

# Guardianship

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

**“A guardian makes decisions about a person’s lifestyle and legal affairs.”**

## 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 will the Tribunal appoint a guardian?

The Tribunal will only appoint a guardian for someone if they are satisfied that the person:

- » is incapable of looking after their own health and safety, or
- » is unable to make reasonable decisions about personal matters, or
- » needs oversight, care or control in the interests of their own health and safety, or for the protection of others.

If the Tribunal decides that someone (the ‘represented person’) needs a guardian, they will appoint someone to perform this role.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not.

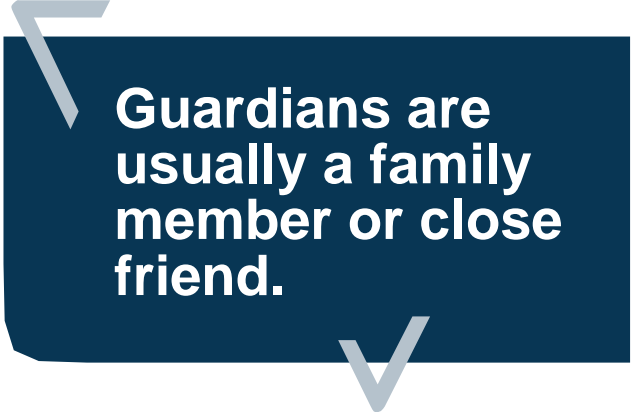
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## Who may be appointed guardian?

The Tribunal will choose a guardian who can act in the represented person's best interests, and who does not have any conflicts with them.

Guardians are usually a family member or close friend. If there are no family or friends suitable to be appointed as guardian, the Tribunal will appoint the Office of the Public Advocate as guardian.

The Tribunal can also appoint joint guardians if this is appropriate.



**Guardians are usually a family member or close friend.**

## What does a guardian do?

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

A limited guardian can only make decisions about one or more aspects of a represented person's life. This may include decisions about where they live or some medical decisions.

A plenary, or full, guardian has much broader power and may make decisions about:

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

Full guardians can also defend or settle legal proceedings taken against the represented person.



**“A guardian can have limited powers or full powers, which are also called plenary powers.”**

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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.