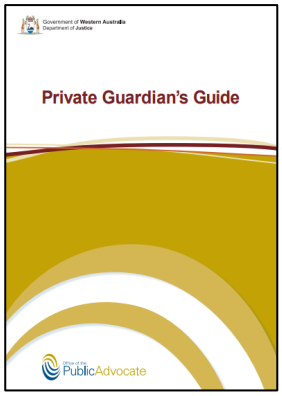
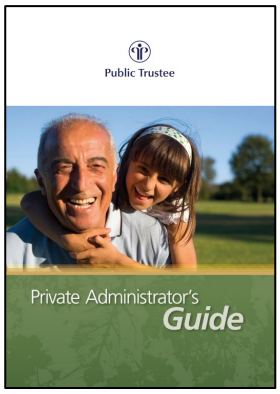
Guardianship + Administration

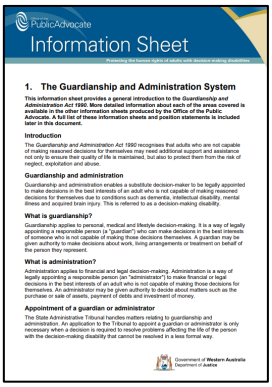
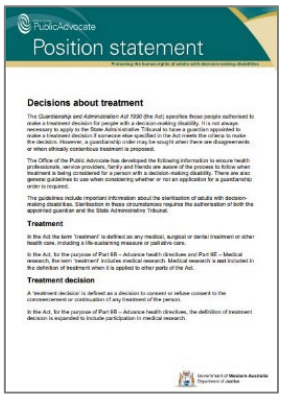
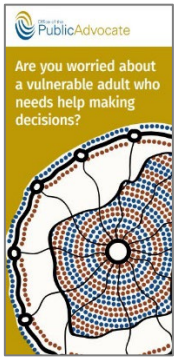
Office of the Public Advocate

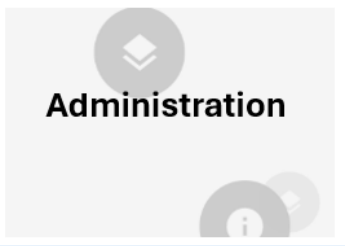
Electronic Information Kit

THIS DOCUMENT WORKS BEST WHEN VIEWED ONLINE

This electronic document provides information for people wishing to learn more about how the Guardianship and Administration system works. It includes links to Office of the Public Advocate (OPA) publications and web pages, as well as material and websites from other agencies.

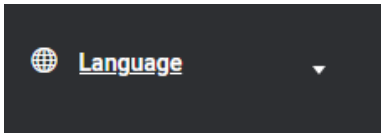
Publication	Name / Specifications	Description / Notes
	**Private Guardian's Guide** A4 book 44 pages	A private guardian makes lifestyle decisions on behalf of an adult with a decision-making disability. This comprehensive guide is for: - People considering nominating themselves to be appointed as someone's private guardian. - People who have already been appointed as a private guardian. **Format:** Online only (OPA website)
	**Private Administrator's Guide** A4 book 74 pages	A private administrator makes financial and property decisions on behalf of an adult with a decision-making disability. This comprehensive guide is designed to inform administrators of their role and responsibilities. **Format:** Online + hard copy Available on Public Trustee website
	OPA Easy Read Factsheets About guardianship and other related topics. **PT Easy Read Factsheets** About administration and other related topics.	Easy Read Factsheets break down Guardianship and Administration information into short, easy-to-understand sentences and pictures. Easy Read Factsheets can be read through most standard screen readers. **Format:** Online (OPA Website) + hard copy on request. Administration subject matter available on Public Trustee website.

 Office of the PublicAdvocate Information Sheet Protecting the human rights of adults with decision-making disabilities 1. The Guardianship and Administration System This information sheet provides a general introduction to the Guardianship and Administration Act 1990. More detailed information about each of the areas covered is available in the other information sheets produced by the Office of the Public Advocate. A full list of these information sheets and position statements is included later in this document. Introduction The Guardianship and Administration Act 1990 recognises that adults who are not capable of making reasoned decisions for themselves may need additional support and assistance not only to ensure their quality of life is maintained, but also to protect them from the risk of neglect, exploitation and abuse. Guardianship and administration Guardianship and administration enables a substitute decision-maker to be legally appointed to make decisions in the best interests of an adult who is not capable of making reasoned decisions for themselves due to conditions such as dementia, intellectual disability, mental illness and acquired brain injury. This is referred to as a decision-making disability. What is guardianship? Guardianship applies to personal, medical and lifestyle decision-making. It is a way of legally appointing a responsible person (a "guardian") who can make decisions in the best interests of someone who is not capable of making those decisions themselves. A guardian may be given authority to make decisions about work, living arrangements or treatment on behalf of the person they represent. What is administration? Administration applies to financial and legal decision-making. Administration is a way of legally appointing a responsible person (an "administrator") to make financial or legal decisions in the best interests of an adult who is not capable of making those decisions for themselves. An administrator may be given authority to decide about matters such as the purchase or sale of assets, payment of debts and investment of money. Appointment of a guardian or administrator The State Administrative Tribunal handles matters relating to guardianship and administration. An application to the Tribunal to appoint a guardian or administrator is only necessary when a decision is required to resolve problems affecting the life of the person with the decision-making disability that cannot be resolved in a less formal way. Government of Western Australia Department of Justice	**Information Sheets** A4 **Topics include:** The Guardianship and Administration System, Guardianship, Administration, Enduring Powers of Attorney and Enduring Powers of Guardianship.	Information sheets provide information surrounding Guardianship and Administration. **Format**: Online (OPA website)
 Office of the PublicAdvocate Position statement Protecting the human rights of adults with decision-making disabilities Decisions about treatment The Guardianship and Administration Act 1990 (the Act) specifies those people authorised to make a treatment decision for people with a decision-making disability. It is not always necessary to apply to the State Administrative Tribunal to have a guardian appointed to make a treatment decision if someone else specified in the Act meets the criteria to make the decision. However, a guardianship order may be sought when there are disagreements or when ethically contentious treatment is proposed. The Office of the Public Advocate has developed the following information to ensure health professionals, service providers, family and friends are aware of the process to follow when treatment is being considered for a person with a decision-making disability. There are also general guidelines to use when considering whether or not an application for a guardianship order is required. The guidelines include important information about the sterilisation of adults with decision-making disabilities. Sterilisation in these circumstances requires the authorisation of both the appointed guardian and the State Administrative Tribunal. Treatment In the Act the term 'treatment' is defined as any medical, surgical or dental treatment or other health care, including a life-sustaining measure or palliative care. In the Act, for the purpose of Part 8B – Advance health directives and Part 8E – Medical research, the term 'treatment' includes medical research. Medical research is not included in the definition of treatment when it is applied to other parts of the Act. Treatment decision A 'treatment decision' is defined as a decision to consent or refuse consent to the commencement or continuation of any treatment of the person. In the Act, for the purpose of Part 8B – Advance health directives, the definition of treatment decision is expanded to include participation in medical research. Government of Western Australia Department of Justice	**Position Statements** A4 **Topics include:** Decisions about Treatment, Accommodation, Contact, Palliative Care etc…	Position Statements provide information surrounding Guardianship and Administration. Useful for Service Providers. **Format**: Online (OPA website)
 Office of the PublicAdvocate Are you worried about a vulnerable adult who needs help making decisions?	**Plain English – Are you worried about a vulnerable adult Flyer** DL fold out flyer	This Plain English handout flyer includes information about Administration and Guardianship. This document has a scannable QR code to access First Nations audio translations of this information. **Format**: Online (OPA Website) + hard copy.
 Supporting Private Administrators Public Trustee Information for administrators and represented persons regarding the examination of accounts by the Public Trustee. The Public Trustee provides quality Will-drafting, and trustee and asset management services to Western Australians. We can assist you or your loved ones with: • Wills • Enduring Powers of Attorney • Administration and Administration • Trustee Services • Financial Administration • Charitable Giving – GiveAbroad Foundation What is a represented person? A represented person is a person whom the State Administrative Tribunal (SAT) has decided cannot manage their own financial matters (for example, due to dementia, mental illness or intellectual disability) and to be in need of an administrator. A hearing is conducted before the SAT makes this decision, which is subject to appeal or review. What is an administrator? An administrator is the person appointed by the SAT, under an Administration Order, to make property and financial decisions on behalf of the represented person. The administrator's role is to use the represented person's money and property to provide for their care, being responsible and careful on making investment and spending decisions. The SAT might also appoint a guardian. The guardian is responsible for making lifestyle decisions for the represented person (for example, regarding medical treatment or accommodation). An administrator will often liaise with a legally appointed guardian when considering requests for expenditure. What are an administrator's duties? The duties and obligations of the administrator are contained in the Guardianship and Administration Act 1990, the Guardianship and Administration Regulations 2020 and the Administration Order. The primary role of an administrator is to manage the estate in the represented person's best interests. Examples of some of the duties and obligations of an administrator are: • arranging to collect and bank income; • managing bank accounts; • attending to the management of accounts; • determining current and liabilities; • managing and maintaining real estate; • purchasing and/or selling real estate; • surrendering life assurance policies; • recovering debts; • discharging mortgages; • preparing and lodging tax returns; and • carrying on a business. There are some things an administrator cannot authorise, for example, an administrator cannot make treatment decisions, or cannot make a decision that would, in an administrator's opinion the represented person to live in aged care or other residential situations against their will. Government of Western Australia Department of Justice New apply from 1 July 2020 to 30 June 2024	**Supporting Private Administrators** A4 Brochure 4 pages	Information for administrators and represented persons regarding the examination of accounts by the Public Trustee. **Format:** Online + hard copy Available on Public Trustee website

 Protecting Elderly & Vulnerable Western Australians Public Trustee Information for Represented Persons and their families regarding the Public Trustee's role as Administrator.	**Protecting elderly and vulnerable Western Australians**	Information for Represented Persons and their families regarding the Public Trustee's role as Administrator. **Format:** Online + hard copy Available on Public Trustee website
Web content	**Webpage / Link**	**Website / notes**
 Guardianship	**Guardianship**	**Location**: OPA Website Information about Guardianship. **Includes:** Case study and frequently Asked Questions.
 Administration	**Administration**	**Location**: OPA Website Information about Administration. **Includes:** Frequently Asked Questions
 Private Administrator Support	**Private Administrator Support**	**Location**: Public Trustee Website Information about Private Administrator Support. **Includes:** information about Private Administrator Support training sessions, frequently asked questions and reporting forms.
 Advocacy and investigation	**Advocacy and Investigation**	**Location**: OPA Website Information about what happens when an investigation is required to determine if an application to the State Administrative Tribunal is necessary. **Includes**: Case studies.

 For parents of children with decision-making disability	**Planning Ahead – for parents of children with decision-making disability**	**Location:** OPA Website Useful information for parents of children with decision-making disability who are about to turn 18, who want to make plans for the future. **Includes:** Frequently Asked Questions.
 For family/friends of ageing people with decision-making disability	**Planning Ahead – for family/friends of ageing people with decision-making disability**	**Location**: OPA Website Useful information supporting family and friends who are often faced with difficult decisions when loved ones start to get older and lose capacity. **Includes:** Frequently Asked Questions.
 Events, Seminars and Training	**Events, Seminars and Training**	**Location**: OPA Website The Office of the Public Advocate hosts a range of information seminars and training sessions throughout the year.
 	Information about SAT processes	**Location:** State Administrative Tribunal Website The State Administrative Tribunal's website includes information sheets, videos and other online resources as well as a link to the eCourts portal.

Translated Material



To ensure that language is not a barrier, content on the Office of the Public Advocate website can be translated to a different language using the '**Language**' button at the top of each webpage.

Images on the left show what the language button looks like and where it is located.

Translated publications are available to download on the **translated publications** webpage.

First Nations languages are available in audio format on the **First Nations Translations** webpage.

Other language translations and interpreter services are available on request, contact opa@justice.wa.gov.au or 9278 7300 for more information.

Accessibility

The Office of the Public Advocate works continuously to develop and promote accessibility across the organisation. There is a **Talk to Speech (TTS)** button on the left-hand side of each webpage.

Images on the left show what the TTS button looks like and where it is located.

Easy Read Factsheets, Position Statements and Information Sheets can be read through most standard screen readers.

For more information visit the **accessibility webpage**, or contact opa@justice.wa.gov.au / 9278 7300.

Telephone Advisory Service

Speak to an advisory officer to discuss Guardianship and Administration queries:

- **1300 858 455**
- Mon-Fri, 9.00 am - 4.30 pm
- For more information: www.publicadvocate.wa.gov.au

Government of **Western Australia**
Department of **Justice**

Office of the PublicAdvocate

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