

Policy: Authorised Visitor

Purpose

The aim of this policy is to outline the circumstances under which NSW Trustee and Guardian (NSWTG) should appoint an Authorised Visitor (AV).

Section 123(a) of the *NSW Trustee and Guardian Act 2009* provides that NSW Trustee and Guardian (NSWTG) may make an order directing a specified person to visit a managed person (other than a person who is a patient) and to prepare a report in writing to NSWTG on the state of mind, bodily health, and general condition of the managed person and on the care and treatment of the managed person.

The appointment of an AV will provide NSWTG with an independent professional opinion on the customer's circumstances, needs and wishes. This will aid NSWTG in determining how a customer's finances can be used for their benefit and wellbeing. It will also allow NSWTG to identify its responsibilities to a customer in relation to the use of their funds/assets where there is concern; they are at risk of harm; and they enable a response that contributes to reducing the risk of ongoing violence, abuse, neglect, or exploitation. NSWTG recognises the significant role of AVs in contributing to the organisation's ability to make informed decisions on behalf of a customer in accordance with their lifestyle and needs.

The primary role of the AV is to provide an independent professional report relating to the customer's circumstances and assisting in the identification of any unmet needs or risks. This report will provide recommendations to allow NSWTG staff to make decisions regarding a customer to improve their quality of life. These AV reports are provided on a fee for service basis and are governed by legislation.

Policy statement

An AV is an independent qualified professional, who is appointed by NSWTG, to provide a customer specific report to assist in NSWTG's decision making and ensure we are meeting their needs through our delivery of services. The AV must hold a qualification in a relevant area, including, but not limited to, social work, psychology, nursing or occupational therapy. The AV is appointed to a panel which is maintained by the NSWTG Customer Advocacy (CA) team which has responsibility of appointing an AV, obtaining and reviewing all reports to identify any systemic issues and to determine the quality of the reports.

The purpose of an Authorised Visitor is to:

- Review the submission and supporting documentation provided by NSWTG.
- Consult with the customer and the customer's formal and informal supports.
- Provide an independent report with their professional opinion to assist NSWTG to make informed decisions for a customer's financial manager or a private financial manager.

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- Inform substitute and supported decision-making so that decisions are consistent with the will and preference of the customer, when possible.
- Provide recommendations for the consideration of NSWTC to improve a customer's quality of life and minimise the risk of fraud, abuse and exploitation, or unsafe circumstances.
- Assist NSWTC in its role of monitoring the customer's circumstances to ensure the effective management of the customer's estate, and that their needs in relation to use of their funds are being met.

An AV does not have the authority to direct a person or organisation to provide a service or support for a customer. The AV does not provide counselling to the customer or their family members and are not to provide case management services. The AV is not permitted to determine affordability of requests or arrange any accommodation for a customer during the visit. No guardianship functions are to be performed. The customer's needs should be clearly outlined in the AV report which NSWTC will consider.

The appointment of an AV occurs when NSWTC requires independent information to make decisions with or on behalf of a customer. This may include reasons such as:

- A lack of information, or current professional reports, on the circumstances or needs of the customer.
- The need for independent information where NSWTC is required to make a significant decision regarding a customer or their estate.
- Conflicting advice being received about the customer and their needs.
- Recent significant changes in the customer's health, social, legal, or financial circumstances (e.g., receipt of compensation payment or an inheritance, a new debt or obligation such as notification of a new dependent, or a change of accommodation, etc.).
- Significant changes in customer spending patterns (either increase or decrease in spending), including, the reporting of concerns from a family member or other external stakeholder.
- Significant depletion of a customer's estate, as defined in NSWTC's [Depletion of Funds Policy](#).
- The need to obtain the views of the customer and important people in the customer's life including family, friends, or carers.
- The need to verify and report on allegations of violence, abuse, neglect, or exploitation.
- Concerns that the customer's formal or informal supports are not acting in accordance with their views or in their best interests.
- Minimal contact with the customer or Private Manager.
- Media reports relating to a service provider or residential facility where NSWTC has reason to believe that the customer is not receiving the best possible support and care.
- The decision to appoint an AV must also include consideration of the customer's finances and the affordability of the appointment. The cost of an Authorised Visitor is paid by the customer.

Scope

Estate Management Division, Public Guardian, Legal and Customer Advocacy.

Legislative context

[NSW Trustee and Guardian Act 2009](#)

Document information

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Approver:	Director, Customer Experience
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