

Media release

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Wednesday, 14 August 2024

Review of laws to better support vulnerable people

The South Australian Law Reform Institute (SALRI) has commenced its consultation reviewing legal frameworks aiming to empower South Australian individuals with decision-making support needs. Input from community and interested parties is sought for this independent review.

SALRI is an independent law reform body based at the University of Adelaide. This review will be undertaken by SALRI Director Professor John Williams, Associate Professor Sylvia Villios, Associate Professor Beth Nosworthy, SALRI Deputy Director Associate Professor David Plater, Dr Mark Giancaspro, and Dr Peta Spyrou, and assisted by Brooke Washusen, Emily Conroy and Simon Headland.

The provision of effective and proper support for persons with decision-making support needs and the prevention of exploitation and abuse have been the subject of extensive recent scrutiny, including by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Despite this scrutiny and the endorsements for empowering vulnerable individuals which followed, there is a lack of comprehensive research in this area, which the review aims to address.

The increased focus on international human rights principles has also led to greater questioning of traditional substitute decision-making models (where a person, body or Government makes decisions for a person with decision-making support needs).

Such models are often perceived as paternalistic. Instead, there is an increasing shift to the vital premise of supported decision-making to recognise the autonomy of persons with impaired decision-making capacity.

South Australia has existing models for substituted and/or supported decision-making, such as guardianship laws, Enduring Powers of Attorney, or Advance Care Directives. SALRI will examine these existing frameworks, as well as new potential supported decision-making models, including microboards.

SALRI will draw on existing work as well as its active and inclusive consultation approach to examine how present law and practice can be potentially changed to better promote supported decision-making models. SALRI will have close regard to best practice and human rights principles.

As part of its review, SALRI will:

- Consult with the community and other interested parties, such as experts, interested groups and persons with lived experience of supported decision-making practices;
- Consider law and practice in other jurisdictions (both national and international);
- Consider the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability;
- Consider the role and utility of microboards and other models;
- Consider any other relevant issues raised in this reference.

SALRI will not examine capacity assessments or provide an in-depth analysis of the NDIS, as this falls outside the project's scope.

SALRI is committed to an active and inclusive consultation process and is keen to hear from interested parties or individuals, especially those in regional communities.

SALRI is particularly interested to hear from persons with decision-making support needs and those with lived experience of supported decision-making. SALRI is particularly interested in suggestions about how existing law and practice can be improved to support and promote supported decision-making and any appropriate frameworks and safeguards that should be implemented.

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150 YEARS

As part of the consultation process, SALRI will be holding industry and community roundtables in metropolitan Adelaide, and will also be visiting regional communities, including Port Pirie, Port Augusta and Mount Gambier.

Consultation has begun and remains open until 30 September 2024. Submissions can be made via an [online survey](#), through [email](#), or mailed to SALRI, University of Adelaide, Ligertwood Building, Adelaide, South Australia, 5005.

Further details, including factsheets and consultation videos, are available on the [SALRI website](#).

This project is funded by the Law Foundation of South Australia Inc., with the final report expected in March 2025.

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