

OPG and the NDIS

The National Disability Insurance Scheme

The NDIS is a national system which provides disability support and services to people who have permanent and significant disability. The NDIS allows the participant to choose how and where their funding is spent, based on their support needs and personal goals.

Only Australian citizens who are under 65 years old and have permanent and significant disability can apply for NDIS funding. However, any adult who is approved for NDIS funding before age 65 can continue to receive NDIS services until their needs can be better met by aged-care specific services.

Seeking Public Guardian appointment for NDIS matters

When an adult needs assistance to go through the NDIS process, in the first instance they should be:

- Referred to the Local Area Coordinator
- Assisted by family or friends, or
- Referred to an advocate.

If the adult doesn't have the capacity to express choice and control in relation to their NDIS plan and they are not able to be assisted to make their own decisions, then an application to appoint the Public Guardian for NDIS matters would be appropriate.

Under the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*, the Public Guardian may act as guardian or attorney for an adult with impaired decision-making capacity if there is no one else in their life to take on the role. The Public Guardian can be appointed by the Queensland Civil and Administrative Tribunal (QCAT) or through an Enduring Power of Attorney document. The Public Guardian may be appointed to make personal and health care decisions, including NDIS-related matters.

OPG requirements for NDIS matters

If the Public Guardian does get appointed for NDIS matters, we generally don't need to also become a plan nominee, as the guardianship appointment is sufficient. However, any previous plan nominees must be removed.

We do require that the adult have support coordination funded in their NDIS plan. NDIS Support Coordinators will source the most appropriate service providers on behalf of the adult and provide advice on whether a service falls within an adult's funding. They also identify any discrepancies in funding claimed and services delivered.

We also require the client's NDIS plans to be agency managed (unless the client would miss out on receiving a service). This ensures that an adult's NDIS plan is regularly monitored and updated if their needs change.

OPG's role in supporting clients in the NDIS

The Public Guardian promotes a supported decision-making approach and encourages adults with impaired decision-making capacity to have maximum participation and minimal limitations in decisions affecting their lives. This means that adults are encouraged to express their will and preferences in relation to decisions about NDIS and be provided with the opportunity to negotiate their NDIS supports.

Our role in supporting our clients in the NDIS, includes helping to make sure the adult is supported to register with the NDIS, meeting the NDIS access requirements and having an NDIS plan approved. Once the NDIS plan is approved, a guardian will work with an NDIS Support Coordinator, and the adult and their family/interested parties to ensure the services being delivered are in line with the approved plan and the adult's needs. In practice, the NDIS Support Coordinator will find the most appropriate services for the adult and present it to the guardian to consider.

The guardian can then consent to the service provision or recommend it to be reviewed to be more aligned with the adult and their needs. The Public Guardian will provide this consent in writing.

It's important to note that the Public Guardian cannot determine eligibility for the NDIS, but we will advocate for our clients to access the scheme or alternate supports.

We also don't have any oversight of financial details of an NDIS plan and we have no access to the portal.

For more information

To find out more about the NDIS go to www.ndis.gov.au or call 1800 800 110.

To find out more information about OPG, visit our website at publicguardian.qld.gov.au, call us on 1300 653 187 or email publicguardian@publicguardian.qld.gov.au

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