

Valuing the cultural, linguistic and religious background of the person under guardianship

A guardian appointed to make decisions on behalf of a person with a disability should make these decisions taking into consideration the person's language, culture and religious beliefs.

RELEVANT LEGISLATION

- **NSW Guardianship Act 1987** Section 4 - general principles require that the importance of preserving the family relationships and the cultural and linguistic environments of such persons be recognised.
- **Ethnic Affairs Commission Act 1979** - principles on cultural diversity
- **NSW Anti-Discrimination Act 1977**

POSITION STATEMENT

The Public Guardian recognises the importance of a person's cultural and religious beliefs, language, lifestyle and background. In exercising their duties, staff of the Office of the Public Guardian will:

- seek information, where appropriate to decision making, regarding the cultural and linguistic background and religious beliefs of people under guardianship and take this information into account in decision making;
- identify the ethnicity of the person under guardianship in order to link them, where appropriate, to ethno-specific services;
- consider the effect of the proposed decision on the person's access to their cultural or religious community

If there is incompatibility between the guardian and the person under guardianship because of cultural reasons, the Public Guardian will make appropriate alternate arrangements.

FACTORS CONSIDERED BY THE PUBLIC GUARDIAN IN RELATION TO ACCOMMODATION ISSUES

- Is the assistance of an interpreter, certified by either the Department of Health or Community Relations Commission, required to obtain the views of the person under guardianship about the proposed accommodation?
- Are there other residents of the same, cultural or linguistic background in the proposed place of accommodation?
- Did the assessment of the person's accommodation needs take into consideration their cultural and linguistic background and religious beliefs?
- Does the person have access to an ongoing interpreter service, if required?

FACTORS CONSIDERED BY THE PUBLIC GUARDIAN IN RELATION TO HEALTH CARE AND/OR MEDICAL AND DENTAL TREATMENT ISSUES

- Did the treating practitioner use the services of an interpreter, if necessary, to seek the views of the person under guardianship?
- Has an assessment been made of the person's capacity to provide informed consent?
- Does the proposed treatment present any cultural or religious issues for the person?
- Is there a suitable bilingual general practitioner or other health care worker available?

FACTORS CONSIDERED BY THE PUBLIC GUARDIAN IN RELATION TO SERVICE ISSUES

- Has consideration been given to the use of appropriate ethnic resources? e.g. Community Relations Commission, Migrant Resources Centre, Aboriginal Resources, Multi Cultural Welfare/Advocacy Groups, Health Care Interpreter Service, Telephone Interpreter Service etc.
- Does the person under guardianship need translation and explanation of documents relating to guardianship and decision making?