

**Senate Community Affairs Committee**  
**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**  
**SOCIAL SERVICES PORTFOLIO**  
**2016 – 2017 Additional Budget Estimates Hearings**

**Outcome:** National Disability Insurance Agency

**Question No:** NDIA SQ17-000033

**Topic:** NDIS Packages for People with Anosognosia

**Hansard Page:** Written

**Senator Siewert** asked:

It is likely that a large proportion of people with anosognosia will not apply for NDIS packages, despite their need for and their entitlement to a package. Does the NDIA have a plan for how to capture and include people with anosognosia to allow access to an NDIS package?

a. Are there measures in place for assisted decision making?

**Answer:**

To become a National Disability Insurance Scheme (NDIS) participant a person needs to meet age, residency and disability or early intervention access requirements. Eligibility to the NDIS is not based on diagnosis but on functional impairment.

If an individual does not consider seeking access to the NDIS, any person who is legally authorised to act on behalf of the person (for example, a person with parental responsibility for a child, a guardian, trustee or person with power of attorney), may also seek access for the person on their behalf.

A person with Anosognosia may be regarded as ‘hard to reach’ in that they are likely to meet the eligibility criteria but choose not seek access to the NDIS. The National Disability Insurance Agency (NDIA) is developing an approach to responding to people who are known to be ‘hard to reach’ to guide NDIA staff and community partners on working with hard to reach participants, and any access to the NDIS for these individuals will be in the context of agreed phasing for new participants.

Assisted decision making

The NDIA is guided by the principle, enshrined within the NDIS Act, that people with disability are assumed to have capacity to determine their own best interests and make decisions that affect their lives, so far as is reasonable in the circumstances.

The NDIA recognises the importance of support provided by family, friends and carers in assisting people with disability in making decisions. The NDIA equally recognises that where it becomes evident that those people providing support are seeking to make a decision on behalf of the person, the NDIA will need to be satisfied that the person with disability has authorised this.

Where it is not possible for a participant to make their own decisions, or be supported to make their own decisions, the NDIA can appoint a nominee to act on behalf of, or make decisions on behalf of a participant. NDIA can facilitate the appointment of a nominee to assist a participant with decision making throughout the participant pathway, including identifying goals and selecting providers. A nominee is a person appointed, under the NDIS Act, to assist with

The NDIA recognises existing legal decision makers, whether they be appointed by a participant or a court. The NDIA considers these decision makers to have the same powers and responsibilities as nominees appointed under the NDIS Act.

At the local level, the NDIA works closely with state public guardian offices to ensure statutory obligations are met while supporting participant led and focussed planning.