

# What is a Guardianship Order?

The following information explains what it means when NCAT's Guardianship Division makes a guardianship order under the *Guardianship Act 1987*.

## Role of NCAT in a Guardianship order

A guardianship order is a legal document issued by the Tribunal which allows another person to make personal decisions on your behalf. Guardianship orders are not about your money.

The order:

- states the name of your guardian
- lists the types of decisions your guardian can make for you
- states how long your guardian can make those decisions (the **term of the order**). Most orders made for the first time are made for one year or less. Sometimes, orders can be made for up to three years.

## Types of decisions your guardian can make

Your guardian can only make the types of decisions listed in your order.

These might include:

### Accommodation

Where you will live and how long you will live in that place.

### Services

The types of services that you should receive, for example:

- services to assist you at home, e.g. cleaning, gardening, shopping, cooking
- personal care and support, e.g. showering, hairdressing, companionship
- educational and training services
- employment and vocational services
- social and recreational services.

### Health care

The type of health care services you should receive. For example whether you should see a medical specialist, change doctors, or have physiotherapy.

### Medical/Dental Consent

Consent for you to undergo medical or dental treatment. For example a hip replacement or a tooth removed.

### Access

Decisions about:

- who can contact or visit you
- who you can contact or visit
- where any visits will take place, the length of the visit, whether another person must be present during that visit.

## Conditions

When making decisions on your behalf, your guardian must take reasonable steps to:

- obtain and consider your views before making a decision
- make sure you understand the issues surrounding any decision they make

This is called a 'standard condition' and will be included in your guardianship order.

Some orders contain additional conditions which your guardian must follow.

## Who is your guardian?

The order states the name of your guardian. This will either be:

- a person such as a friend or relative, or
- the Public Guardian

If the Tribunal appoints a friend or relative to be your guardian, they must follow the conditions in the order before they make any decisions.



If the Public Guardian is appointed, they must also follow the conditions. After the hearing, the Public Guardian will be sent a copy of the Tribunal's order. Someone from the Public Guardian's office will then contact you and the people, if any, who are involved in your care.

## Review of a guardianship order

The Tribunal must review your guardianship order:

- close to the date it is due to end
- if you, your guardian or anyone with a genuine concern asks the Tribunal to review it

The Tribunal will decide if the order should be renewed, changed or stopped.

The Tribunal might decide when it makes your guardianship order, that it should not be reviewed. That means the order stops at the end of its term.

## Appealing a guardianship order

If you or another party think the Tribunal made the wrong decision about your guardianship order, you may be able to appeal it. For more information see the Guardianship Division's [Reviews and Appeals fact sheet](#).

### Contact NCAT

**1300 006 228 | [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)**

**Interpreter Service (TIS) 13 14 50**

**National Relay Service for TTY users 13 36 77**

For more information and assistance visit the NCAT website or contact NCAT's Guardianship Division on (02) 9556 7600 or 1300 006 228.