

Guardianship Review: Podcast Script

Erin Gough: Hello, today we are talking about our review of NSW guardianship laws. We are going to talk about how we are undertaking the review and also how the public can contribute. So Alan, can you tell us what you mean when we talk about guardianship

Alan Cameron: Guardianship is a process by which someone is appointed to look after the affairs of someone else. And you can do that, if you are still able to make your own decisions, you can choose to do that by appointing a guardian yourself. If you are no longer able to do that then the Guardianship Division or the Supreme Court can make that appointment for you. And that enables the person who is appointed as guardian to make all sorts of important decisions about your future.

EG: And why is the Commission reviewing Guardianship law at this time?

AC: New South Wales introduced the *Guardianship Act* in 1987, and quite a lot has changed since then. There has been an increasing tendency to think that people should be supported to make decisions, rather than having the right to make decisions taken away from them completely. That is reflected in the new United Nations convention on the Protection of People with Disabilities, and Australia is a signatory to that convention. In addition, there are a lot more people growing older and those people might need more support in the future. So it is a good opportunity and a good time to review the law.

EG: Can you tell us about some of the issues or provide some examples of the kind of things that will be looked at as part of the review?

AC: Yes, I am happy to do that. First of all, there is, as I have mentioned this issue about people been supported to make decisions, rather than having the decision making taken away from them all together. There is no provision in the law at the moment that allows that, so we are going to look at whether that can be done. Then there are the various agencies, there is the Public Trustee and Guardian, Public Guardian, and the Guardianship Division of the NSW Civil Administrative Tribunal. So those agencies themselves need to be considered. Then there is all sorts of ways that people make the appointments themselves, we need to look at that. There is the question of medical and dental care for people who can't make decisions to consent to that. And there is even the question as to what sort of restraints and restrictions can be put on people when they are subject to guardianship, physical and other restraints in aged care facilities for example. So we are going to look at all of those issues.

EG: Let's talk about the process of conducting the review. How are you looking to do that?

AC: Well the first stage of the review process is already complete. We issued a request for general submissions, and we have received 54 submissions already before we have done any real work ourselves other than to draw attention to the review. So that is the first stage and that is complete. And most of those submissions are already available on our website.

EG: And so what is the next stage in the review process?

AC: Well the next stage will be the issue of a series of consultation papers on particular subjects and we are working on those at the moment. They will be issued and they will then seek answers to questions that we will pose in those papers. They will be accompanied by very easy to understand explanations as to what the issues are, called Easy English explanations. And we are hoping also to have short videos rather like this, that will explain what it is that we are asking for. And we look for submissions from people who are themselves the subject of guardianship orders, or who have made these arrangements, or people who have carried out the role of being a guardian to learn from them what their experiences have been.

EG: And what is the best way for people to make a submission?

AC: Well if you go to our website you will see ways in which you can do that. We are happy to receive them electronically or you can use mail and just write to us. We would be happy to hear from anyone.

Erin Gough: Thank you Alan. We are looking forward to hearing from many people about their experiences with guardianship laws in NSW.