

The National Disability Insurance Scheme and SACAT

What is the NDIS?

The National Disability Insurance Scheme (“NDIS”) provides funding for people with a permanent and significant disability to access individualised supports and services. SACAT may hear applications prompted by the NDIS and NDIS participants may be involved in hearings at SACAT.

This Fact Sheet deals with the NDIS and how SACAT is involved.

Further information about the NDIS is available on the NDIS website: <https://www.ndis.gov.au>.

How is SACAT involved with the NDIS?

SACAT 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, services and access decisions and **Administrators** are substitute decision makers for financial and legal decisions. Many people with a disability who are eligible to access the NDIS have capacity to make their own decisions and will not need a guardian or administrator appointed. 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.

Further, under the NDIS, support may be provided by the appointment of a **nominee** for the participant. The nominee can make certain decisions, such as purchasing services and supports, on the participant’s behalf.

Applying to SACAT

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 has a mental incapacity and whether the person needs a guardian, or an administrator appointed to make decisions for them.

Before appointing a substitute decision maker, SACAT will look at whether there are available alternatives, such as informal support. You should consider 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 and are consistent with his or her proper care and protection.

The Public Advocate may also be appointed as a guardian. Contact the Office of the Public Advocate (1800 066 969) if you require further information about their role if appointed as a guardian for a person.

Public Trustee may also be appointed as an administrator. Contact Public Trustee at (8226 9200) if you require further information about their role if appointed as an administrator for a person.

Further information about guardianship and administration applications in SACAT may be found on SACAT’s website: [Guardianship Orders](#) and [Administration Orders](#).

The Restrictive Practices Scheme and SACAT

The Restrictive Practices Authorisation scheme was created to provide safeguards for people with a disability consistent with the *National Disability Insurance Scheme Act 2013*. This scheme aims to protect the rights of people with disability, reduce and eliminate the use of restrictive practices and place rules around the use of regulated restrictive practices.

Officers under this scheme can authorise restrictive practices by NDIS providers for NDIS participants.

A NDIS participant may have:

- A restrictive practice authorised under the Restrictive Practices Authorisation scheme; and
- An order for Guardianship and/or special powers (please refer to SACAT's factsheet regarding special powers for further information)

NDIS service providers need to understand the two systems, and that nothing in the Restrictive Authorisation scheme changes SACAT's ability to make orders or the effect of existing SACAT orders. For more information on the Restrictive Practices Authorisation scheme check here: SA.GOV.AU - Restrictive Practices.

Review of decisions made under the Restrictive Practices Scheme

SACAT can also review some decisions made by the Senior Authorising Officer under the Restrictive Practices Authorisation Scheme. See SACAT's website for more information: [Restrictive Practices Authorisation Scheme \(NDIS\)](#).

For NDIS service providers

NDIS support coordinators have a key role in sourcing service providers but cannot choose providers on behalf of a person if a guardian is appointed for the person. If there is a NDIS nominee for decision making appointed, there may not be a need for a Guardian to be appointed for decisions regarding services.

NDIS support workers and providers may be listed as interested persons in SACAT matters where the person is an NDIS participant, and may be contacted at a SACAT hearing.

SACAT can also review decisions made by the Central Assessment Unit about screening of NDIS workers, see here for more information: [NDIS Worker Clearances and Exclusions](#)

Contact the Tribunal

If you would like to speak to a staff member about NDIS and SACAT, please telephone SACAT on 1800 723 767 (select option 4 and then option 7).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.