

**TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020
AMENDED**

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

1. (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; and

The views, wishes and preferences of the person with impaired decision-making ability should only be overridden by a substitute-decision maker for that person to the extent that –

1. (a) it is necessary to prevent serious harm, or the risk of serious harm, to the person or another person; or
2. (b) the implementation of the decision would be unlawful; or
3. (c) the implementation of the decision would be inconsistent

with the terms of any determinations made by the Tribunal under this Act.

(1) For the purposes of this Act, a person's decision-making ability in respect of a decision is not to be assessed as impaired merely because –

- (a) the person is not able to understand matters of a technical or trivial nature; or
- (b) the person does not have a particular level of literacy or education; or
- (c) the person can only retain information relevant to the decision for a limited time; or
- (d) the person has decision-making ability to make some decisions and not others; or

(e) a decision made by the person results, or may result, in an adverse outcome for the person; or

6. (f) a decision made by the person is unwise in the opinion of other persons;
or
7. (g) the person makes a decision because –
 1. (i) of current or past cultural or religious practices or beliefs; or
 2. (ii) of a failure or refusal to adhere to particular cultural or religious practices or beliefs; or
8. (h) subject to section 11(3), of the age of the person; or
9. (i) of the person's appearance; or
10. (j) the person is perceived to be eccentric; or
11. (k) the person has engaged in illegal or immoral conduct; or
12. (l) of the person's current or past expression of, or failure or refusal to express, a particular gender identity, gender expression or sexual orientation;
or
13. (m) the person has a disability, illness

or other medical condition (whether physical or mental).

(2) A person is not to be assessed under this Act as having impaired decision-making ability in respect of a decision unless reasonable steps have been taken to provide that person with access to the practicable and appropriate support needed to make and communicate the decision.