



NSW Trustee & Guardian can be appointed the financial manager if there is no one else willing or able to make decisions.

Substitute Decisions

A substitute decision is a decision made on behalf of a person under a financial management order. The legal effect of a substitute decision is the same as if the person had made the decision themselves.

We make substitute decisions in your best interests. Our staff take into consideration the financial reasons for making a substitute decision as well as promoting your independence, increasing your quality of life and strengthening your relationships with friends, family and the community.

Substitute decision making policy

In making substitute decisions for our clients, NSW Trustee & Guardian follow the principles set out in section 39 of the *NSW Trustee and Guardian Act 2009*. We also make substitute decisions in accordance with the NSW Trustee & Guardian Decision Making Policy.

Outlined below are the general principles under section 39 of the *NSW Trustee and Guardian Act 2009*:

- (a) The welfare and interests of people with impaired decision making ability should be given paramount consideration
- (b) Their freedom of decision and freedom of action should be restricted as little as possible
- (c) They should be encouraged, as far as possible, to live a normal life in the community

- (d) Their views should be taken into consideration
- (e) The importance of preserving family relationships and cultural and linguistic environments should be recognised
- (f) They should be encouraged, as far as possible, to be self reliant in matters relating to their personal, domestic and financial affairs
- (g) They should be protected from neglect, abuse and exploitation.

Reasons for substitute decisions

Reasons for substitute decisions are a written record of why a substitute decision was made. They include a statement of the facts the substitute decision was based on and why a particular course of action was chosen over other alternatives.

As NSW Trustee & Guardian makes thousands of decisions each year, it is not possible to provide a formal document for each decision. Because of this, we define certain substitute decisions as 'significant decisions'. We prepare reasons for significant decisions and inform you, your family, close friends or guardian of the significant decision in a written document.

Significant decisions

NSW Trustee & Guardian has defined significant decisions to be:

- real estate – sales, leasing and purchasing
- legal issues
- dispute or conflict
- commercial issues such as a sole trader, partnership or company interests
- motor vehicle decisions.

Providing reasons for significant decisions

NSW Trustee & Guardian believes it is important to provide reasons for significant decisions in order to:

- ensure you and your family, close friends or guardian know why a substitute decision has been made
- show that we respect your need to understand why a decision was made
- promote accountability, consistency, transparency and fairness in decision making
- promote your rights to receive information about yourself and the services you receive.



Financial projection

In order for a significant decision to be approved, a full financial projection of the possible impact must be completed. A financial projection will identify how the significant substitute decision will affect your financial situation by taking into account your income and expenditure in the medium to long term.