



onguard

A regular newsletter for guardians in NSW

April 2011

ISSN NUMBER 1836-5485

Contents

National Disability
Insurance Scheme

Parliamentary Inquiry

Your stories

National Disability Insurance Scheme

The Federal Productivity Commission has recently released a report recommending that Australia develop a national disability insurance scheme. This scheme would be similar to Medicare, and would mean that anyone who has a disability in Australia could get long term care and support.

The Productivity Commission is asking for public comment about their report. The report states that the current system of disability support does not work well for all Australians. The report states that the system is often unfair, with a lack of funding and little choice or flexibility in services. The report also found that it is difficult for people to maintain support if they move from state to state, and the service systems are often too complicated. Because there is currently no guarantee of care and support, people are left feeling anxious about the future.

The Productivity Commission has recommended that Australia develop a national scheme for all people with significant disabilities. This would provide funding for disability support, and would replace the various support and funding systems in each state and territory. The report estimates that 360 000 people in Australia would be eligible for support through the scheme.

The Commission welcomes comments from everyone. You do not have to be an expert to have your say; in fact the Commission is very interested in hearing from ordinary Australians. You can send in a submission by email, mail, fax or audio cassette, until **April 30 2011**.

As a guardian, you have taken on major responsibilities for a person with a disability, and you are involved in day to day decision making. You may not have thought about commenting on broader issues such as the National Disability Insurance Scheme. However, you are an important part of the process and your comments can make a difference. For more information about the report and how to make a submission go to the website: <http://www.pc.gov.au> or phone Roberta Bausch on (02) 6240 3221.



Contact Details

phone
02 8688 6060

**toll free (outside
Sydney Metro area)**
1800 451 510

Facsimile
02 8688 9797

TTY
1800 882 889

Email
informationssupport@opg.nsw.gov.au

website
www.lawlink.nsw.gov.au/opg

Your stories

*Pets are important too! A story by Mr PS
(names changed for privacy reasons).*

I was appointed guardian of Tracy, whom I have known for 40 years. Her nearest relative is a daughter living overseas. Tracy has a psychiatric condition and other health problems. Her condition is very difficult for a non-medical person to understand. Some times she is rational, logical and sensible. At other times quite the reverse and she will dispute she has any mental illness. Some of her acquaintances, including a neighbour, are worried that her diagnosis is a plot to keep her confined for no reason. This makes it difficult at times for me as her guardian to reassure Tracy that her accommodation (in a secure unit) is appropriate for her.

Tracy owns two small dogs. They lived with her at home before she suffered a fall leading ultimately to her placement in the secure establishment. Although the dogs were looked after by a neighbour for a while, they eventually had to go to kennels. Tracy's carers took her to visit the dogs at the kennels. It was obvious Tracy missed the dogs and they missed her. After some negotiation arrangements were made for the dogs to live with Tracy in her current home. This arrangement has worked very well - except Tracy complains that her dogs have deserted her to spend all their time with other residents!

As a guardian I have been able to make reasonably objective decisions about Tracy's accommodation and need for services. This could be quite difficult if I had a strong emotional attachment to her as a member of her family. One benefit of the arrangement is that when I

In our last edition we invited you to tell us about your experiences. Keep your stories coming! Email informationssupport@opg.nsw.gov.au

visit her I am able to take my own dog to the establishment.

Parliamentary Inquiry

During 2009 – 2010, the NSW Government undertook an inquiry into substitute decision-making for people lacking capacity. The inquiry looked at guardianship and financial management arrangements, capacity and advance care planning as well as the idea of having a Public Advocate in NSW. The Government's response to the Inquiry was submitted to parliament on 3 March 2011.

The Government has supported a number of the Inquiry's recommendations and suggests referring other recommendations to the Law Reform Commission. Many people struggle with questions of **capacity** – is a person with a disability able to make their own decisions? When does someone else need to make a decision for them? The Government has agreed that the question of capacity should be explored further and possibly defined in legislation. The Government has also considered consulting the community about establishing an Office of the Public Advocate. For more information go to the NSW Parliament website: <http://www.parliament.nsw.gov.au> or phone the Department of the Legislative Council on (02) 9230 2319.



The Private Guardian Support Unit (PGSU) is a free and confidential information and support service for private guardians in NSW. PGSU is a branch of the Public Guardian and is part of the Department of Justice and Attorney General and is not part of the Guardianship Tribunal or NSW Trustee & Guardian. The PGSU publishes *Onguard* and *Now You're the Guardian*.

This document has been prepared by the PGSU for only general information purposes.

© State of New South Wales through the Department of Justice and Attorney General 2011. You may freely deal with this work for any purpose other than for profit. First edition 1998.

This information can be provided in alternative formats such as braille, audiotape, large print or computer disk. Please contact the PGSU for assistance.

