



# 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 reasonable decisions about themselves and their circumstances because of a disability, existing legal orders will take effect. This may be an [Enduring Power of Attorney](#), or an Instrument Appointing an [Enduring Guardian](#). The person entrusted with this 'power' will now take responsibility for making relevant decisions.

Where there are no legal orders in place, informal arrangements are preferred. The Guardianship and Administration Act provides a hierarchy for determining who the 'person responsible' for making decisions will be. This person is generally able to make the necessary decisions about medical and dental treatment. Usually the person responsible is the spouse, the carer, a close friend or relative.

Where there is conflict in the family, debate over who should be the [person responsible](#), or concerns held over the person's ability to take on this role, an application can be made to the Guardianship and Administration Board to appoint a formal guardian or administrator.

The Board will investigate the application and may hold a hearing to decide whether a guardian or administrator is necessary and if so, who it should be - sometimes another family member will be appointed, but often it will be someone independent like the Public Guardian 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 sometimes even another family member), will need to complete an application to the Guardianship and Administration Board.

The Board will notify all interested parties of the date of the hearing - each will have the opportunity to put their views forward. You are invited to (and should) attend the hearing. A decision will usually be made on this day.

### Further information:

- ☐ [Guardianship and Administration Board](#) - ph: 6233 3085.
- ☐ [Office of the Public Guardian](#) - ph: 6233 7608.
- ☐ [The Public Trustee](#) - ph: 1800 068 784.
- ☐ [Financial and legal considerations - Part 1](#): Enduring Powers of Attorney/Guardianship and Wills - 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)