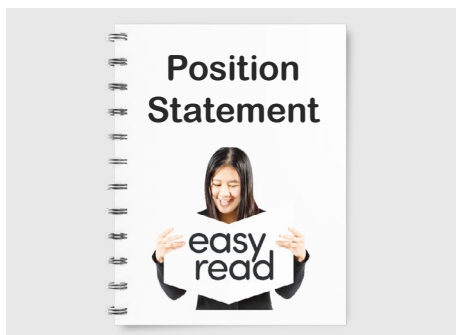


Position statement about Guardianship Laws in NSW



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

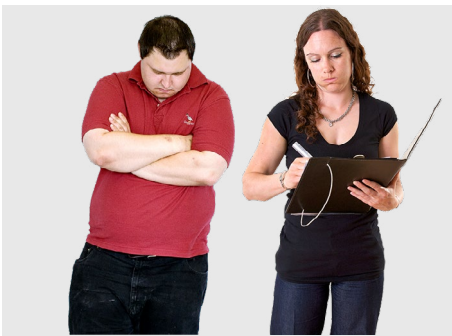
- who can get a guardian in NSW
- what the guardian can do



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.

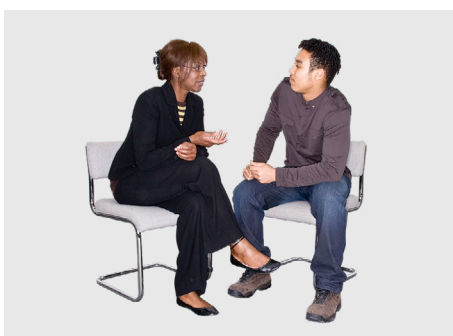
What CID wants



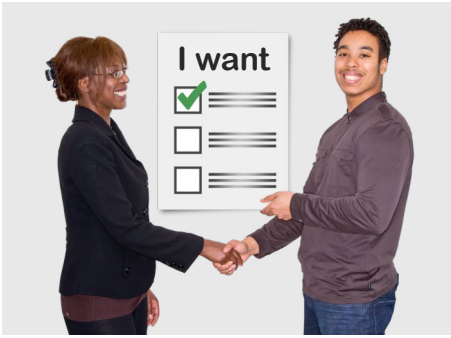
CID wants a new law.



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

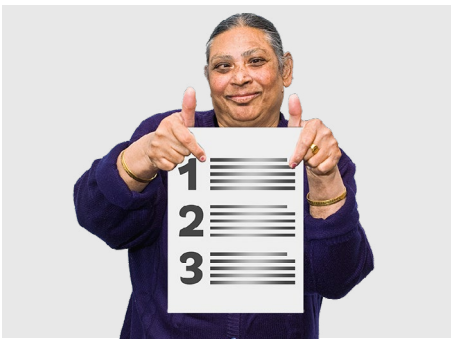


Sometimes a person might still need a guardian or financial manager.



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



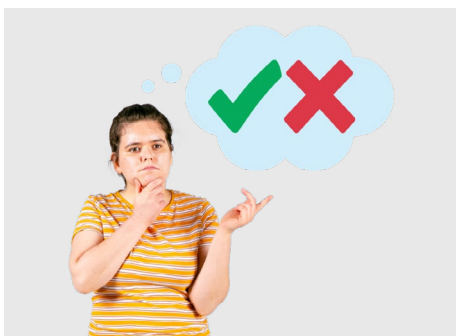
The Australian Law Reform Commission is a part of the government.

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.



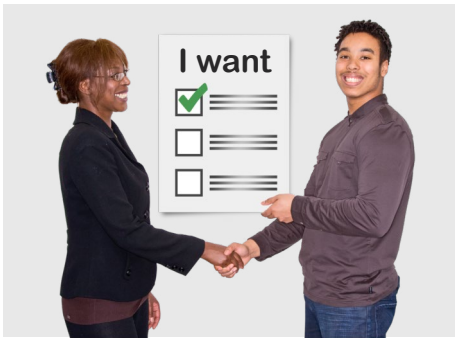
1

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

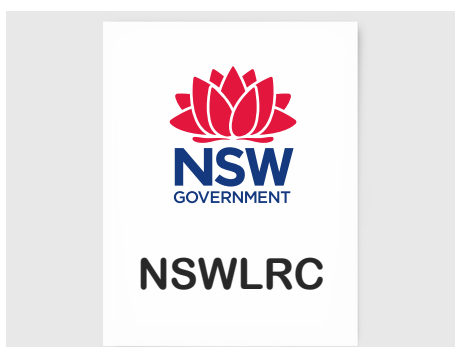
There should be protection to make sure your rights are not abused.



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.



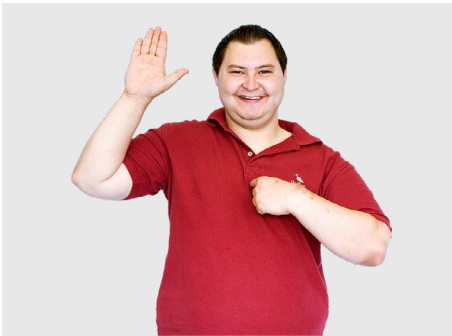
The NSWLRC said there should be a new law.



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

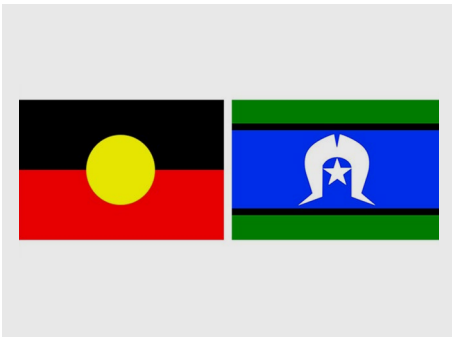
- what you want
- what is important to you.



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.

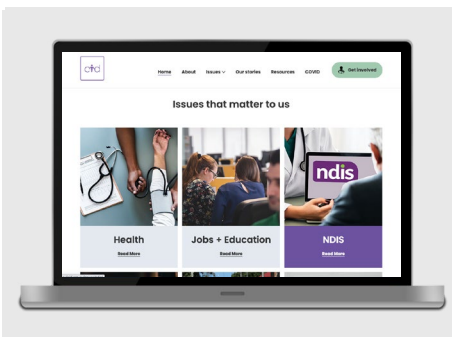


The law must respect the culture of people from Aboriginal and Torres Strait Islander backgrounds.

What CID thinks should happen



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



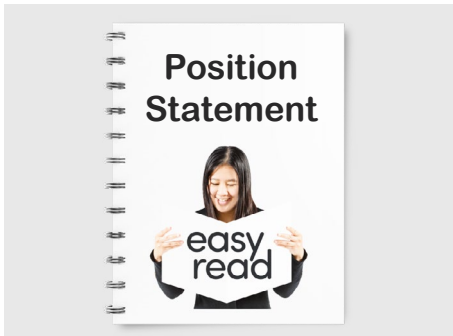
Read about what CID thinks about Supported Decision Making here:

www.cid.org.au/resource/our-position-statement-on-support-for-decision-making



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Position statement about Supported Decision Making



This document is a position statement.

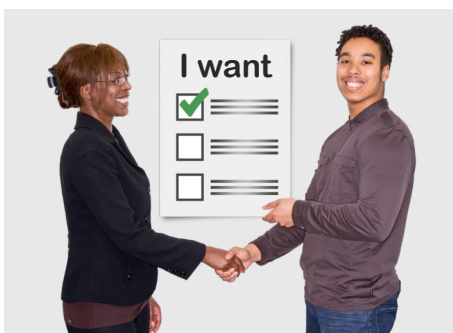


A **position statement** says what an organisation thinks about a topic.



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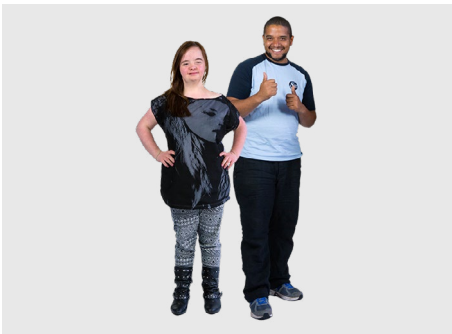


Supported decision making means to help someone take steps to make their own decisions.

Our goal



Our goal is that people with disability get support to make their own decisions.



The support must be about

- what people want
- what people need



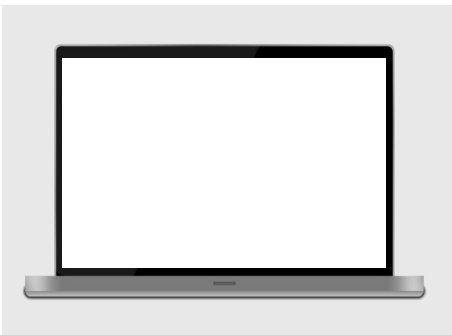
Some people need another person to work out what their decision is.



All people have the right to be involved in decisions as much as possible.



You can read more about our work on supported decision making.



www.cid.org.au/resource/our-position-statement-on-guardianship-law-reform

The right to make decisions



People with disability have the right to make their own decisions.

The same as everyone else.



People have the right to get support to make decisions.



The right to make your own decision is in the United Nations Convention on the Rights of People with Disability.

CRPD for short.



Australia has signed the CRPD.



This means Australia has promised to make the rights of people with disability happen.

The challenge



People have rights.

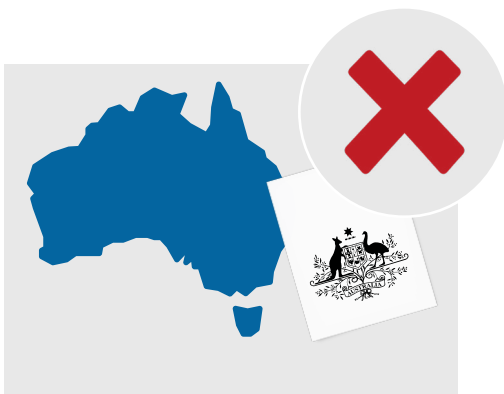
The challenge is how to put supported decision making into action.



Supported decision making should be done by

- services
- government
- the community

Laws about Supported Decision Making



In Australia there is no law that says you have the right to make your own decisions.



There is no law that says you have the right to get support for decisions.



Someone could be asked to make decisions for you.



But support is important.

With the right support you may not need someone to make decisions for you.



CID wants a new law about the right to supported decision making.

Supported Decision Making and the NDIS



Supported decision making is not a part of the NDIS.

NDIS means National Disability Insurance Scheme.



The NDIS sometimes allows other people to make decisions for people with disability.

These people are called nominees.

What CID wants



CID wants some important things to happen.



We want people with disability to

- have their say
- make decisions about all parts of life



CID wants the government to work with people with disability to make supported decision making happen.



CID wants the community to respect people with disability as decision makers.



CID wants people with disability to make decisions from an early age.

Education should help people learn skills to make decisions.



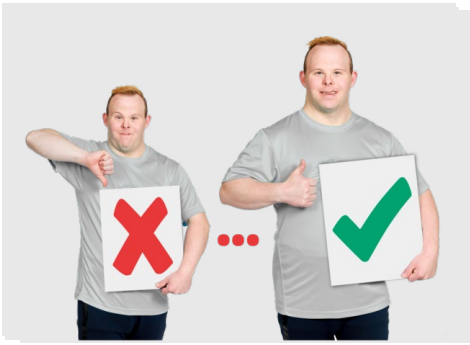
We want the government to give money to make supported decision making better in the community.



There are laws that say you have the right to reasonable adjustments.

Reasonable adjustments are

- a ramp for wheelchair access
- information in Easy Read

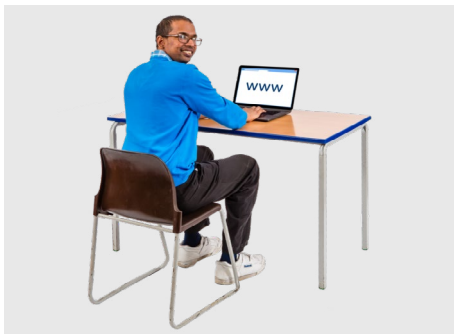


CID wants supported decision making to become a reasonable adjustment.

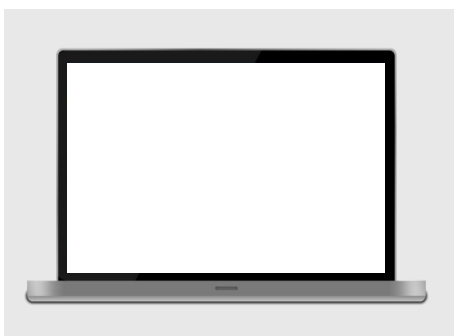
This is to make sure you always get offered support to make your own decisions.



CID wants the government to make new laws and rules to make supported decision making happen.



You can read more about the laws CID wants.



www.cid.org.au/resource/our-position-statement-on-guardianship-law-reform

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