nations people.

Cultural context is central to many First Nations people and decision making is relational. NSW Government Agencies must accommodate this, and report on outcomes with the intention of meeting a person’s cultural safety needs.

Engagement with local Aboriginal Community Controlled Health Organisations is required to learn how Community already does shared decision making and how this relates to supported decision making. Investment in these organisations and the Aboriginal health workforce strengthens local communities.

Council for Intellectual Disability currently runs an Inclusion CALD SDM project for young people and their families/supports. For some in the Chinese and Vietnamese community, guardianship is understood as a way of protecting the person and securing their future within the systems they interact with.

Many families have:

- Rarely heard about supported decision making and look for a strong legal foundation to support it.
- Shared stories about systems (including education) that encourage guardianship applications as a means of ensuring a person's safety.
- Viewed guardianship as a necessary pathway required to ensure future financial, health and overall safety.

These beliefs and approaches will continue driving people to the substitute system until an alternative is offered and given the authority it needs by being embedded in legislation.

CID Wants:

- **Supported Decision Making Legislation to include the requirement to discover, accommodate and be responsive to a person's cultural context when applying SDM principles.**

d) The role and functions of the Ageing and Disability Commission (the Commission) in relation to supported decision making

“It will be important that they are independent. We don't want it to switch views from government to government.”

- CID Project Worker

People, their support, and intersecting systems need to know why Supported Decision Making is important, what it is and how to do it. Leadership and authority around this will create confidence and consistency in promoting and practicing SDM.

Currently, across all sectors, there is uncertainty and inconsistency in applying SDM. Many agencies are focused on person-centered and active support. While both systems are important, they do not recognise that SDM is the evolution of practice that is about doing with not doing for the person.

Many agencies have policies and procedures on SDM that are vague and not tied to reporting on outcomes. It is also unclear if these have been developed in close collaboration with people with intellectual disability. Measurements that relate to a person's new skill development or quality of life are rare across all sectors. There is currently no requirement to report on SDM and see its impact on people's ability to participate and be self-directed. A lack of guidance on SDM creates risk for the intellectual disability community as outcome measurements are transactional.

“We have the right to make decisions and change our minds. We have all made mistakes in our lives and we have the right to learn from our mistakes. We have a right to Duty of Care and dignity of risk.”

- CID Project Worker

Support can be overprotective in the name of duty of care or unstructured and even neglectful in the aspiration for complete choice and control. As capability building is dependent on quality supports and often contextual, strong leadership on what it is and how to do it must be defined.

The Ageing and Disability Commission is a trusted agency, has principles that align with SDM and already promotes a will and preferences approach. However, without authority to develop and define an SDM approach, substitute decision making will remain the dominant legal structure to address safeguarding issues.

There are legitimate concerns that relate to undue influence, lack of informal supports and inherent risk that impact on a person's ability to make decisions. A leadership agency will play an important role in facilitating shared and enabled risk approaches as part of an SDM framework and via their advice and monitoring role.

A reporting or evaluative framework should be developed and linked to the SDM Framework to ensure measuring and collection of meaningful data. Amended legislation should compel other agencies to provide reports to the ADC on their implementation and the outcomes people have achieved. This should be reported annually to parliament to monitor and track progress of SDM across the sector and the impact it is having on people's lives in relation to their inclusion and participation.

CID Wants:

- The Ageing Disability Commission (ADC) to have a leadership role in Supported Decision Making (SDM) and develop an SDM Framework and a reporting/evaluative framework in collaboration with people with intellectual and cognitive disability to drive consistency and ongoing better practice in a proactive way.
- For the ADC to promote and provide advice on the principles and approach of SDM, including the development of resources and guidance material for people with disability and their support networks.
- The ADC to have a systemic monitoring and oversight role including using its authority to compel others for reports and to report back to the ADC Parliamentary Committee on barriers, failures and enablers in the implementation of SDM, including why people are appointed New South Wales Trustee and Guardian (NSWTG).
- Other regulators and Commissioners in disability, aged and mental health sectors to embed SDM and report to ADC on their compliance with SDM principles including capability building outcomes for people with disability.

e) Possible changes to the functions of the Commission, including legislative amendments to the Act, to enhance supported decision making

“If we don’t have a law, they can do whatever they like.”

- CID Advocacy Group Member

Our members say it is important to have laws and guidance to create parameters for good practice. One member spoke about how the more vulnerable people in the intellectual disability community can get “railroaded into a decision (and) they’re the ones who are more likely to be trapped in Guardianship”.

Supported Decision Making currently has no respected, trusted and defined home. SDM will continue to be spoken about and applied in an aspirational way until legislation is enacted to make it a legitimate and proactive approach.

The ADC is a very small agency with a big role and impact. Promoting and practicing SDM costs money. Current investment in decision making is done in the substitute or crisis space. Spending money to fix crises is more costly than investing in systems of prevention. Money must be invested in new roles and SDM skills and abilities if the ADC is to genuinely be an alternative to substitute decision making.

Lived experience from the disability community must provide leadership via co-design and production when developing SDM frameworks and approaches. The goal of ensuring people with intellectual disability and those with cognitive disability are fully included and supported to build this new approach in NSW will remain aspirational without the ADC being adequately funded.

CID understands that the NSW Government is also considering implementation of a Senior Practitioner to oversee the use of restrictive practices. CID advocates that if this practitioner model is pursued, it needs to sit in an independent agency like the ADC and must be underpinned by the principles and approach of SDM. This role would have strong education and training responsibilities on good positive behaviour support planning, of which SDM should be central as a proactive capability building approach.

CID Wants:

- **The Ageing and Disability Commission (ADC) to be fully funded to fulfill their current role and function. It would be a high risk for vulnerable communities if new responsibilities were added and the agency is already beyond capacity.**
- **ADC to be funded to develop a Supported Decision Making framework in collaboration with people with lived experience and deliver information and education on Supported Decision Making to formal and informal networks.**
- **ADC to be funded to investigate, monitor and report on how other systems are applying and measuring outcomes for Supported Decision Making.**

f) Measures to ensure that substitute decision making is an alternative approach that is employed in appropriate and limited circumstances

Case study:

David is a proud Aboriginal man who has an intellectual disability. His time in gaol 20 years ago produced reports that claimed he had significant cognitive and psychosocial disabilities.

On receiving a payout of money from an injury, the insurer would not release the funds unless a Financial Manager was appointed. He was not asked about his financial skills, if his family had ability to support him or what other alternatives might keep his money safe.

David works part time, is also building his own small business and travels extensively. He has experienced his money being cut off by the appointed Trustee while overseas, forcing him to sleep rough.

He has been trying to get discharged from financial management for two years with limited success. His friends and family are willing to support him, and he has plans for personal safeguarding to make his money last him in retirement.

David feels like assumptions about his family based on culture, his criminal history and his perceived lack of capability contribute to the continuation of the order.

Using SDM to build his capability is not discussed or been a considered by the Trustee so far in this matter.

While Supported Decision Making remains undefined in NSW legislation, substitute decision making will continue to be used as the alternative approach rather than as the 'last resort'. CID believes there will likely always be a need for a last resort substitute decision maker in limited circumstances, however for such a system to be proportionally and appropriately used, an alternative needs to exist.

“They just put my friend on the Guardian straight away, even though he was paying his bills. Yes, he was bad with managing money because the drink would take over, so that’s where most of his money would go. The coordinator, the provider, the support worker – where were they before it got bad? Same with the parents, maybe family, maybe friends ... all of these steps were not taken at all. The Guardian is seen as an easy solution”

- CID Advocacy Member

CID is alarmed at the New South Wales Trustee and Guardian annual report that reveals a doubling of clients coming under guardianship and financial management over the last 10 years. The NSW Guardianship system has a particularly high number of people with intellectual disability and is often used by the National Disability Insurance Agency (NDIA), financial institutions, health and aged care providers as a rubber stamp for providing consent in situations where support is not available or of poor quality. The requirement to consent to restrictive practices with different rules, definitions and safeguarding across health, aged and disability systems is also driving demand.

The Office of the Public Advocate in Victoria released a report in 2025 on the reasons behind multiple Guardianship Appointments. The report highlighted how people with intellectual disability are more likely to be subject to multiple guardianship orders. It stressed the impact of not having enough options to access support for decision making. With an SDM system embedded so close to the substitute system, paternalistic pathways are more readily deferred to.

SDM is most impactful when done early, often and outside of the guardianship system. CID would like to know the factors that impact a person’s decision making ability that result in the NSW TG being appointed. Identification of these barriers will also assist in establishing the subsequent enablers to build individual and systemic capability.

There is not a strong enough direction in the NSW Guardianship Act that requires people to show how SDM has been fully explored and exhausted before a Guardianship order is made. NCAT encourages diversion from appointments, however their ‘Do you need an order’ factsheet does not speak to the importance of practicing supported decision making, which is central to ensuring a person retains their decision making autonomy.

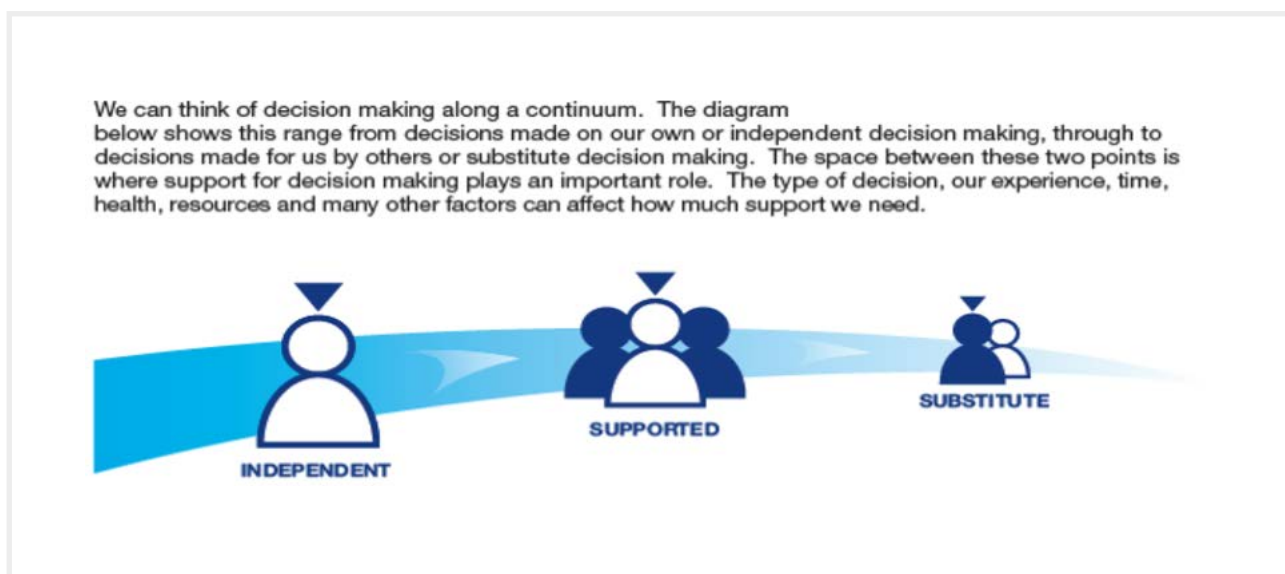
While there is no particular agency or legislated SDM framework for NCAT to reference or refer people to, SDM will remain aspirational or completely left out as a reference point to build a person’s decision making ability and uphold their rights. The NSW Guardianship Act needs to be amended to include a requirement that SDM has been fully explored and exhausted, and evidence of this provided to the NCAT before an order can be made.

“I got paid as part of a redress scheme and they did not tell me they wanted to put someone in charge of my finances. My payout came with conditions. Someone still controls my money. It feels like the Government committed a crime against me, paid me for it and now they claim it back by getting the Trustee in there. Now they control all my finances – not just my payout. This has a very bad impact on my business, my stress levels and my everyday life.”

- CID Project Worker

NSW has been talking about reforming the Guardianship Act for more than 10 years. As noted above in Section (b), the industry wide working group convened by the Attorney General in 2024 made many sound recommendations. NSW TG has had many attempts at exploring SDM within its context (including with CID currently in a new Project exploring a SDM approach during onboarding). However, their protectionist legislation ultimately determines their approach.

This diagram was part of a resource developed by NSW TG in 2017 produced by an SDM project. It was used at the DRC in 2022 to explain how SDM was being promoted and should work in practice outside of their agency.



NSW Public Guardian 2017 DRC Volume 6 NSW TG Evidence

Although it will be important to fully reform and modernise the NSW Guardianship Act, there will likely always need to be a safety net of last resort. Investing money in trying to make the substitute system a supported one is fraught. The complexity with making it work within the confines of a last resort system is incompatible. NSW TG can and should take an SDM approach so people can be discharged from them safer and stronger, including by using pathways such as Section 71(2) of the NSW Trustee and Guardian Act 2009 to help people build capability. However, they will always be substitute, not supported, decision makers.

CID Wants:

- **The Ageing Disability Commission to be invested in and recognised via legislative change to be the alternative agency to fill the Supported Decision Making gap in our system.**
- **Amend the Guardianship Act to include the requirement for supported decision making to be exhausted before an order can be made.**
- **Amendments to the NSW Guardianship Act and other relevant legislation be in line with the ADC Legislation and the supported decision making Framework and its principled approach.**
- **Ageing and Disability Commission to be able to investigate the reasons for appointment of the NSW TG, including the agencies making applications and their adherence to supported decision making principles.**

Conclusion

People with intellectual disability are overrepresented in NSW TG as there are no legislated options for SDM. An absence of legislation enshrining an SDM Framework and Principles has left a gap in the NSW system, leaving the NSW TG as the only Government agency seen to provide a 'service' around decision making. This service comes at a cost, as it removes decision making autonomy and rights. We need legislation embedded in a trusted Government Agency such as the ADC to lead on SDM and guide best practice so people get the support they need.

The ADC is a small agency with wide responsibilities and already take an SDM approach with will and preferences at the heart of what they do. With new roles and responsibilities around SDM, they will need adequate funding to build a strong foundation that people and other systems can look to for guidance. Their independence, expertise in understanding complexity and disability holds significant standing in our community. As this is a paradigm shift relating to a person's decision-making rights, significant time will need to be invested in promoting SDM and building resources and confidence across sectors.

The number of people appointed NSWTCG substitute decision makers via the NSW Civil and Administrative Tribunal continues to rise each year. ADC is in a unique position to investigate, monitor and report on the reasons why people continue to have their decision-making rights removed across various systems and determine what structural changes need to occur to reduce applications. Importantly, they can also highlight now what more can be done in our current systems and structures to maximise people's decision making rights.

There is currently inconsistency in practicing and promoting SDM and not enough available skilled support. Advocacy agencies are uniquely positioned to understand the specific needs of their communities. Many are already providing information and support with decision making with a focus on capability building. The ADC will need collaborators to assist in promoting, enacting and advising on SDM. Funding for individual and systemic advocacy focused on SDM practice and implementation will strengthen the role and responsibilities of the ADC. There is a lack of reporting on how people with intellectual disability have had their capability built and the impact this has had on their inclusion and participation. Disability, Government agencies and services that require customers to make decisions should be reporting on how they are providing adjustments and supports that align with the principles and approach of SDM. The ADC's monitoring role will guide best practice and build capability.

The NSWTCG is not being used as a last resort and amendments need to be made to the NSW Guardianship Act to ensure SDM has been exhausted before a Guardianship or Financial Management Order is put in place. With ADC as the leading agency on SDM, this will give NCAT the ability to refer applicants back to the experts on SDM to seek guidance on what more they need to do to ensure a person has been provided with maximum support. Reforming the Guardianship Act will ensure it is the last resort.

“If the law does get changed, make sure ADC implements it well so we don't have to suffer anymore from having only Guardianship and Financial Management as the one option that gets used all the time for people with intellectual disability.”

- CID Project Worker

References

[Supported Decision Making Framework - Council for Intellectual Disability](#)

[Supported Decision Making Hub - Council for Intellectual Disability](#)

[National Centre of Excellence in Intellectual Disability Health](#)

[New research exposes hidden mental health crisis for people with intellectual disability |](#)

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[NDS's State of the Disability Sector report 2025](#)

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[Do you need an order? | NSW Civil and Administrative Tribunal](#)

[Multiple appointments - Office of the Public Advocate](#)

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