

WHO IS THE PUBLIC GUARDIAN?

The Public Guardian is a public official who can be appointed as guardian for a person who is unable to make their own decisions. A person may have problems making decisions because of a disability such as dementia, intellectual disability or a brain injury.

The Public Guardian is part of the NSW Department of Justice. The Public Guardian has a different role to the NSW Trustee and Guardian, who make financial decisions for a person under the *NSW Trustee and Guardian Act 2009*.

THE APPOINTMENT OF THE PUBLIC GUARDIAN

The Public Guardian is appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) or Supreme Court. The Public Guardian is appointed as the guardian when a person needs a legal substitute decision maker and when there is no other person suitable or able to be the guardian. The Public Guardian does not become the case manager or the carer for the person.

WHAT HAPPENS AFTER THE APPOINTMENT?

When the Guardianship Division of NCAT appoints the Public Guardian as a person's guardian, a written guardianship order and the reasons for the decision are sent to the Public Guardian. The order is time-limited and states the areas of a person's life in which the guardian can make decisions (i.e decision-making 'functions'). These papers are sent to the team which covers the area where the person lives.

HOW DOES THE PUBLIC GUARDIAN MAKE DECISIONS?

The Public Guardian delegates his decision-making authority to guardianship staff. Guardians can only make decisions in line with the guardianship order. When making decisions, the Public Guardian stands in the shoes of the person under guardianship and tries wherever possible to make a decision the person would have made. The Public Guardian considers the views of the person under guardianship and others involved in their life, as well as relevant reports and assessments. The Public Guardian must also consider the principles of the *Guardianship Act 1987* (see below) and the Guardianship Standards, position statements and decision-making guidelines.

THE PRINCIPLES OF THE GUARDIANSHIP ACT 1987

- welfare and interests of the person should be given paramount consideration
- freedom of decision and action of the person be restricted as little as possible
- the person be encouraged as far as possible to live a normal life in the community
- the views of the person should be taken into consideration
- preservation of family relationships and cultural and linguistic environments
- the person should be encouraged as far as possible to be self reliant in matters relating to personal, domestic and financial affairs
- the person should be protected from neglect, abuse and exploitation
- the community should be encouraged to apply and promote these principles



WHO CAN YOU CALL IF YOU NEED TO TALK TO A GUARDIAN?

There may be a specific guardian allocated to make decisions for the person under guardianship. If the guardian is away or not available you can speak to the duty guardian. The duty guardian will record all the information you provide and can also make decisions as required.

For urgent decisions (for example consent to medical or dental treatment) the duty guardian can be contacted after-hours on 02 8688 2650 or 1800 451 510.

WHAT STANDARD OF SERVICE CAN I EXPECT FROM THE PUBLIC GUARDIAN?

The Public Guardian is committed to providing quality guardianship services. You can ask for a copy of our Guardianship Standards which are about things such as our contact with you, our record keeping and our decision making process.

If you are unhappy with the service of the Public Guardian you can make a complaint or ask for a review of decision. Contact the Complaint Support officer for more information about these processes.

WHAT OTHER SERVICES DOES THE PUBLIC GUARDIAN PROVIDE?

We provide an information service to the general community 9am – 5pm Monday to Friday. We provide free written information and education sessions to interested groups across NSW. The Private Guardian Support Unit (PGSU) provides information, support and referral services to family members or friends appointed as a person’s guardian, including enduring guardians.

Team	Contact	Postal Address	Electronic contact
Central Office, Information & Support, Western team	Phone 02 8688 2650 Tollfree 1800 451 510 Fax 02 8688 9797	Locked Bag 5116 Parramatta NSW 2124	Email informationsupport@opg.nsw.gov.au Web www.publicguardian.justice.nsw.gov.au
Southern team	Phone 02 9287 7660 Tollfree 1800 451 428 Fax 9287 7355	PO Box 20487 World Square Sydney NSW 2002	
Northern team	Phone 4320 4888 Tollfree 1800 451 694 Fax 4320 4818	PO Box 487 Gosford NSW 2250	

Is English your second language?

You can contact the Public Guardian through the Translating and Interpreting Service (TIS) on 131 450.

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