



**HAVING A SUBSTITUTE DECISION MAKER WITH A
RESTRICTIVE PRACTICE FUNCTION
Residents must have someone nominated by 1st December 2026**

Dear Resident and Representative,

As the Guardian or substitute decision maker of a resident you must have relevant permission to approve or request restrictive practices as part of your loved one's care. If you do not have authority or permission as part of your Guardianship then you will need to apply for it, at your earliest convenience.

Why you need to make an application?

If a resident does not have decision making capacity, only a nominated guardian with a Restrictive Practices Function can provide consent for the use of restrictive practices. This means, a Guardianship Document or Guardianship Order must specifically include a Restrictive Practice Function.

Below is guidance on applying to NSW Civil and Administrative Tribunal (NCAT) to become a Guardian with a Restrictive Practice function.

What's next?

If you have not yet applied for Guardianship that includes authority for Restrictive Practice, you will need to complete the following form as soon as possible:

https://ncat.nsw.gov.au/documents/forms/gd_form_guardianship_application.pdf

This fact sheet is helpful for those who must apply to NCAT to become a Guardian with a Restrictive Practices function;

https://ncat.nsw.gov.au/documents/factsheets/gd_factsheet_restrictive_practices_and_guardianship_easyread.pdf

When to make this application?

Ibis Care are required to have a Guardian with a restrictive practice function recorded in our files for all residents with restrictive practice, so we require that you make an application to NCAT seeking a restrictive practices function as soon as possible.

We are happy to help, or for you to obtain your own independent legal advice.

Yours sincerely,

Margaret Williams

Head of Clinical Governance, Quality and Education



Other Links and Helpful Information

What is a restrictive practice?

A Restrictive Practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of the person. Restrictive practices aim to address behaviour issues and minimise harm; they do not aim to treat a medical condition. For that reason, they are not considered a form of medical treatment under the Guardianship Act 1987 (NSW).

If a resident requires restrictive practices, Ibis Care will only use them as a last resort. Restraints will be used in accordance with a Behaviour Support Plan, and alternative strategies will be sought and used alongside the restrictive practice. The Home will continue to work towards reducing and eliminating the use of restrictive practices wherever possible.

Overview of Restrictive Practices: https://www.agedcarequality.gov.au/sites/default/files/media/overview-of-restrictive-practices_0.pdf

Which Supporting Documents will I need?

When applying to NCAT you will require supporting documents from a medical professional, such as the older persons GP or Geriatrician. The documentation will need to include the following information:

- The older person's diagnosis.
- The older person's decision-making capacity.
- The nature of restraint proposed.
- Whether the primary role of the restraint is to change the person's behaviour rather than treat a medical condition.
- How and when the restrictive practice will be used.
- Any possible side effects.
- The older person's current medications.

A Health Professional Report form if required is available here:

https://ncat.nsw.gov.au/documents/forms/gd_form_health_professional_report_form.pdf

Support for Guardians: <https://www.taq.nsw.gov.au/sites/default/files/2021-01/Now-you%27re-the-Guardian.pdf>

About Guardianship: <https://www.ptg.act.gov.au/guardianship>

NSW Civil and Administrative Tribunal: <https://ncat.nsw.gov.au/>