



New South Wales Government

NSW PUBLIC GUARDIAN



Office of the
Public Guardian
Attorney General's
department of nsw

ENGLISH

Enduring Guardianship:

your way to plan ahead

There is now a way to plan ahead and set in place your own arrangements, prior to the onset of illness or disability, for someone else to make decisions on your behalf.

Accident, illness or disability may mean that, at some time in the future, you may not be able to make your own personal, health and lifestyle decisions. These decisions may include deciding where you live, what services you receive, what health care you receive and consenting to medical and dental treatment on your behalf.

An enduring guardian, legally appointed by you, can consider your wishes and opinions, past and present, and the views of professionals and other people important in your life. An enduring guardian can take into account the circumstances existing at the time the decision needs to be made and make decisions on your behalf should the need arise.

If you are 18 years or older with the necessary legal capacity you can appoint an enduring guardian. To have legal capacity means that you understand the nature and effect of the enduring guardianship form of appointment. The enduring guardian's powers come into effect only if you lose capacity to make your own decisions. The enduring nature of the power means that the guardian's authority continues while you are incapacitated.

You can appoint a family member or friend who is 18 years or over to be your enduring guardian. If you appoint more than one enduring guardian, you can appoint them in a number of ways for example: to make decisions jointly or independently. Because an enduring guardian will make personal and health decisions on your behalf it is important that it is someone you trust to make decisions in your best interests.

If you want to appoint an enduring guardian, you must sign a form of appointment. The person or people you appoint as your enduring guardian or enduring guardians must also sign the form to show that they have agreed to be your guardian. All signatures on the form need to be witnessed by a legal practitioner or Clerk of a Local Court. You can also revoke the appointment, as long as you still have capacity, if you change your mind.

The Private Guardian Support Unit (PGSU) is available to provide an information, support and referral service to enduring guardians. Staff of the unit are able to assist enduring guardians with queries they may have concerning their role as a legally appointed guardian.

While there is no system of supervision of enduring guardians, anyone who is concerned for your welfare because of the actions of your enduring guardian can apply for a review of the appointment by the Guardianship Tribunal.



Where can I get more information about enduring guardianship?

For more information or to request a copy of the guide Enduring guardianship in NSW: your way to plan ahead you can contact the Office of the Public Guardian.

Telephone: (02) 8688 6070
Toll free: 1800 451 510
Postal address Locked Bag 5116, Parramatta NSW 2124
Website: <http://www.lawlink.nsw.gov.au/opg>

For more information about the support and information available to enduring guardians you can contact:

The Private Guardian Support Unit

Telephone (02) 8688 6060
Toll free 1800 451 510
Address Lvl 7, Parramatta Justice Offices, 160 Marsden St, Parramatta NSW 2124

For legal advice and assistance with making an enduring guardianship appointment you can contact:

- a solicitor
- the Clerk of the Local Court
- a community legal centre

For more information about making a guardianship application to the Guardianship Tribunal you can contact the Tribunal on:

Telephone (02) 9556 7600
Toll free 1800 463 928
TTY (02) 9552 8534
Postal address Locked Bag 9, Balmain 2041