

# Fact sheet

## Guardianship

**Easy Read version**



## About this fact sheet



This fact sheet explains what a guardian does and when you may need one.



It is written in an easy to read way.

Pictures are used to explain some ideas.



When this fact sheet talks about Tasmanian law, it means the *Guardianship and Administration Act 1995 (Tas)*.



The law has been made easy to read and isn't written word-for-word.



You can ask for help to read this document.

A friend, family member or support person may be able to help you.



If you have any questions you can ring the Tasmanian Civil and Administrative Tribunal, Protective Division - Guardianship Stream on **1800 657 500**.



The staff are always available to talk to you.

## What is a guardian?



You may need a guardian if you have trouble making your own decisions because of a disability.



A guardian is a person who can make decisions for you.



They can make personal and lifestyle decisions.



A guardian is different to your carer.



The Tasmanian Civil and Administrative Tribunal, Protective Division - Guardianship Stream will decide if you need a guardian.



If you need a guardian they will choose one for you.

## What does a guardian do?



Once a guardian has been chosen by the Tribunal they can make personal decisions for you.



They might make decisions about:

- where you live



- your health care



- support services you need.



The Tribunal will decide exactly what decisions your guardian can make.

They will write this in a document called an *order*.



A guardian can't make financial decisions about how your money is used.



A guardian must:

- always make sure they do what is best for you



- talk to you about what you want before making a decision



- advocate for you – this means helping you to have your say



- encourage you to take part in your community



- encourage and help you to look after yourself



- protect you from abuse – this is when someone hurts you



- make sure you are cared for.

## Do you need a guardian?



You will only need a guardian if you, or other people, disagree about:

- what will happen with your health in the future
- where you are going to live
- your wellbeing.



You may also need a guardian if there is a risk that your service provider will make decisions for you that they are not supposed to.



People with disability won't need a guardian most of the time.



Even if they can't make their own decisions.

You probably don't need a guardian if you:



- have good support



- use day services



- can easily find somewhere to live



- are getting the health care you need



- have a job



- enjoy taking part in activities.



Some people may have a Person Responsible.



A Person Responsible is someone who can make decisions for you about:

- medical treatment



- dental treatment.



If you have a Person Responsible, you don't need a guardian to make medical or dental decisions for you.



## Who can be a guardian?



Someone from your family, or a friend, can be your guardian.



Under Tasmanian law there are rules about who can be your guardian.



If your family or friends don't meet the rules, the Tribunal will choose an organisation to make decisions for you.



The organisation is called a Public Guardian.



A Public Guardian is also used in emergencies.



For example, when a decision needs to be made to:

- stop someone from hurting you



- stop you from hurting yourself



- make sure you have a safe home to live in



- make sure you get urgent medical help.



In an emergency the Public Guardian will make decisions for you for up to 28 days.

## How does the Tribunal choose a guardian?



The Tribunal will contact you to invite you to a hearing.



A hearing is like a meeting.



All the people involved in your guardian application will be invited.



This may include your:

- family



- friends



- carer



- advocate or lawyer



- support worker.



At the hearing they will talk about all the reasons why you may need a guardian.



You will be able to talk about what you would like to happen.



At the end of the hearing the Tribunal will decide:

- if you need a guardian
- who your guardian will be.



Tasmanian law says that when the Tribunal are deciding they must:



- find a way that still lets you have as much freedom as possible



- do what is best for you



- make sure your wishes are carried out.

## What happens now?



If the Tribunal chooses a guardian for you, they will check up on them regularly.



They will make sure:

- you still need a guardian



- your guardian is doing what they are required to do.



If the Tribunal doesn't think your guardian is doing a good job, they can choose a new guardian for you.



Your guardian can ask the Tribunal for advice and help.



They can also read more information in **The Handbook for Private Guardians.**

## Contact us



1800 657 500



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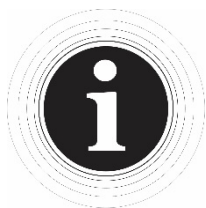


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