



Justice
Law Reform
Commission



Review of the Guardianship Act

Changes we want to make to the law

Easy Read version



How to use this document



This information is written in an easy to read way. We use pictures to explain some ideas.

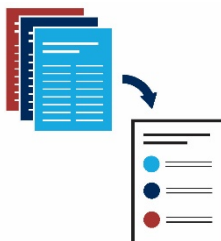


This document has been written by the Law Reform Commission.

When you see the word 'we', it means the Law Reform Commission.



Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 17.



This Easy Read document is a summary of another document.



You can find the other document on our website at lawreform.justice.nsw.gov.au



You can ask for help to read this document. A friend, family member or support person may be able to help you.

What's in this document?

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What we are trying to do



For a while now, we have been reviewing the law about **guardianship**.



Guardianship is when another person makes decisions for you.

This is usually because you can't make decisions on your own.



The law we are reviewing is called the *Guardianship Act 1987*.



We want to make sure that the law is fair.



We also want to make sure it is right for the community today.



Our community has changed a lot since the law was written 30 years ago.



This document explains some changes we want to make to the law.



These changes are based on the ideas that people have shared with us already.



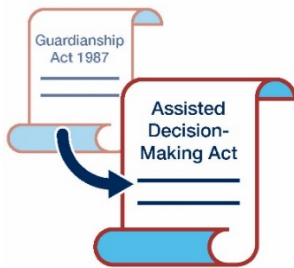
We'd like to know what you think about the changes.

We explain how you can tell us what you think on page 14.

The changes we want to make



We want to create a new law called the *Assisted Decision-Making Act*.



It will replace the *Guardianship Act 1987*.

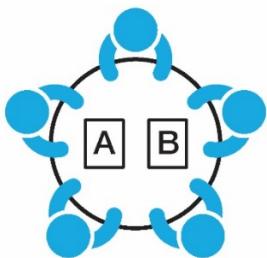
The new law can help people by offering them:



- a **supporter** – someone who helps a person make their own decisions



- a **representative** – someone the **Tribunal** has chosen to make decisions for a person who can't at the time.



The Tribunal is a group of people appointed by the government to make decisions about guardianship.

A supporter or a representative can help someone with:



- personal matters
- health
- finances.



We also want the new law to include ideas from the *United Nations Convention on the Rights of Persons with Disabilities* (UN Convention).

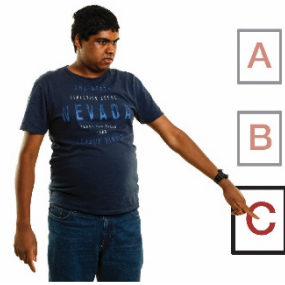


The UN Convention is a document that explains the right of people with disability to be treated fairly.



It is used in many countries around the world.

Some of the ideas we are using from the UN Convention include:



- letting people make their own decisions



- making sure that what people want is what happens.



We want the law to say that a person's **decision-making ability** can change.



Your decision-making ability is how well you can make your own choices and decisions.



For example, you might be better at making decisions in the morning instead of at night.



We also want to take the word 'disability' out of the law.



We want the new law to be helpful for Aboriginal and Torres Strait Islander peoples.

The new law must:



- be clearer about what people need to do to follow the law



- use simple language



- be accessible.

We think there should be a new person in charge of:



- protecting people from abuse



- helping people who have problems with the new law



- answering questions about the new law.



We will call this person the **Public Advocate**.

How to get a supporter

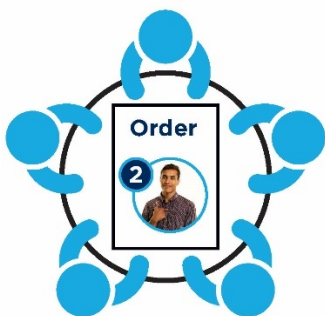


We want the new law to give people 2 ways to get a supporter.



One way is with a **personal support agreement**.

This agreement is when someone chooses a person to help them to make their own decisions.



Another way is with a **personal support order**.

This order is when the Tribunal chooses someone to help a person make decisions.



The Tribunal can't choose a supporter unless the person agrees.



We want the new law to be clear about what a supporter can do to help a person make a decision.

How to get a representative



We want the new law to give people 2 ways to get a representative.

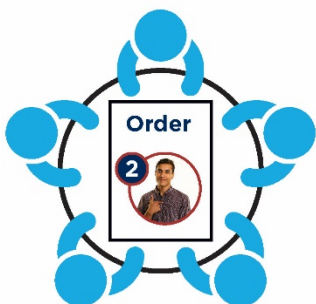


One way is with an **enduring representation agreement**.

This agreement is when someone chooses a person to make decisions for them for when they can't.



The person who will make decisions for someone is called an **enduring representative**.



Another way is with a **representation order**.

This order is when the Tribunal chooses the representative to make decisions for a person.



This happens when a person no longer has decision-making ability to make a decision.



We want the new law to be very clear about what a representative can do when they make a decision for someone.



The representative must try to make the decision that the person wants – their will and preferences.



We also want there to be regular reviews of all representation orders.

How to tell us what you think



We would like to know what you think about these changes.

You can send your answers to us by email or post.



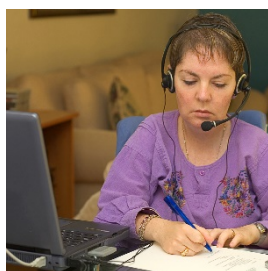
nsw_lrc@agd.nsw.gov.au



GPO Box 31
Sydney
NSW 2001



We need to receive your answers by **9 February 2018**.



We may publish your answers on our website, or include them in things that we write.

If we do this, people will be able to read your answers.



Please tell us if you don't want us to publish some, or all, of your answers.

You can write what you think below.

A series of horizontal blue lines, likely for writing or drawing.

Word list



Decision-making ability

Decision-making ability is the ability to make choices and decisions.



Enduring representative

An enduring representative is someone a person has chosen to make decisions for them when they can't make decisions.



Enduring representation agreement

An enduring representation agreement is when someone chooses a person to make decisions for them when they can't make decisions.



Personal support agreement

A personal support agreement is when someone chooses a person to help them make decisions.



Personal support order

A personal support order is when the Tribunal chooses someone to help a person make decisions.



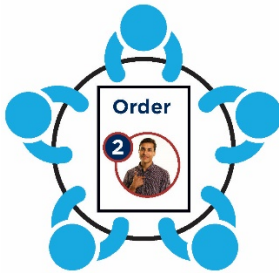
Public Advocate

A person chosen by the government to protect people from abuse, help them with problems and answer questions about the law.



Representative

A representative is someone the Tribunal has chosen to make decisions for a person who can't.



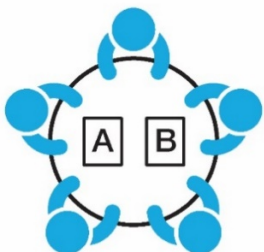
Representation order

A representation order is when the Tribunal chooses someone to make decisions for a person.



Supporter

A supporter is a person who helps someone to make their own decision.



Tribunal

The Guardianship Division of the NSW Civil and Administrative Tribunal.

A group of people appointed by the government to make decisions about guardianship.

Contact us



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