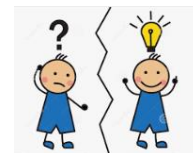


## ISSUE 2 – April 2019

### Guardian and Carer – What is the difference?

Being a guardian is often confused with being a carer however they are separate roles. A guardian is someone who is appointed as a legal decision-maker for an adult who does not have the capacity to make decisions for themselves. A guardian does not have to live with the represented adult. They can live interstate or overseas and still undertake the role of guardian.

A carer is a person who has a physical or supportive role in caring for a represented adult. There are many guardians who are both carer and guardian but it is not a requirement under the *Guardianship of Adults Act* to be both.



### Henbury possABILITIES Expo

On 28 March 2019, the Office of the Public Guardian ran a stall at the Henbury School, the possABILITIES Expo. The expo was **“A community event promoting services, organisations and opportunities for people with a disAbility”**

This was a great networking opportunity for the office as it allowed us to offer information and support to families with young people reaching the age 18 years.

The expo also held ‘breakout sessions’ where organisations conducted presentations relevant to working with and supporting people with disabilities. Beth Walker, the Public Guardian, conducted a presentation providing information about adult guardianship. This information included the support that can be offered to private guardians in their role in decision-making on behalf of represented adults.



The Office of the Public Guardian is looking forward to the 2020 PossABILITIES Expo.

### Royal Commissions

The Royal Commission into Aged Care Quality and Safety is underway. The OPG has provided a report to the Commission.

The terms of reference and other information can be found on the Royal Commissions website <https://agedcare.royalcommission.gov.au/Pages/default.aspx>

On 5 April 2019, the Prime Minister Scott Morrison officially announced the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability. The appointed Commissioners, to be led by former Federal Court judge Ronald Sackville AO, QC, include Barbara Bennet PSM, Dr Rhonda Galbally AC, Andrea Mason OAM, Alistair McEwin and the Hon. John Ryan AM. Further information about the Royal Commission, including the Terms of Reference can be found at <https://www.ag.gov.au/About/RoyalCommissions/Pages/disability-royal-commission.aspx>

## Northern Territory Civil and Administrative Tribunal language

<b>NTCAT</b>	The NTCAT is the Northern Territory Civil and Administrative Tribunal. The NTCAT is sometimes referred to as the 'Tribunal'. The NTCAT is the authority that decides applications for guardianship in the Northern Territory
<b>Proposed Represented Adult</b>	A person who the application for adult guardianship is about
<b>Represented Adult</b>	The represented adult is the adult who is the subject of the guardianship order.
<b>Interested Person</b>	An 'interested person' for an adult under guardianship means any of the following: <ul style="list-style-type: none"> <li>• the adult's relative or guardian</li> <li>• the Public Guardian</li> <li>• the Public Trustee</li> <li>• an agent for the adult, such as an advocate or legal or financial adviser</li> <li>• a person primarily responsible for providing support or care to the adult</li> <li>• anyone else with a genuine and sufficient interest in protecting the adult's best interests</li> </ul>
<b>Impaired decision making capacity</b>	An adult may have impaired decision-making capacity if they have difficulty: <ul style="list-style-type: none"> <li>• understanding and remembering information about their personal or financial matters</li> <li>• weighing up this information to make reasoned and informed decisions</li> <li>• communicating their decisions in some way.</li> </ul> <p>An adult's decision-making capacity may be considered to be impaired even if:</p> <ul style="list-style-type: none"> <li>• the impairment only happens sometimes or varies depending on the situation</li> <li>• the adult can make decisions about some personal or financial matters.</li> </ul> <p>An adult is presumed to have decision-making capacity until the opposite is shown.</p>
<b>Standard Order</b>	This document provides details of the hearing, such as date, time and location. It also provides instructions in regards to sending the Standard Order to the adult subject to the order, any interested persons and any other person that may wish to have their views taken into consideration.
<b>Directions hearing</b>	This is where NTCAT Member will ask questions and provide you with details as to the documents they require
<b>AG3 medical evidence</b>	A report from a medical practitioner addressing the person's decision making capacity
<b>AG4 carers report</b>	This document is to be completed by the person's primary carer. This can be a family member, service provider or nursing home.
<b>Guardianship Order</b>	This is a legal document that states the decisions a guardian can make for the adult who is the subject of the order. The NTCAT will give a copy of the order to each guardian and the represented adult after it is made.