

## Information Guide

Under the *Government Information (Public Access) Act 2009* (GIPAA), all NSW Government departments and agencies are required to publish certain information. This Information Guide is about NSW Public Guardian. It details who we are, what we do and how members of the public can access our services and obtain information from us.

In this Guide you will find information on:

- **Our Structure**
- **Our Functions**
- **Public Participation**
- **Our Finances**
- **Our Priorities**
- **Accessing Our Information**

### Our Structure

The Public Guardian is an independent statutory official, and currently the Public Guardian is Mr Graeme Smith. The Public Guardian reports administratively to the Chief Executive Officer (CEO) of the NSW Trustee and Guardian (NSWTG), and is supported by staff of NSWTG. The Public Guardian makes decisions independently and these decisions are not reviewed by the CEO of NSWTG.

The NSW Trustee and Guardian was established on 1 July 2009 by the NSW Trustee and Guardian Act 2009 merging the former Office of the Protective Commissioner and the Public Trustee NSW.

### Our Charter

The Public Guardian operates pursuant to the NSW Guardianship Act 1987. The Public Guardian acts on behalf of people with disabilities under his guardianship by making decisions, advocating, and providing community education.

### Our Role

We are a NSW government agency and a business centre of the Department of Justice serving the people of NSW.

The Public Guardian is currently guardian to about 2025 people with decision-making disabilities. The Public Guardian assists people under guardianship by making decisions, advocating for the needs of individuals or groups under guardianship, and providing information to our stakeholders. The Public Guardian also operates the Private Guardian Support Unit, which provides information and support to other guardians appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT), and to enduring guardians.

## Our Functions

**The NSW Public Guardian provides the following services to the people of NSW.**

### ***Guardianship***

The Public Guardian may be appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) or the Supreme Court to provide guardianship services to people with impaired decision-making abilities when there is no other person able to take on this role and there is a need to make decisions about health and welfare issues. People may require a guardian because of intellectual disability, dementia, mental illness or brain injury. These decisions are made according to the principles of the Guardianship Act 1987, the NSW Guardianship Standards, and the Public Guardian's position statements and decision-making guidelines.

The Public Guardian operates three guardianship teams; Parramatta (Western Team), Sydney (Southern Team) and Gosford (Northern Team). Each team has a Regional Manager who reports to the Assistant Director, Operations. These teams assist the Public Guardian to make decisions as required for individuals under his guardianship.

### ***Advocacy***

The Public Guardian also advocates for people under guardianship, and for groups of people with disabilities when this affects his ability to make guardianship decisions. Our advocacy work is coordinated by the Assistant Director, Advocacy and Policy.

### ***Community education***

The Public Guardian has a responsibility under the Guardianship Act 1987 to promote the principles of the Act and to encourage the community to apply these principles. As part of this responsibility, the Public Guardian provides information free of charge through a telephone enquiry service, a range of publications and our website. We also provide cost free tailored education sessions to community groups and service providers.

### ***Private Guardian Support Unit***

The Private Guardian Support Unit (PGSU) provides information and support to other guardians in NSW. Guardians may be appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT), or a person with capacity can appoint an enduring guardian to make decisions for them in the future if they lose the ability to make their own decisions. The PGSU has a range of publications available including a handbook and a periodic newsletter. All services of the PGSU are free of charge.

## Public Participation

Generally, members of the public can contribute and/or participate in policy formulation, to make suggestions, or raise issues that they feel are of concern to them or to the public at large by writing to one of the following:

- the Director of Advocacy and Policy, NSW Public Guardian or
- the NSW Public Guardian or
- the Director General of the Department of Justice.

From time to time various areas of government may undertake public consultations which may impact on the functions of Public Guardian. In instances where submissions are sought, information on public participation is outlined on the website of the relevant Department.

### Our Finances

The Public Guardian is funded by NSW Treasury. We do not charge any fees for our services. For details of our operating performance refer to the NSW Trustee and Guardian's Annual Report.

### Our Priorities

The Public Guardian's vision is that people with impaired decision-making abilities will be included and accepted as valued members of society with recognition of their human rights.

The Public Guardian supports the principles of the *United Nations Convention on the Rights of Persons with Disabilities*, in particular *Article 12* of the Convention which states the rights of persons with disabilities to have equal recognition before the law. The Public Guardian aims to ensure that a person will only remain under guardianship when there is a demonstrated need to make substitute decisions in specific areas.

### Accessing our information

The NSW Public Guardian holds information relating to its services and administration. It also holds personal information relating to its clients.

The list of material published by the Public Guardian is available on the publications page of our website: [www.publicguardian.justice.nsw.gov.au](http://www.publicguardian.justice.nsw.gov.au)

### ***How can I access information held by the Public Guardian?***

You can search the Public Guardian and Department of Justice websites, or you can ring our enquiry service during business hours on phone: 02 8688 6070 or NSW STD callers 1800 451 510. We publish information about our function and services on our website. As a NSW Government agency within the Department of Justice (DJ), some material may also be available on the DJ website. This material will be free of charge and can be provided in alternative formats if required.

The Government Information (Public Access) Act 2009 requires that Government agencies must put certain information on their websites to be available to the public, free of charge. This is known as 'open access information' and includes:

- **Policy documents** The Public Guardian has a number of ***position statements*** which tell you about how we approach certain decisions
- **Publication Guide** The publication guide is a summary of our role and information about our service
- **Disclosure Log** The disclosure log contains details of information that we have already released to the public, in response to a formal application
- **Register of government contracts** This register lists major contracts we have entered into with the private sector

- **Annual reports** The Public Guardian's annual report is combined with the NSW Trustee and Guardian's Annual Report, and formerly with the Annual Report of the Office of the Protective Commissioner. Previous Annual Reports can be found on our website

The information you are looking for may already be available in one of these areas.

***Making an informal request for information***

If the information you need is not already published on the Public Guardian or Department of Justice websites, we may still be able to release it to you on request, without you needing to make a formal application. This information may be released if there are no public interest reasons why it should be kept confidential. The Public Guardian will not usually disclose personal information about people under guardianship to other people. This information is protected by privacy laws. To make an informal request for information, contact the Public Guardian by ringing 8688 2650 or (NSW STD callers) 1800 451 510 or write to us at:

The Public Guardian  
Locked Bag 5116  
PARRAMATTA 2124

***Making a formal request for information***

If you are looking for specific information which is not available on our website and not routinely provided by the Public Guardian on request, you may formally apply for access to it. Requests for information held by the Public Guardian are managed by the NSW TG. For further information or to make a request for access, contact NSW TG as follows:

GIPAA Officer  
NSW Trustee and Guardian  
GPO Box 7  
SYDNEY NSW 2001

Telephone Number: 02 6324 5025  
Email: [informationofficer@tag.nsw.gov.au](mailto:informationofficer@tag.nsw.gov.au)

A formal application is made by completing the [application form](#), and sending it with a \$30 fee to NSW TG at the address listed above. Applications must:

- be in writing
- clearly state that you are making a request under the Government Information (Public Access) Act 2009
- enclose the \$30 application fee (cheques and postal orders made out to 'NSW Trustee and Guardian')
- nominate a return postal address in Australia for correspondence purposes
- include enough detail for NSW TG to identify the information you are looking for

If your application does not include all these things, it will be invalid and cannot be processed. If that happens, the NSW TG GIPAA Officer will let you know what you need to do to make your application valid.

If your application is valid, the NSW TG GIPAA Officer will acknowledge receipt of the application within 5 working days and deal with your application within 20 working days. Under certain circumstances, an extension of time to complete the application can be obtained by NSW TG.

If NSW TG does not decide to grant your access application within 20 days, it is considered to be 'refused'. NSW TG will refund your application fee and you will have the right to seek internal or external review. (This does not apply if an extension of time has been arranged, or where the agency is waiting for you to pay an advance deposit).

***How much will it cost?***

The basic fee under the Government Information (Public Access) Act 2009 is \$30. Processing charges may be charged at \$30 per each hour of processing an application. In some situations, the agency will require you to pay an advance deposit. NSW TG will let you know if this is required.

Applicants can apply for a 50 per cent reduction in processing costs on the grounds of financial hardship, or ask for the fee to be waived altogether if this information will be of special benefit to the public generally.

This Information Guide has been registered with the Information and Privacy Commission NSW. They can be contacted on NSW STD callers 1800 472 679, email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) or web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

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