



# Financial and legal considerations - Part 2

## Guardianship and Management of Property Orders

### How to know when a guardian or manager is needed

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

Where there is no Enduring Power of Attorney in place, your family member or friend has no one appointed to make decisions on their behalf - and in their best interests. A guardian and/or manager is likely needed.

### How to have a guardian or manager appointed

The concerned individual (which may be the GP, a health professional, service provider or a family member) will need to complete an application to the Community Advocate, who will investigate the situation. If in agreement that a guardian and/or manager is needed, the Community Advocate will make an application to the Guardianship and Management of Property Tribunal.

A hearing will be held to determine whether a [guardian and/or manager](#) is necessary. All interested parties will be invited to the hearing and given the opportunity to put their views forward. You can (and should) attend the hearing. A decision will usually be made at this time.

Sometimes a family member will be appointed as the guardian and/or manager. Sometimes someone independent like the Community Advocate or the Public Trustee will be appointed.

If a guardianship order is made, the guardian will be able to make decisions as described in the order. If a management order is made, the Public Trustee will offer guidance in these responsibilities.

### Further information:

- ☐ [Public Trustee](#) - ph: 6207 9800
- ☐ [Community Advocate](#) - ph: 6207 0707
- ☐ [Guardianship and Management of Property Tribunal](#) - ph: 6217 4282
- ☐ [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](mailto:website@carersvic.org.au)