

A BIG STEP FORWARD FOR SDM—FROM HALFWAY AROUND THE WORLD!

Most of us don't know much about Tasmania, what or where it is, but Tasmania recently passed legislation that significantly advances the rights of people with intellectual, developmental and cognitive disabilities to make their own decisions, and, even more importantly, to have the available supports necessary to make their own decision.



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Tasmania is an island off the coast of Australia, and one of Australia's six states (just as Alaska and Hawaii aren't part of the continental US, but are states in our federal system). Australia has, since the enactment of the UN Convention on the Rights of Persons with Disabilities (CRPD), been in the forefront of pilot projects and empirical research to advance the human right of legal capacity, upon which SDMNY's work is based.



Tasmania's Parliament

The Tasmanian Parliament (the equivalent of our own NYS legislature) recently passed a major overhaul to its existing laws relating to decision-making by and for people with I/DD with the new Guardianship and Administration Amendment Act 2023, (the new law is now available on our SDMNY website [Resources page](#)). While still contained within its guardianship statute (much like the reforms in Israel) the new law is explicitly rooted in the CRPD, stating that

The objects of this Act are to protect and promote the rights and dignity of persons who have impaired decision-making ability by –

- (a) applying the principles of the Convention on the Rights of Persons with Disabilities, including recognising the need to support persons with impaired decision-making ability to make, participate in and implement decisions that affect their lives;

Equally important, however, is the apparent commitment of the relevant government agencies to implementation of the law, with the Tasmanian Public Trustee noting that

“A core objective of the Act is to safeguard and champion the rights and dignity of individuals with impaired decision-making abilities, guided by the principles of the Convention on the Rights of Persons with Disabilities. This means extending comprehensive support to those with impaired decision-making abilities to enable them to make, participate in, and implement decisions that profoundly impact their lives.”

The new “supported decision-making framework” to be employed is the result of “rigorous, evidence-based best practices and developed through extensive consultation” led by two Australian researchers, Professors Jacinta Douglas and Christine Bigby, whose work we continue to utilize in creating capacity building for supporters, and who we count among our colleagues in the international movement for the human right of legal capacity.

This is just another example of the work of advocates around the world to realize the principles of the CRPD from which we can learn, share best practices, and advance the rights of everyone to make their own decisions regardless of disability.

CONGRATULATIONS TASMANIA; WE’LL BE WATCHING TO SEE WHAT HAPPENS!