

Making Substitute Decisions under the NDIS

The Role of the Public Guardian

Who is the Public Guardian?

The Public Guardian is part of the NSW Justice Department. The Public Guardian is appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal or the Supreme Court to make health and lifestyle decisions for people with a disability, an incapacity to make a decision and a need for a decision to be made. The Public Guardian is appointed for a limited time and most often to make decisions about accommodation, services, health care and medical and dental consent for represented people. The Public Guardian is appointed as a last resort after all other options for informal or supported decision making have been tried.

Is everyone under guardianship eligible for the NDIS?

The Public Guardian does not determine eligibility for the NDIS but we will advocate for represented people to access the scheme. The NDIS can be accessed by Australian citizens who have a permanent disability and are aged under 65. From 1 July 2016 the NDIS is rolling out across NSW and is first accepting people who already receive government disability funding. Each participant of the NDIS receives a Plan that meets their support needs. Information about the NDIS is available at www.ndis.gov.au

For more information about the Public Guardian contact us on: 8688 2650 or 1800 451 510

or visit our website at:

www.publicguardian.justice.nsw.gov.au

This information is correct as of March 2017. Please visit our website for up to date information.

What is the key role of the NSW Public Guardian within the NDIS?

When the Public Guardian is appointed with a services or advocacy function we will consent to the represented person becoming an NDIS participant. The Public Guardian will advocate for the participant's reasonable and necessary support needs, both current and future, to be built into their NDIS plans.

What will the Public Guardian do?

- provide consent for represented people to access the NDIS
- provide information to the NDIS about the person's current supports and unmet needs
- advocate on behalf of the participant where there are gaps in their current supports
- consent to service agreements which engage providers identified by Coordinators of Support
- encourage the development of the participant's decision making capacity
- identify and promote training for the participant's supporters
- consider and advocate for alternative providers if we are not satisfied the needs of the participant are being met
- receive and keep a copy of the participant's NDIS plans on file.

What won't the Public Guardian do?

- manage the participant's plan
- make any payments or receive invoices from services
- evaluate the quality of care or standards of registered providers.