



Financial and legal considerations - Part 2

Guardianship and financial management orders

How to know when a guardian and/or financial manager 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, or Enduring Guardianship. The person entrusted with this power will now take responsibility for making relevant decisions.

In regard to medical and dental decisions, the Guardianship Act recognises a hierarchy that can determine who will become the '[person responsible](#)'. This person will informally take on the role of making these decisions on behalf of your family member.

Where there are no legal orders in place, [applications](#) can be made to the Guardianship Tribunal, which can make guardianship and financial management orders for adults who are unable to make decisions for themselves. Applications may be made for the appointment of:

- ▣ A [guardian](#)
- ▣ A [financial manager](#), or
- ▣ Consent for medical or dental treatment.

A [hearing](#) will be held to decide whether a financial management or guardianship order is necessary and if so, who should be appointed.

Sometimes a family member will be appointed as Private Guardian or private financial manager. Alternatively, the Public Guardian or Protective Commissioner will be independently appointed to represent the person's interests.

How to have a guardian or financial manager appointed

The concerned individual (which may be the GP, a health professional, service provider or a family member) will need to make an application to the Guardianship Tribunal. A hearing will be held involving all interested parties. You will be invited to (and should) attend the hearing.

If a private guardian is appointed, this person will be able to make decisions as described in the order. If a private financial manager is appointed, the Office of the Protective Commissioner will guide their responsibilities.

Further information:

- ▣ [Guardianship Tribunal](#) - ph: 1800 463 928.
- ▣ [Office of the Public Guardian](#) - ph: 1800 451 510.
- ▣ [Office of the Protective Commissioner](#) - ph: 9265 3131 (or 1300 360 466 outside of Sydney).
- ▣ [Financial and legal considerations - Part 1](#): Enduring Power of Attorney/Enduring Guardianship - 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