Decision Making: Capacity and Consent

Anna Gauci – Assistant Public Guardian
Carolyn Smith – Support for Decision Making Lead, Public Guardian
and
Steven Davison - Director, Social Policy Implementation, NSW Ministry of Health

30 March 2020 (1200-1300 hrs)
ACI acknowledges the traditional owners of the land that we work on. We pay our respect to Elders past and present and extend that respect to other Aboriginal peoples present here today.
Thank you to our colleagues in Health and other agencies, working extremely hard and under a lot of pressure at the moment. These are difficult and unsettling times for everyone, including people with intellectual disability and cognitive impairment and people with mental ill health.
Symptoms of COVID-19

Symptoms of COVID-19 include fever, cough, runny nose and shortness of breath.

In more severe cases, infection can cause pneumonia with severe acute respiratory distress.

Contact us

Call the National Coronavirus Health Information Line on 1800 020 080 for general advice or healthdirect on 1800 022 222 if you have symptoms. If you require translating or interpreting services, call 131 450.

If you have a health emergency, call 000 (triple zero)

REMEMBER: Emergency Departments are for Emergencies
Did you wash them?

Hand washing stops the spread of germs.
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Health - Agency for Clinical Innovation Webinar
March 30, 2020
Contents

• Decision Making in the context of COVID 19
• Role of the NSW Public Guardian
• Decision Making, Capacity and Consent
Public Guardian

- Health and Lifestyle decisions only

Decision Making Impairment Categories

- Ageing: 36%
- Psychosocial: 26%
- Intellectual: 21%
- Brain Injury: 8%
- Other: 9%

Staff available to make decisions

After hours number for urgent matters

1800 451 510
Decision making spectrum

INDEPENDENT

SUPPORTED

SUBSTITUTE

Make Reasonable Adjustments
Responding to the needs of PWD during hospitalisation
What if a substitute decision maker is required?

Makes and reviews guardianship orders

- Financial management services
  - Section 71

NSW Public Guardian

Guardian of last resort for health and lifestyle decisions
Public Guardian Decisions

- Accommodation
- Services
- Health
- Medical / Dental Consent
Are you someone's Person Responsible?

**Person Responsible Hierarchy**

- Legally Appointed Guardian
- Spouse, or De-facto Partner
- Unpaid Carer
- Friend or Relative

**Cannot:**

- Consent if person objects
- Make decisions about finances or lifestyle
- Consent to certain treatments e.g. sterilisation or experimental
Who can help?

- Follow [Government advice](#) on COVID
- Report abuse or neglect to the [Ageing and Disability Commissioner](#)
- Seek advice from Peak bodies on how to support people through this crisis
  - [Mental Health Commission](#) of NSW
  - [People with Disability Australia](#) (PWD)
  - [Dementia Australia](#)
Plan Ahead

Will
Power of Attorney
Enduring Guardian
Advance Care Plan or Directive
Contact us

The Public Guardian
1800 451 510
Information & Support Branch
8688 6070
informationsupport@opg.nsw.gov.au

NSW Trustee and Guardian
1300 364 103
24/7 Mental Health Services

Beyond Blue
Anyone feeling anxious or depressed
- beyondblue.org.au
- 1300 22 4636

Kids Helpline
Counselling for young people aged 5 to 25
- kids helpline.com.au
- 1800 55 1800

MensLine Australia
Men with emotional or relationship concerns
- mensline.org.au
- 1300 78 99 78

Open Arms
Veterans and families counseling
- openarms.gov.au
- 1800 011 046

Lifeline
Anyone having a personal crisis
- lifeline.org.au
- 13 11 14

Suicide Call Back Service
Anyone thinking about suicide
- suicidecallbackservice.org.au
- 1300 659 467

Is it an emergency?
If you or someone you know is at immediate risk of harm, call triple zero (000)

healthdirect
We are in this TOGETHER

Stay Safe,
Wash Hands,
Stay Home,
Flatten that Curve!

NSW Health COVID website
Thank you