



# GUARDIANS AND ADMINISTRATORS

## What can they do and who decides if I need one?

MAY 2018

### What is a guardian?

A guardian is a person who has been appointed with legal authority to make personal decisions on behalf of an adult who has impaired decision-making capability because of disability.

### What can guardians do?

A guardian can make decisions on behalf of someone such as:

- Health and medical decisions e.g. consent to medical treatment, access to health services and dental care
- Accommodation decisions e.g. type of accommodation, and location of residence
- Other lifestyle decisions e.g. employment arrangements, access to services, access by external parties to the individual

### What can't guardians do?

Guardians have rules about how they make decisions and the sorts of decisions they can make. Sometimes guardians can only make decisions that are relevant to specific areas of the person's life.

Guardians cannot make decisions on behalf of the person with disability that are related to:

- Making financial or property decisions
- Creating or altering a will
- Voting in elections
- Consenting to marriage
- Consenting to medical or dental treatment where the person with disability is objecting to the treatment
- Making decisions that are against the law

### Who can be a guardian?

Each state and territory has a system for how guardians are assessed and appointed. There is a guardianship tribunal or guardianship board in each state that has the authority to appoint a guardian for a person with disability whose capability to make decisions is impaired.

Guardians are often family members or friends of the person with disability, or sometimes the appointed guardian is a public advocate organisation or public guardian organisation in your state or territory.

## What is an administrator?

An administrator is a person who has been appointed with legal authority to make financial decisions on behalf of an adult who has impaired decision-making capability because of disability.

## What can an administrator do?

An administrator can make decisions on behalf of someone such as:

- Banking
- Paying bills
- Selling/buying property
- Managing assets

## What can't an administrator do?

An administrator can't make any decisions that are not directly related to finances. Administrators can't make decisions related to:

- Personal decisions, such as consent for medical treatments and procedures
- Lifestyle decisions, such as type and location of housing


## Who can be an administrator?

As with guardianship, each state and territory has a system for how administrators are assessed and appointed. There is an administration tribunal or board in each state with the authority to appoint an administrator for a person with disability whose capability to make decisions is impaired. Administrators are often a family member or friend of the person with disability. They can also be people such as an accountant or a solicitor or a public trustee organisation in your state or territory.

## National information & resources

**ADVOKIT:**  [advokit.org.au](http://advokit.org.au)

**BELONGING MATTERS:**  [belongingmatters.org/](http://belongingmatters.org/)

**BRAIN INJURY AUSTRALIA:**  
 [braininjuryaustralia.org.au](http://braininjuryaustralia.org.au)

**DISABILITY ADVOCACY NETWORK AUSTRALIA (DANA)**  
 [dana.org.au](http://dana.org.au)


**NATIONAL DISABILITY SERVICES:**  [nds.org.au](http://nds.org.au)


**PEOPLE WITH DISABILITY INCORPORATED**  
 [pwd.org.au/library/australian-advocacy-directory.html](http://pwd.org.au/library/australian-advocacy-directory.html)

## Information by state

### VICTORIA

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**GUARDIAN:** Office of the Public Advocate  
 [publicadvocate.vic.gov.au](http://publicadvocate.vic.gov.au)

**ADMINISTRATOR:** State Trustees Ltd  
 [statetrustees.com.au](http://statetrustees.com.au)

### NEW SOUTH WALES

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**GUARDIAN:** Public Guardian  
 [publicguardian.justice.nsw.gov.au](http://publicguardian.justice.nsw.gov.au)

**ADMINISTRATOR:** New South Wales Trustee and Guardian  
 [tag.nsw.gov.au](http://tag.nsw.gov.au)

### SOUTH AUSTRALIA


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**GUARDIAN:** Office of the Public Advocate  
 [opa.sa.gov.au](http://opa.sa.gov.au)

**ADMINISTRATOR:** Public Trustee of South Australia  
 [publictrustee.sa.gov.au](http://publictrustee.sa.gov.au)

### WESTERN AUSTRALIA

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**GUARDIAN:** Office of the Public Advocate  
 [publicadvocate.wa.gov.au](http://publicadvocate.wa.gov.au)

**ADMINISTRATOR:** Public Trustee of Western Australia  
 [publictrustee.wa.gov.au](http://publictrustee.wa.gov.au)

## QUEENSLAND

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**GUARDIAN:** Office of the Public Guardian

🌐 [publicguardian.qld.gov.au](http://publicguardian.qld.gov.au)

**ADMINISTRATOR:** Public Trustee of Queensland

🌐 [pt.qld.gov.au](http://pt.qld.gov.au)

## ACT

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**ADMINISTRATOR AND GUARDIAN:**

Public Trustee and Guardian

🌐 [publictrustee.act.gov.au](http://publictrustee.act.gov.au)

## TASMANIA

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**GUARDIAN:** Office of the Public Guardian

🌐 [publicguardian.tas.gov.au](http://publicguardian.tas.gov.au)

**ADMINISTRATOR:** Public Trustee of Tasmania

🌐 [publictrustee.tas.gov.au](http://publictrustee.tas.gov.au)

## NORTHERN TERRITORY

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**GUARDIAN:** Executive Office of Adult Guardianship

🌐 [health.nt.gov.au/Aged\\_Disability/Adult\\_Guardianship](http://health.nt.gov.au/Aged_Disability/Adult_Guardianship)

**ADMINISTRATOR:**

Northern Territory Department of Justice

Office of the Registrar General and Public Trustee

🌐 [nt.gov.au](http://nt.gov.au)



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We value your feedback about this resource – please contact the Summer Foundation at [info@summerfoundation.org.au](mailto:info@summerfoundation.org.au), or 1300 626 560.

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