



Review of Supported Decision-Making in South Australia

Summary List of Consultation Discussion Questions

Fact Sheet 2 – Guiding Principles

1. What specific principles or values do you believe are essential to include in a legal framework for supported decision-making to ensure empowerment and autonomy for people with supported decision-making needs?
2. Are there principles or values you think should take priority over others?
3. How can a framework best incorporate the diverse needs and perspectives of people with supported decision-making needs?
4. Should these principles be embedded in law or is there a more appropriate alternative?
5. What safeguards or mechanisms do you think are crucial to protecting the fundamental human rights of people with supported decision-making needs within a supported decision-making framework, including the right to dignity?

Fact Sheet 3 – Enduring Powers of Attorney and Advance Care Directives

1. How effective are Enduring Powers of Attorney in ensuring that the decisions made on behalf of people with decision-making support needs align with their preferences and values?
2. Can you share instances where Advance Care Directives have played a significant role in protecting the autonomy of people with decision-making support needs in healthcare settings? What challenges, if any, have been encountered?
3. Do you believe these existing legal instruments align with principles such as empowerment, autonomy, and inclusivity in supporting decision-making for people with decision-making support needs? Is your view informed from the perspective of:
 - a. a carer; or
 - b. an individual with decision-making support needs?

Fact Sheet 4 – Guardianship, Administration and Public Trustee

1. How effective are SACAT guardianship and administration orders in ensuring that the decisions made on behalf of people with decision-making support needs align with their preferences and values?
2. Can you share any instances where SACAT guardianship and administration orders have played a significant role in protecting the autonomy of people with decision-making support needs? What challenges, if any, have been encountered?
3. How effective is the Public Trustee in ensuring that the decisions made on behalf of people with decision-making support needs align with their preferences and values?
4. Can you share any instances where the Public Trustee has played a significant role in protecting the autonomy of people with decision-making support needs? What challenges, if any, have been encountered?
5. Do you believe these existing legal arrangements align with the principles of empowerment, autonomy, and inclusivity in supporting decision-making for people with decision-making support needs? Is your view informed from the perspective of:
 - a. a carer; or
 - b. an individual with decision-making support needs?



Fact Sheet 5 – Current Legal Structures

1. How can current legal structures be adapted or enhanced to promote supported decision-making for an individual?
2. What aspects of the *Associations Incorporations Act 1985* (SA) could be used and/or implemented in supporting decision-making for people with supported decision-making needs? (I.e. incorporation procedures, committee and governance, financial management.)
3. What aspects of the *Corporations Act 2001* (Cth) could be used and/or implemented in supporting decision-making for people with supported decision-making needs? (I.e. incorporation procedures, corporate governance, directors' duties, financial reporting and disclosure.)
4. What aspects of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) could be used and/or implemented in supporting decision-making for people with supported decision-making needs?

Fact Sheet 6 – Microboards

1. What are the key advantages and disadvantages of microboards in promoting supported decision-making for people with supported decision-making needs?
2. How should legislation relating to microboards deal with:
 - a. Powers of microboards and their members;
 - b. Management of internal affairs (including the committee, management, disqualified persons, duties of officers/board members, records);
 - c. Transactions;
 - d. Disputes; or
 - e. Any other matters.
3. What challenges might arise with the use of microboards for supported decision-making? How can we address these challenges to improve the effectiveness of microboards for individuals needing decision-making support?
4. How do you see microboards interacting with the NDIS? What are the implications of this?
5. Who should be able to be appointed to a microboard? Should people be financially compensated for sitting on microboards and, if so, where should these payments come from?
6. How can a microboard better incorporate checks and balances to prevent potential abuses of power?
7. How can issues of capacity be dealt with in a microboard (for example, fluctuating capacity, decision-specific capacity, activation of microboard, assessment of capacity)?
8. From your experience, are there specific models or approaches to supported decision-making (other than microboards) that have shown promise in enhancing the autonomy and decision-making capacity of individuals with supported decision-making needs?
9. How can the legal framework be designed to accommodate a variety of alternative options for supported decision-making, ensuring that individuals have the flexibility to choose the approach that best aligns with their needs and preferences?
10. Is there anything else incidental that you would like to share with SALRI?

SALRI's consultation process will open in July 2024 and close on 30 September 2024.

Please note: SALRI does not, and cannot, provide legal advice to individuals. If you are in need of legal advice, we encourage you to speak to a lawyer and/or contact a community legal service.

