

From:
To:
Subject: Guardianship
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I had agreed to provide some additional thoughts in respect to guardianship for the Committee. There are two issues on which I can comment

- Around Australia, there is considerable work occurring on the topic of supported decision making, starting with a major project undertaken by the South Australian Public Advocate. Under the NDIS Act, where an individual does not have capacity, a Nominee can be appointed to agree the individual's plan. Will guardians under state legislation become Nominees automatically (the Act indicates that people should make the maximum number of decisions possible)?
- At a recent meeting of Senior practitioners, the significant differences between states in respect to the approval of restrictive practices was highlighted. Some states require the approval of a guardianship authority, in others it is done within organisations with oversight of a senior practitioner and in other states it is left to organisations to make these decisions. As we move to a national framework in respect to restrictive practices, there might be a need for some uniformity in respect to guardianship.

At the hearing, senators raised other issues viz. organisations using guardianship arrangements to squeeze out "problem" families. All of this might point to the desirability of a major review of guardianship arrangements in Australia (recognising, however, that this is a responsibility of each state).

Regards
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