

How to know when a guardian and/or administrator is needed

If your family member or friend is assessed as being unable to make decisions for themselves, existing legal orders will take effect. This may be an [Enduring Power of Attorney](#). The person entrusted with this 'Power' will now take responsibility for making relevant financial decisions.

In regard to health care decisions such as medical or dental treatment, (for which an Enduring Power of Attorney does not apply), the Guardianship Act provides a hierarchy for determining which family member will informally take on the role of making these decisions.

Where there is conflict in the family, or debate over who the decision maker should be, or concerns held about that person's ability to fulfil the role, legal steps can be taken to appoint a formal [guardian](#). Similarly, if there is no Enduring Power of Attorney, an [administrator](#) can be formally appointed to manage the person's finances.

A hearing will decide whether this is necessary and if so, who it should be - sometimes a family member will be appointed, but often it will be someone independent like the Public Advocate or Public Trustee.

How to have a guardian and/or administrator appointed

The concerned individual (which may be the GP, a health professional, service provider or another family member) will need to complete an [application form](#) through the State Administrative Tribunal.

The Tribunal will consider the application and request further information if necessary. All interested parties will be advised of the date of the hearing. You are invited to (and should) attend the hearing. A decision will usually be made at this time.

If a guardianship order is made, the guardian will be able to make all or some of the decisions involved, as described in the order. If you or a family member is appointed as the administrator, the Public Trustee will guide your responsibilities.

Further information:

- ☒ [The Public Advocate](#) - ph: 9278 7300 (or freecall 1800 807 437 for country callers).
- ☒ [The Public Trust Office](#) - ph: 1800 642 777.
- ☒ [State Administrative Tribunal](#) - ph: 9219 3111 (or 1300 306 017 for country callers).
- ☒ [Financial and legal considerations - Part 1: Enduring Power of Attorney](#) - information sheet.

Contact the [Commonwealth Carer Resource Centre](#) on 1800 242 636* to request the above information sheet be sent to you - or to find out about other information sheets in this series.

*Free call except from mobile phones. Mobile calls at mobile rates.

We do our best to keep these links up to date, but the internet changes all the time. If you can no longer access any of the above resources, please go to our [Internet Troubleshooting Guide](#), or email us at website@carersvic.org.au