



onguard

A regular newsletter for guardians in NSW

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Contents

Enduring Guardianship

New Witnessing

Did You Know?

Making an Advance Care Directive

Planning ahead for someone your caring for

Planning Ahead

Welcome to the first edition of Onguard for 2012. At this time of year we often reflect on the year that was and start thinking ahead. To coincide with the release of our new publication on Enduring Guardianship, this edition of Onguard considers ways that you can put strategies in place to safeguard your future. You may have been appointed as a private guardian for someone you know, but have you thought about who will make decisions for you if you ever lose capacity?

Enduring Guardianship- your way to plan ahead

The Public Guardian is pleased to launch the new guide for enduring guardianship in NSW.

This 44 page book contains information about:

- How to go about appointing an enduring guardian
- What types of decisions enduring guardians can make
- Who you can choose as your enduring guardian
- Where to get support
- Contacts
- Forms

New witnessing

Starting in 2012, the NSW Trustee and Guardian will be able to witness enduring guardianship appointments. This is in addition to registered legal practitioners in Australia and overseas and the Registrar of the local court. To find your nearest NSW Trustee and Guardian branch, or to make an appointment, phone 1300 364 103.

Contact Details

phone

02 8688 6060 9-5pm

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Sydney Metro area)

1800 451 510

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DID YOU KNOW?

The Public Guardian cannot be appointed as an enduring guardian. The Public Guardian is considered the "guardian of last resort" and can only be appointed by the Guardianship Tribunal or Supreme Court.

Making an Advance Care Directive

An Advance Care Directive (ACD) or 'Living Will' is a written statement that sets out your directions, including your wishes and values, that need to be taken into account before medical treatment decisions are made on your behalf. You can make one provided you have the capacity to do so. An ACD is then only used if, at some point in the future, you become incapable of making health care decisions for yourself.

There is no set form to record your ACD but it will be considered legally binding if it has the following features:

- You make it while you have capacity
- Your instructions are clear, specific and current
- You sign your directive

Several organisations NSW, like the NSW Health Department, produce ACD forms. Generally a form will contain a statement of general values, a statement of your goals for treatment and a statement of specific treatment preferences.

Once you have made an ACD that complies with legal requirements, that document is legally binding in NSW. Any medical treatment that you require once capacity has been lost, needs to reflect the directions you made earlier.

A key factor in effective advance care planning is having ongoing conversations with your family, friends and health care professionals. It's important to speak to those closest to you about what sorts of health care treatments you want and why you have made those decisions.

For more information about Advance Care Directives please contact the PGSU on 02 8688 6060 or speak to your GP.

The Department of Families, Housing, Community Services and Indigenous Affairs has published two booklets *Planning for the future: People with a disability* and *Special disability trusts: Getting things sorted*. Go to www.fahcsia.gov.au or call 1800 050 009 to order your copy.

Setting up a financial trust

A major concern when you are the carer of a person with a disability is how you can ensure the person you care for will be supported in the future, if you no longer can be their carer. One of the options you can consider is setting up a financial trust. A trust can continue to look after the financial interests of a person with disability after your death. A trust is a legal obligation placed on one person, to look after the assets of the trust for the benefit of another person.

Some things to consider in setting up a trust are:

- Who will be the trustees?
- How will I divide up my assets to deal fairly with the person with disability and other members of the family?
- What accommodation and care options should I provide for?
- How much discretion and direction do I give the trustee?

Before setting up a trust you should get appropriate legal and financial advice. Speak to the NSW Trustee and Guardian for further information on 02 8688 2600.

HAPPY NEW YEAR

*From all the staff at the Public Guardian.
We hope you enjoy a safe and happy 2012.*

The Private Guardian Support Unit (PGSU) is a free and confidential information and support service for private guardians in NSW. PGSU is a branch of the Public Guardian and is part of the Department of Attorney General and Justice and is not part of the Guardianship Tribunal or NSW Trustee & Guardian. The PGSU publishes *Onguard* and *Now You're the Guardian*.

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