Attachment A

The following are the universal principles to underpin a 'Diversity, Dignity, Equity and Best Practice Framework for Supported Decision-Making' set out in the 'Research Report: Diversity, dignity, equity and best practice: a framework for supported decision-making'[1] commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Principle 1: The equal right to make decisions

All adults have an equal right to make decisions that affect their lives and to have those decisions respected.

Principle 2: Support

All people who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives.

Principle 3: Will, preferences and rights

The will, preferences and rights of persons who may require decision-making support must direct decisions that affect their lives.

Principle 4: Safeguards

Laws, legal and policy frameworks must contain appropriate and effective safeguards in relation to interventions for people who may require decision-making support, including to prevent abuse and undue influence

Principle 5: Principled approach to supported decision-making.

A principled approach to the concept and practice of supported decision-making should be adopted that keeps an individual's stated or perceived 'will and preferences' at the centre of decision-making. This approach recognises the realities of the practice of providing supported decision-making, particularly for those with severe cognitive disabilities.

Principle 6: Best interpretation of will and preferences.

In the very limited circumstances where a supporter has not been able to elicit a person's will and preferences a decision should be based on their best interpretation of what the person's will and preferences would be.

Principle 7: Dignity and risk.

The dignity and importance of taking risks is acknowledged and supported. In very limited circumstances, where a person's stated or inferred will and preferences involve risk of serious, imminent physical or financial harm with lasting consequences to themselves (including incurring civil or criminal liability), and that person is unable to understand that risk even with support, personal and social wellbeing substitute decision-making is applied as a last resort with the person's personal and social wellbeing at the centre.

Principle 8: Distributional equity.

All supported decision-making reform and initiatives should be premised on the ethical principle of a commitment to distributional equity of access to supported decision-making. Those experiencing disadvantage in access to support for decision-making should be given priority in new programs.

Principle 9: Co-leadership of people with cognitive disabilities.

[1] Bigby, C., Carney, T., Then, S-N., Wiesel, I., Sinclair, C., Douglas, J., & Duffy, J., (2023). Diversity, dignity, equity and best practice: a framework for supported decision-making. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability https://disability.royalcommission.gov.au/policy-and-research/research-program.

People with cognitive disabilities and supporters of people with severe cognitive disabilities should lead consultation and design processes for supported decision-making reform and initiatives.