



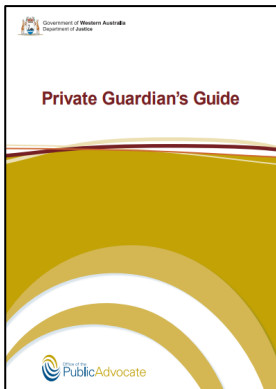
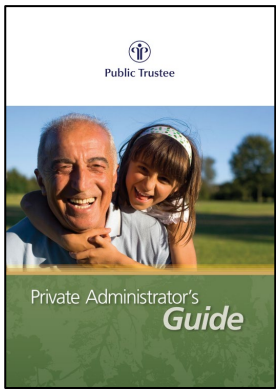
Guardianship + Administration

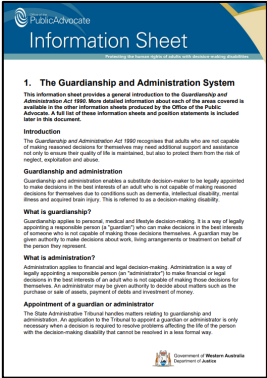
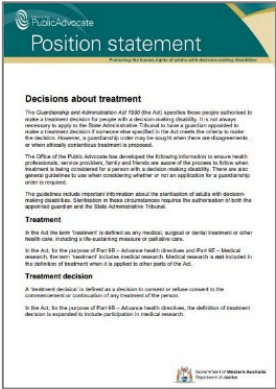
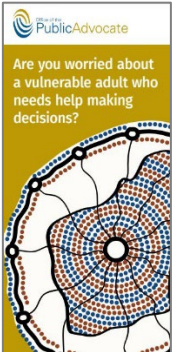
Office of the Public Advocate

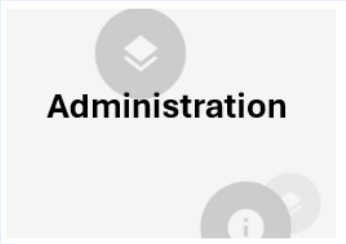
Electronic Information Kit

THIS
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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.

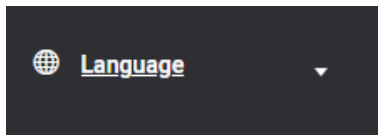
Publication	Name / Specifications	Description / Notes
	<u>Private Guardian's Guide</u> A4 book 44 pages	A private guardian makes lifestyle decisions on behalf of an adult with a decision-making disability. This comprehensive guide is for: - People considering nominating themselves to be appointed as someone's private guardian. - People who have already been appointed as a private guardian. Format: Online only (OPA website)
	<u>Private Administrator's Guide</u> 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
	<u>OPA Easy Read Factsheets</u> About guardianship and other related topics. <u>PT Easy Read Factsheets</u> 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.

 1. The Guardianship and Administration System This information sheet provides a general introduction to the Guardianship and Administration Act 1986. 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 1986 recognises that adults who are not capable of making reasonable decisions for themselves may need additional support and assistance and aims to ensure the 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 reasonable 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 financial decision-making. It is a way of legally appointing a responsible person (a "guardian") who can make decisions in the best interests of a person 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 make decisions about the purchase or sale of assets, payment of debts and management of money. Appointment of a guardian or administrator The State Administrative Tribunal (SAT) makes orders relating to guardianship and administration. An application to the SAT must be supported by a guardian or administrator only if 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 more formal way. Department of Western Australia Department of Justice	<u>Information Sheets</u> 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)
 Decisions about treatment The Guardianship and Administration Act 1986 (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 SAT for a decision-maker. A person may be authorised to make a treatment decision if a person who is not capable of making those decisions for themselves is not capable of making those decisions for themselves. There are also general powers to make decisions about work, living arrangements or treatment on behalf of the person they represent. 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 purposes of Part 8B – Advance health decisions and Part 8C – 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 purposes of Part 8B – Advance health decisions, the definition of treatment decision is expanded to include participation in medical research. Department of Western Australia Department of Justice	<u>Position Statements</u> 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)
 Are you worried about a vulnerable adult who needs help making decisions?	<u>Plain English – Are you worried about a vulnerable adult Flyer</u> 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 Information for administrators and represented persons regarding the examination of accounts by the Public Trustee. See Public Trustee website for more information about the Public Trustee's role in supporting private administrators and represented persons. What is a private administrator? A private administrator is a person who has been appointed by the SAT to make decisions in the best interests of a person who is not capable of making those decisions for themselves. A private administrator may be appointed by the SAT to make decisions about work, living arrangements or treatment on behalf of the person they represent. What is an administrator? An administrator is a person who has been appointed by the SAT to make decisions in the best interests of a person who is not capable of making those decisions for themselves. An administrator may be appointed by the SAT to make decisions about the purchase or sale of assets, payment of debts and management of money. Department of Western Australia Department of Justice	<u>Supporting Private Administrators</u> 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 Information for Represented Persons and Their Families regarding the Public Trustee's role as Administrator. The Public Trustee provides quality will-writing and financial and asset management services to Western Australians. We can assist you or your loved ones with: • Will • Enduring Power of Attorney • Deceased Estate Administration • Trustee Services • Financial Administration • Creditors Claims - Creditors' Contribution What is a represented person? A represented person is a person who the State Administrative Tribunal (SAT) has found to be unable to manage their own financial affairs (e.g. due to dementia, intellectual disability, or cognitive impairment) and as a result, requires an administrator to make those decisions on their behalf. The Tribunal makes the decision by reviewing all relevant medical and other evidence, and hearing from witnesses, including the represented person. This decision is subject to appeal to the SAT. What is an administrator? An administrator is the person appointed by the SAT, either as administrator or as a private administrator, to make financial decisions on behalf of the represented person. The SAT might also appoint a guardian, who is responsible for making medical decisions for the represented person, in conjunction with the administrator. An administrator will often take on a legally appointed position when considering requests for representation. For more information regarding guardianship please contact the Office of the Public Trustee. Who can be appointed as an administrator? The Tribunal will appoint an administrator who is aged 18 or over, is a Western Australian resident, and is not the represented person's legal spouse. The administrator must be able to act in the best interests of the represented person. Administrators can be family members or close friends. If there are no family members or close friends, the Tribunal will appoint a professional administrator to support the Public Trustee in administering the estate. What is the Public Trustee's role? The Public Trustee can be involved in the estate of a represented person in the following ways: - By being appointed by the SAT as one of two types of administrator for the represented person: General administrator - responsible for making all financial decisions on behalf of the represented person. Private administrator - responsible for making financial decisions on a specific issue, e.g. the sale of a house. - By reviewing the financial accounts of the represented person, which have been prepared by their private administrator. For more information regarding the Public Trustee's role in administering the estate, please contact the Public Trustee.	<u>Protecting elderly and vulnerable Western Australians</u>	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	<u>Guardianship</u>	Location: OPA Website Information about Guardianship. Includes: Case study and frequently Asked Questions.
 Administration	<u>Administration</u>	Location: OPA Website Information about Administration. Includes: Frequently Asked Questions
 Private Administrator Support	<u>Private Administrator Support</u>	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	<u>Advocacy and Investigation</u>	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	<u>Planning Ahead – for parents of children with decision-making disability</u>	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	<u>Planning Ahead – for family/friends of ageing people with decision-making disability</u>	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	<u>Events, Seminars and Training</u>	Location: OPA Website The Office of the Public Advocate hosts a range of information seminars and training sessions throughout the year.
	<u>Information about SAT processes</u> <u>SAT Videos</u>	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**

