

Requesting a Review of a Decision

This factsheet explains how you can request a review of a decision made by the NSW Public Guardian.

The role of the Public Guardian

The Public Guardian can be appointed as a guardian of last resort by the Guardianship Division of the NSW Civil and Administrative Tribunal or the Supreme Court. This usually only happens when:

- ✓ decisions cannot be made informally
- ✓ a person cannot make or be supported to make their own decisions
- ✓ there is no other person available to be appointed as a private guardian.

When appointed, the Public Guardian's decision-making authority is detailed in the represented person's guardianship order issued by a court or tribunal. All health and lifestyle decisions made by the Public Guardian are guided by the general principles of the *Guardianship Act 1987* (NSW).

What if you disagree with a decision made by the Public Guardian?

If you disagree with a decision you can request an internal review of the decision within 28 days. The Public Guardian will usually only accept review requests in writing and from people considered to have a genuine interest in the represented person's life.

There are some instances when the Public Guardian cannot accept requests for a review. These include when the request is made outside of the timeframe or if the decision has already been previously reviewed. Some exceptions apply.

For further information, contact the Public Guardian's Information and Support team on the details listed on this fact sheet.

Steps in the review process

1

Contact the guardian

Talk to the guardian who made the decision. They can explain why they made the decision. If you disagree with the decision, you can request a review at that point, or you can request a report which explains the reasons for the decision.

2

Request a 'Reasons for Decision' report

This report explains the reasons for the original decision. You can request the report within 28 days of being notified of the decision. The guardian has 28 days to prepare the report.

3

Request a review of the decision

If you disagree with the decision after receiving the guardian's 'Reasons for Decision' report, you can request a review within 28 days of receiving the report. You can also request a review when you are notified of the decision.

4

The Public Guardian responds

An independent officer who was not involved in the original decision will conduct a review. The outcome of the review will be provided to you in 21 days. If the reviewer requires more time, they will contact you.

Outcome of the review

The independent officer will consider:

- ✓ the grounds for the review being sought
- ✓ the reasons for the original decision
- ✓ any new evidence

The independent officer will then provide you with an 'Outcome of Review' report. They will have made one of the following decisions:

- ✓ Upheld – the original decision will stay the same
- ✓ Set aside – the original decision will be overturned, and a new decision made
- ✓ Varied – the original decision will be altered

To seek further information or discuss the outcome of the review, contact the Public Guardian's Information and Support team.

What if you disagree with the outcome of the review?

If you disagree with the outcome of a review you may request a further review through the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal.

An application for a review of the decision by this Tribunal must be made directly to the Tribunal within 28 days of receiving the 'Outcome of Review' report. For more information contact 1300 006 228 or visit www.ncat.nsw.gov.au

What to do if you want to make a complaint?

A complaint is a separate process from a review of decision and will not change the decision. Making a complaint can lead to an investigation into the quality of service, the actions of a staff member, or a policy or procedure of the Public Guardian.

To make a complaint contact the Public Guardian's Information and Support team.

What if you want to stop the Public Guardian implementing a decision?

You can ask the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal to order a stay of the original decision pending review.

If granted, a stay of decision will stop the original decision from being implemented until the Tribunal can review of the decision. Without a stay of decision, the original decision will continue to be implemented until the Tribunal's review is completed.

For more information on applying for a stay of decision, contact 1300 006 228 or visit www.ncat.nsw.gov.au

How we store your personal information

When you request a review, we will keep a record of it for the purposes of our review handling process. We will discuss your review with relevant staff members.

Contact us



If you would like to request a review or receive further information, contact the Public Guardian's Information and Support Team on 1300 361 389



Email us or visit our website:
pg.engagement@opg.nsw.gov.au
www.tag.nsw.gov.au



If you need an interpreter, contact us through the Translating and Interpreting Service on 131 450



You can contact us through the National Relay Service on 1800 882 889