



# Financial and legal considerations - Part 2

## Guardianship and administration orders

### 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 (Financial) or an Enduring Power of Attorney (Personal and Health Care). The person entrusted with these powers will now take responsibility for making relevant decisions.

When a person is no longer capable of making their own decisions, and does not have an [Enduring Power of Attorney](#) in place, the person's spouse, their carer or perhaps a family member can automatically take on the informal role of [Statutory Health Attorney](#) to make health decisions on their behalf when required.

Where there is debate over who is best placed to act as the Statutory Health Attorney, or to manage the persons financial affairs, legal steps may be taken to appoint a formal Guardian or Administrator through the Guardianship and Administration Tribunal.

### How to have a guardian and/or administrator appointed

The concerned individual (who may be the GP, a health professional, service provider or a family member) will need to complete an [Application for Appointment of a Guardian or Administrator](#) and send it to the Guardianship and Administration Tribunal.

Suggestions can be made about which person would be best to act as Guardian or Administrator - this may be a family member or someone independent like the Adult Guardian. A hearing will be held - all interested parties will be invited to, and should, attend. Decisions about ongoing Guardianship or Administration arrangements will usually be made at this hearing.

### Further information:

- ☒ [Guardianship and Administration Tribunal](#) - ph: 1300 780 666.
- ☒ [Office of the Adult Guardian](#) - ph: 1300 653 187.
- ☒ [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)