

### **Guardianship and your community**

Guardians do not replace family, friends or community. They are people who make health and other decisions for adults with disabilities who find it difficult to make decisions for themselves. Guardians can decide about accommodation, services, health care and medical and dental treatment. A guardian does not make decisions about money. The law about guardianship says that guardians have to make decisions that support family ties, and protect people from abuse, neglect and exploitation.

### **Why would you need a guardian?**

Some disabilities like intellectual disability, dementia, mental illness and brain injury can reduce your ability to make decisions. If you or a member of your community has a disability and find it difficult to make decisions, then a legal guardian may be needed.

There are different kinds of guardians. Enduring guardians are chosen by a person. Private guardians are family or friends appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal. The Public Guardian is a government official appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal.

### **An enduring guardian is your choice**

Many people make plans to take care of money but forget about personal matters. An enduring guardian is someone you choose now to make health and welfare decisions for a time when you can't make decisions yourself. An enduring guardian is a trusted member of your community. Your trust in family and friends, and your wishes can be put into a legal document. If needed your enduring guardian can make decisions and will know what you want.

You and the person chosen as your enduring guardian need to be over 18 years. You need to complete a form and get it witnessed. The person you choose also needs to sign the form and have it witnessed. To find out more please contact us (see details at the end of this factsheet).

### **What is the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT)?**

If you are concerned about a person with a disability who can't make decisions you can apply for guardianship to the Guardianship Division of NCAT. To apply you need to fill in an application form. You can contact the Guardianship Division of NCAT and ask them to send you a form. Ph: 9556 7600, [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au). Before the Guardianship Division of NCAT puts in place a guardian they need evidence that a person has a disability and finds it difficult to make their own decisions. This evidence is given by health professionals, family and community members. The Guardianship Division of NCAT holds hearings that involve the person with the disability and other community members important to the person. The Tribunal decides if a guardian is needed and who the guardian will be.

The Guardianship Division of NCAT can appoint family, or friends from the person's community as a private guardian, or they can appoint the Public Guardian. The Guardianship Division of NCAT only puts in place a guardian for a limited time. A guardian can only make decisions that benefit the person.

## **Private Guardians**

Wherever possible, the Guardianship Division of NCAT chooses family members or friends from the person's community to be guardians. If this isn't possible they involve the Public Guardian.

## **The Public Guardian**

The Public Guardian is a public official put in place when there is no other person able to be guardian. The Public Guardian tries to make decisions that the person themselves would make, and that are in the best interests of the person. When making decisions the Public Guardian considers the views of the person under guardianship, community members and others such as health care professionals and service providers.

## **Help for enduring guardians and private guardians**

Enduring guardians or private guardians can call the Private Guardian Support Unit (PGSU) during business hours for support and information about their role.

## **What if I disagree or have concerns about the guardian?**

If you think a guardian is not making decisions in the best interests of the person contact the Guardianship Division of NCAT inquiry staff and ask them for advice on what to do on 02 9556 7600 or Toll Free for country areas on 1800 463 928.

If you are concerned about the actions of a staff member of the Public Guardian or a decision made by the Public Guardian contact the Complaints Support Officer at the address listed below.

## **Contact Information**

### **The Public Guardian**

Information and Support Unit

160 Marsden Street Parramatta, NSW 2124

**Ph:** 02 8688 6070 / 1800 451 510    **Fax:** 02 8688 9797

### **Private Guardian Support Unit (PGSU)**

**Ph:** 8688 6060 / 1800 451 510    **Fax:** 02 8688 9797

Email: [informationsupport@opg.nsw.gov.au](mailto:informationsupport@opg.nsw.gov.au)

Visit our website at [www.publicguardian.justice.nsw.gov.au](http://www.publicguardian.justice.nsw.gov.au)