

Do you need to apply for an order?

This fact sheet explains ways a person can get help to make decisions without applying to NCAT for a guardian, financial manager or medical consent order.

Where support already exists

Many people with a decision-making disability manage with help from family, friends and service providers. They do not need a guardian or a financial manager.

NCAT will consider the support the person already has when deciding to make a guardianship, financial management or medical consent order.

There are other options to applying to NCAT. Before starting the legal process and going to a hearing, think about whether a simpler option could work.

Have you talked it over?

Is a disagreement stopping decisions being made for the person? Bringing everyone together to talk about options might help resolve the problem.

Are there existing decision makers?

Has the person already appointed:

- An **enduring guardian** to make decisions about their personal affairs, such as where they live and their medical treatment?
- An **attorney** under an enduring power of attorney to manage their financial affairs?

An enduring guardian or attorney is a formal (substitute) decision maker. They can make decisions when the person loses the capacity to make decisions.

Visit Legal Aid NSW's [Planning Ahead](#) webpage for information on how the person can appoint someone to make decisions.

Is there a 'person responsible' for medical or dental treatment decisions?

If a person cannot consent to medical or dental treatment, the practitioner will seek consent from their 'person responsible'.

A 'person responsible' is usually the person's guardian, spouse, carer, relative or friend. They can make decisions about medical or dental treatments if the person is unable to do so.

Read the [Person responsible fact sheet](#) (PDF) for more information.

What a 'person responsible' cannot do

A 'person responsible' cannot consent to:

- Treatment if the person objects to it.
- Special medical treatment, such as operations that result in sterilisation, terminations of pregnancy and experimental treatments.

When consent is not required

Consent is not needed for:

- Urgent treatment to save the person's life, prevent serious harm to their health or relieve significant pain or distress.
- Minor treatment when the person is not objecting, consent from a person responsible cannot be obtained, and the treatment is needed for the person's health and wellbeing.

Read the [Consent to medical and dental treatment factsheet](#) (PDF) for more details.



Has the person made End of Life plans?

Advance care planning helps others know what the person wants if they become seriously ill or cannot make decisions.

Visit the NSW Health website for information on [Advance care planning](#).

Advance Care Directive

An Advance Care Directive sets out the decisions a person wants made about their care and treatment if they have a life-threatening illness or injury and cannot make or communicate decisions.

Only an adult with decision-making capacity can make an Advance Care Directive.

Advance Care Plan

An Advance Care Plan is different from an Advance Care Directive. It can be developed with a person with limited decision-making capacity by an appointed guardian or a 'person responsible'.

Authorise a representative or nominee

Government services such as Centrelink, Medicare, MyAgedCare, NDIS and Veterans Affairs allow a person to authorise someone to act on their behalf. These people are known as 'representatives' or 'nominees'.

In some cases where a person cannot nominate someone themselves, their family or supports can apply to be a representative or nominee for the person.

Centrelink and Medicare

A person can authorise another person to enquire or act on their behalf with Centrelink or Medicare.

- **Centrelink** has a form called [Authorising a person or organisation to enquire or act on your behalf form](#). This form lets you authorise someone to act on your behalf with Centrelink.
- **Medicare** has a form called [Authorisation to act on an incapacitated person's behalf for Medicare purposes form](#). Use this form if you want to act on behalf of someone who is incapable of managing their own Medicare services.

Aged care

A person can appoint a supporter to get information and communicate their own decisions about aged care. This includes talking to My AgedCare and sharing the person's views about their care services and needs.

MyAgedCare has information about [how to appoint a supporter](#).

National Disability Insurance Scheme (NDIS)

The National Disability Insurance Authority (NDIA) has information on [how to appoint a nominee](#). The person can request the NDIA to appoint a nominee to make NDIS decisions on their behalf.

Veterans

A person can [nominate a representative](#) to act for them with the Department of Veterans' Affairs.

Passports

If a person cannot sign a passport application due to a physical or decision-making disability, the [Australian Passport Office](#) has information on how to complete a passport application and the required documentation.

Contact NCAT

1300 006 228 | www.ncat.nsw.gov.au

Interpreter Service (TIS) 13 14 50

National Relay Service for TTY users 13 36 77

For more information and assistance visit the NCAT website or contact NCAT's Guardianship Division.