



Quick Reference Information Sheet: Guardianship and Administration System

The [Guardianship and Administration Act 1990](#) provides protection for vulnerable people who are not capable of making reasoned decisions for themselves (they lack capacity) because they have a cognitive impairment (from an intellectual disability, dementia, an acquired brain injury or mental illness), and may need additional support and assistance to ensure their quality of life is maintained and to protect them from the risk of neglect, exploitation and abuse.

The **key government agencies** involved in the guardianship and administration system (all part of the [Department of Justice](#)) are:

- The [State Administrative Tribunal](#) (the Tribunal): determines applications for the appointment of guardians and administrators, makes and reviews orders for the appointment of guardians and administrators, determines applications regarding EPAs, EPGs and AHDs. For more information about the Tribunal, go to sat.justice.wa.gov.au or call 9219 3111 or 1300 306 107.
- The [Office of the Public Advocate](#) provides advocacy and investigates the need for the appointment of guardians and administrators, promotes understanding of the guardianship and administration system and can be appointed [guardian](#) of last resort by the Tribunal. For more information about the Office of the Public Advocate, EPAs and EPGs, visit publicadvocate.wa.gov.au or call 9278 7300.
- [The Public Trustee](#) offers independent, professional trustee and asset management services, can be appointed administrator by the Tribunal, and provides support to private administrators (family members or friends who are appointed by the Tribunal as administrator). For more information about the Public Trustee, go to publictrustee.wa.gov.au or call 1300 746 116.

Some people want to formalise their decision-making arrangements ahead of time, so that if they ever lose capacity, people are clear about who they want to make their decisions and/or their views on some aspects of their life. Adults with capacity can make an:

- [Enduring power of attorney \(EPA\)](#): to appoint an attorney, who can make property and financial decisions on their behalf.
- [Enduring power of guardianship \(EPG\)](#): to appoint an enduring guardian, who can make personal, lifestyle and treatment decisions on their behalf.
- [Advance health directive \(AHD\)](#): not a substitute decision-maker, but the document “speaks” for the person to treating health professionals, if they have lost capacity and are in need of treatment which is outlined in their advance health directive.

The legislation provides a safety net for people who don’t have capacity, are in need of someone to make their decisions, and who either did not or could not make these planning documents, or who made these documents but they are no longer working properly. It does so by enabling the appointment of a guardian (authorised to make personal, lifestyle and treatment decisions) and an administrator (authorised to make financial and property decisions).

If someone believes there is the need for a guardian and/or administrator to be appointed for a person with a decision-making disability, they can apply to the State Administrative