

# Guardianship and the Public Advocate

## Information about Guardianship

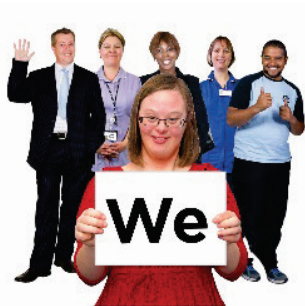
Easy Read version



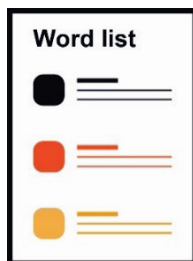
## How to use this document



This information is written in an easy to read way.  
We use pictures to explain some ideas.



This manual has been written by The Office of the Public Advocate (OPA). When you see the word 'we', it means OPA.



Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 16.



This Easy Read document is a summary of another document.



You can find the other document on our website at **[www.opa.sa.gov.au](http://www.opa.sa.gov.au)**



You can ask for help to read this fact sheet  
A friend, family member or support person may be able to help you.

## **What's in this document?**

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## What is a guardian?



OPA is part of the South Australian Government.



We support people who need help:

- making decisions
- understanding their rights.



If a person can't make decisions about their own life, they have **impaired decision-making capacity**.



People might have impaired decision-making capacity because of disability, illness or injury that affects their brain or mind.



A **guardian** is a person who makes decisions for another person.



For a person to need a guardian they must not be able to make decisions:

- on their own
- without support.

## Who will be the guardian?



The Public Advocate has been appointed as:

- your guardian
- or
- guardian for your friend or family member.



The Public Advocate leads the team at OPA.



The Public Advocate will make one of our team members the guardian.



Our team are all very:

- experienced
- professional.

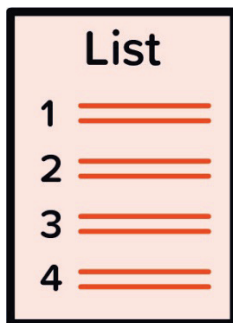


The guardian will find out as much as they can about the person's situation.



We can't always give someone a guardian as soon as their guardianship starts.

It might take some weeks.



We have a list of people who need guardians that we need to work through.



We make sure people who need a guardian more urgently get looked after quickly.



## What decisions can the guardian make?



The South Australian Civil and Administrative Tribunal (SACAT) decides what the guardian can make decisions about.

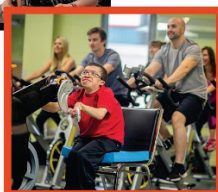
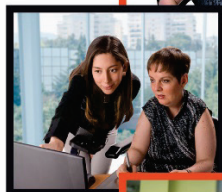
A guardian might make decisions about:



- accommodation:
  - where the person lives
  - who the person lives with



- health care or treatments the person is given



- lifestyle:
  - who the person has contact with
  - the services they receive
  - what work or training they do
  - things they do for fun and enjoyment



- **access** – who the person can have contact with when there are risks involved.



If the guardian has full guardianship, they can make decisions in all areas of the person's:

- health
- wellbeing.

## Decision-making principles



Guardians must follow a set of **guiding principles** – important things to remember when they are making decisions.



The guiding principles support someone's:

- wishes



- rights



- independence.





They also make sure the person is:

- cared for
- protected.

The guiding principles say that a guardian must:



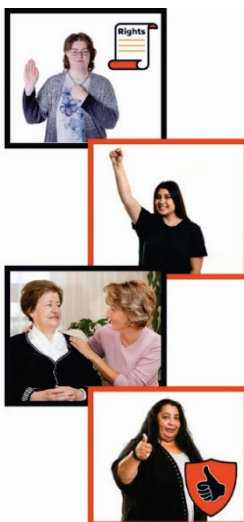
- think about what the person would want if they didn't have mental incapacity



- think about what the person has wanted in the past



- find out what the person wants now, if they can



- make a decision that supports the person's:
  - rights
  - freedoms
  - care
  - safety.

## What if there are urgent decisions?



Sometimes decisions need to be made before we have appointed a guardian.



When this happens, we offer a **duty response** – a duty guardian on our team will make a decision.

You can contact our office for a duty response if:



- you are worried about a change in your friend or family member's situation



- a decision needs to be made urgently.

Our contact details are on page 17.

## How will decisions be made?

The guardian will try to find out as much as they can about the person's:



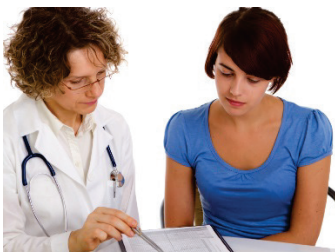
- life story



- current situation



- wishes



- treatments they have been given



- support needs



- risks or need for protection.



They will do their best to include the person in the decision-making.



They may try and find out what other friends and family members think as well.



We might need to make urgent decisions without talking to the person, their friends or family members though.

## What if I disagree?



If you disagree with a decision made by our guardian, you can ask for the decision to be reviewed by senior staff on our team.



You can also ask for help from an **advocacy service** – an organisation that supports people to stand up for their rights and have their say.

You can apply to SACAT to have the guardianship order:



- **varied** – it will be changed



- **revoked** – it will be cancelled.



## What other decisions can a guardian make?



A guardian might also act as an **advocate**.



An advocate is a person who can:

- support you
- help you have your say
- give you information and advice.

A guardian might also support friends and family members to:



- communicate about the person's needs



- fix problems or issues related to the person's wellbeing.

## Word list



### **Access**

Who a person can have contact with when there are risks involved



### **Advocacy service**

An organisation that supports people to stand up for their rights and have their say.



### **Advocate**

An advocate is a person who supports you. They help you have your say. They can also give you information and advice.



### **Duty response**

A duty guardian on our team will make a decision.



## **Guardian**

A person who makes decisions for another person.



## **Guiding principles**

Important things for guardians to remember when they are making decisions.



## **Impaired decision-making capacity**

When a person can't make decisions about their own life.



## **Revoked**

A guardianship order will be cancelled.



## **Varied**

A guardianship order will be changed.

## Contact us



**(08) 8342 8200**

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