

Administration

This fact sheet has information on when guardians and administrators are needed, when the State Administrative Tribunal may appoint an administrator, who can be appointed administrator and what an administrator does.

When are guardians or administrators needed?

If you are worried that a relative or friend is not able to make decisions about their finances or lifestyle that are in their best interests, you may need to ask the State Administrative Tribunal (the Tribunal) to appoint a guardian or administrator, or both, to make decisions for them.

“An administrator makes decisions about a person’s finances and property.”

What is a guardian and administrator?

A guardian is someone who makes decisions about a person’s lifestyle and legal affairs. For example:

- » where they should live,
- » what work or education they should be involved in,
- » who they spend time with, and
- » what medical treatment they should receive.

An administrator is someone who makes decisions about a person’s finances and property.

When may the Tribunal appoint an administrator?

The Tribunal may appoint an administrator if it is satisfied that a person is unable to make reasonable judgments and decisions about their finances and estate because of “mental disability” and they need an administrator of their estate.

Mental disability includes intellectual disability, a psychiatric condition, an acquired brain injury and dementia.

The Tribunal makes this decision by reviewing all relevant medical and other evidence, and hearing from witnesses, including the person who is thought to need an administrator, who is also called the “represented person”.

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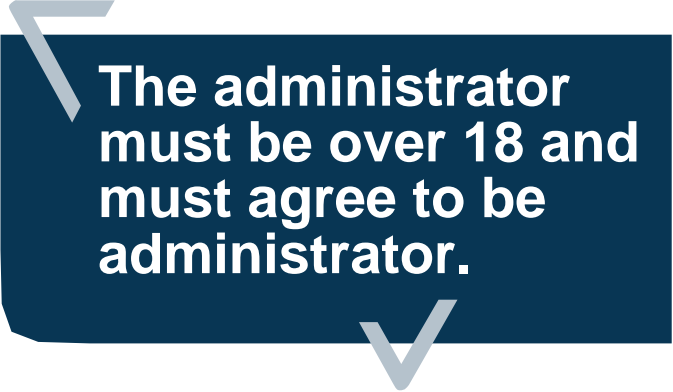
Who can be appointed administrator?

The Tribunal will choose an administrator who will act in the represented person's best interests.

The administrator must be over 18 and must agree to be administrator.

Administrators are usually a family member or close friend.

If there are no family, friends or corporate trustee suitable or willing to be administrator, the Tribunal will appoint the Public Trustee as administrator.




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What does an administrator do?

The administrator can have limited powers or full powers, which are also called plenary powers.

A limited administrator is restricted to a particular function, for example, investing a lump sum of money.

A plenary, or full, administrator may perform any duty for the represented person's estate that the represented person could have performed if they had full legal capacity.



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How can Legal Aid WA help?

Legal Aid WA can provide legal advice regarding guardianship and administration matters.

Call the Infoline on 1300 650 579 to speak with the Civil Law Division and make an appointment for legal advice.

Legal Aid WA's Infoline is open Monday to Friday 9.00am to 4.00pm, except public holidays.