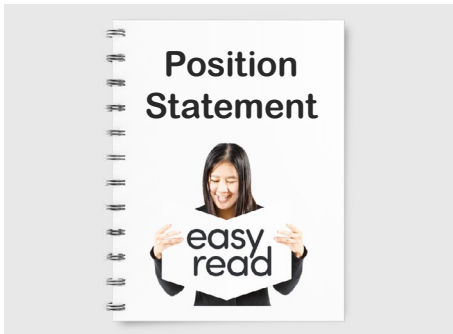


# Position statement about Guardianship Laws in NSW

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This document is a position statement.



A **position statement** says what an organisation thinks about a topic.



The position statement is from the Council for Intellectual Disability.

**CID** for short.



This position statement is about Guardianship Laws in NSW.



**Guardianship** means another person has the right to make a decision for you.

The person who makes the decision is called a **guardian**.



People who get a guardian are often

- People with disability
- People who live with mental illness

## The NSW Guardianship Act



The **Guardianship Act** is a law that says

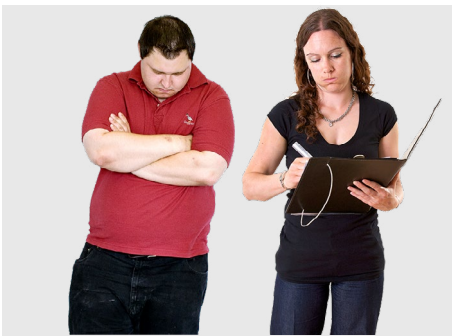
- who can get a guardian in NSW
- what the guardian can do



A guardian must make decisions in the best interest of the person they support.



**Best interest** means a guardian must do what they think is best for the person they make decisions for.



Sometimes what a guardian decides is not what the person wants.



The Guardianship Act does **not** talk about support for decisions.



This means people often get a guardian instead of support to make their own decisions.



People should get support to make their own decisions first.

Sometimes decisions about a person's money are made by someone else.

These people are called financial managers.

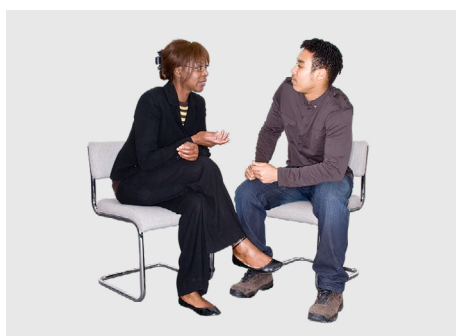
## What CID wants



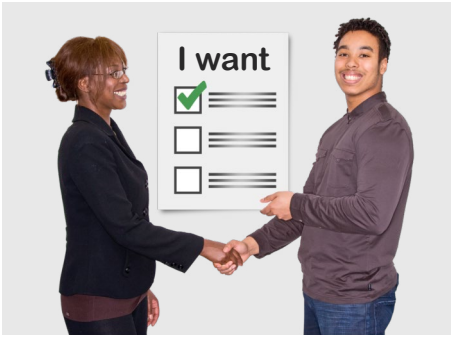
CID wants a new law.



The law must make sure people with disability get support to make their own decisions.



Sometimes a person might still need a guardian or financial manager.



The law should say that decisions guardians and financial managers make must be about what the person wants.

## More reasons why the law should change



There are 3 big reasons why the law should change.

### Reason 1

## The United Nations Convention on the Rights of Persons with Disability



Australia signed the United Nations Convention on the Rights of Persons with Disability.

**CRPD** for short.



The CRPD says people with disability have the same rights as everyone else.



This includes the right to

- be treated the same before the law
- make your own decisions
- support to make decisions



Australia has signed the CRPD.



This means Australia must make the rights of people with disability happen.

## Reason 2

# Australian Law Reform Commission Report



The Australian Law Reform Commission is a part of the government.

**ALRC** for short.

The ALRC works to make laws better in Australia.



The ALRC wants Australian laws to include 4 important rights about support to make decisions.



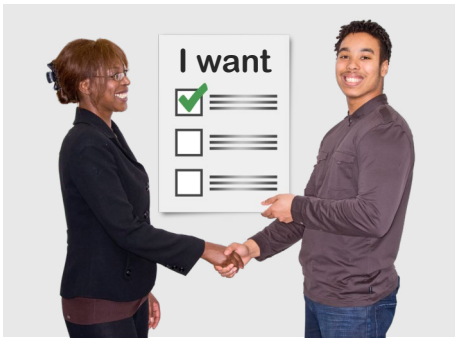
**1**

You have an equal right to make your own decisions.



**2**

If you want help to make decisions you should be able to get it.



**3**

If you need someone to make decisions for you the decisions must reflect what you want and your rights.



**4**

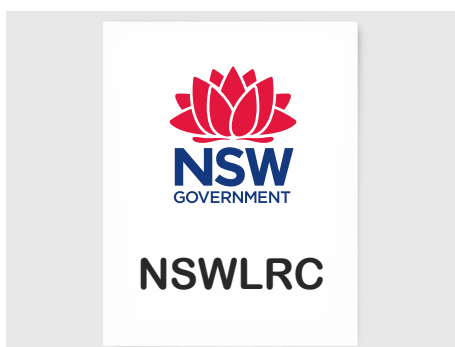
There should be protection to make sure your rights are not abused.



CID thinks the 4 rights must be in the new law.

## Reason 3

## NSW Law Reform Commission Report



The NSW Law Reform Commission works to make laws better in NSW.

**NSWLRC** for short.



The NSWLRC looked at the NSW Guardianship Act.



They decided it no longer works for people with disability.



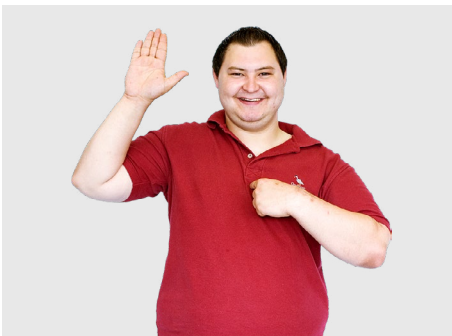
The NSWLRC said there should be a new law.



The new law must say that people with disability have the right to make their own decisions.



It should always be the last choice to have someone make decisions for you.



Any decisions must be about

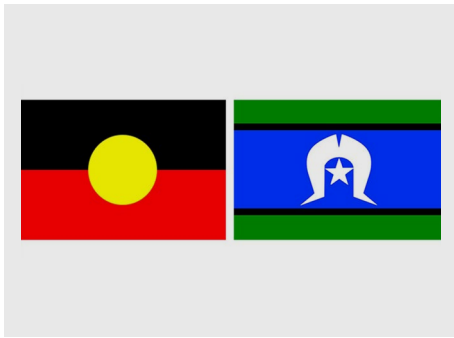
- what you want
- what is important to you.



The law must say how people can get support to make decisions.



There should be an organisation to help people get skills to make decisions.

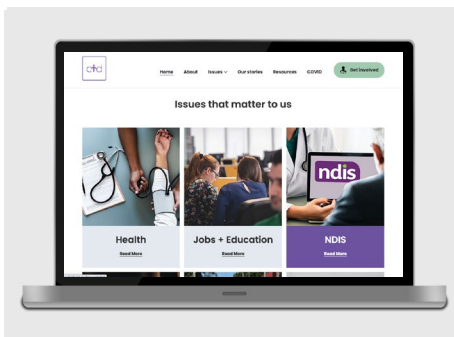


The law must respect the culture of people from Aboriginal and Torres Strait Islander backgrounds.

## What CID thinks should happen



CID thinks the NSW government should make the changes we have talked about in this document.



Read about what CID thinks about Supported Decision Making here:

**[www.cid.org.au/resource/our-position-statement-on-support-for-decision-making](http://www.cid.org.au/resource/our-position-statement-on-support-for-decision-making)**



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