

What is the NSW Guardianship Tribunal?

The Guardianship Tribunal is a legal tribunal, located in Sydney.

The Tribunal conducts hearings throughout New South Wales. Its purpose is to keep paramount the interests and welfare of people with disabilities through facilitating decision making on their behalf.

The Guardianship Tribunal makes decisions in relation to the appointment of guardians and financial managers, or in relation to medical and dental consent, for people with disabilities who do not have the capacity to make their own decisions.

The Tribunal may make a range of other orders as well.

The Guardianship Tribunal's host department is the NSW Department of Human Services - Ageing, Disability and Home Care. However, the Tribunal is an independent body and operates under the *Guardianship Act 1987* which sets out most of the orders it can make, the principles to be applied when the Tribunal is making decisions, as well as the limits of its responsibilities and functions.

The Guardianship Tribunal has specific and limited powers. The Tribunal can:

- make guardianship orders to appoint a private guardian (family member or friend) and/or the Public Guardian;
- make financial management orders to appoint a private financial manager and/or the Protective Commissioner;
- provide consent for treatment by a doctor or dentist;
- review enduring powers of attorney;
- review an enduring guardianship appointment; and/or
- approve a clinical trial so that people with decision-making disabilities can take part.

The Tribunal considers applications about people who normally reside in NSW or who have property or other financial assets in NSW.

Can the Guardianship Tribunal review the appointment of an Enduring Guardian?

Yes. The Tribunal can review the appointment of an enduring guardian on its own motion or at the request of anyone whom the Tribunal considers has a genuine concern for the welfare of the person.

The Tribunal can suspend, revoke, confirm or vary the appointment of an enduring guardian.

It can also declare the appointment has effect.

The appointment of an enduring guardian can only be revoked at the request of the appointed enduring guardian or if the Tribunal is satisfied that revocation is in the best interests of the person.

The Tribunal can appoint a substitute enduring guardian if the original enduring guardian has died, resigned or become incapacitated.

Please contact us should you require any further information about the Guardianship Tribunal.

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