

Identification and explanation of key/generic terms in Guardianship and Administration Hearings

<p><i>State Administrative Tribunal (Tribunal)</i></p>	<p>The Tribunal receives applications made under the <i>Guardianship and Administration Act 1990</i> and makes decisions about those applications.</p>
<p><i>Public Advocate</i></p>	<p>The Public Advocate is an independent statutory officer and is separate from the Tribunal. The Tribunal can refer matters to the Public Advocate to look into the applications that have been made, speak with the people involved including families and report to the Tribunal about what has been found.</p> <p>The Tribunal will also appoint the Public Advocate as a person's guardian when there is no one else willing or suitable to be appointed.</p>
<p><i>Public Trustee</i></p>	<p>The Tribunal can appoint the Public Trustee as a person's administrator when there is no one willing or suitable to be appointed.</p> <p>When another administrator is appointed by the Tribunal the Public Trustee requires the administrator to provide a financial statement every twelve months setting out what the administrator has done.</p> <p>The Public Trustee is separate from the Tribunal.</p>

Personal Decision Making

<p><i>Enduring Power of Guardianship (EPG)</i></p>	<p>An EPG is a document made by a person when capable in which the person appoints someone to make their personal, medical and lifestyle decisions when they become incapable of making those decisions themselves.</p>
<p><i>Guardianship appointment</i></p>	<p>A guardian is appointed by the Tribunal to make personal, medical and lifestyle decisions for a person who is not capable of making those decisions themselves.</p>

<p><i>Medical treatment</i></p>	<p>An enduring guardian or guardian can be given the authority to make medical (treatment) decisions for a person. This can include any medical, surgical, dental or other health care and can involve decisions about palliative care.</p> <p>Sometimes family are allowed to make treatment decisions for their loved one without needing an EPG or being appointed guardian.</p>
<p><i>Advance Health Directive (AHD)</i></p>	<p>An AHD is a document that enables a person to make decisions now about the treatment they want or not want if they ever become sick or injured and they were not able to communicate their wishes.</p>
<p><i>Restrictive practices and restraint</i></p>	<p>Sometimes when a person can no longer make their own decisions, they may want to do things that are not safe for them. When this happens the person may need to be prevented from doing the unsafe things by, for example not allowing them to leave nursing home or other accommodation. When that happens an enduring guardian or guardian may need to consent to that practice.</p> <p>When a person needs to be restricted in some way, whoever is providing the support or accommodation must prepare a Behaviour Support Plan setting out what the restrictive practices are and why they are needed.</p> <p>Also at times a person might need medical treatment or surgery and because they do not understand what needs to be done, they might resist the treatment. An enduring guardian or guardian might be asked to consent to some restraint to make sure the necessary treatment is carried out.</p>
<p><i>Next friend and guardian ad litem</i></p>	<p>At times a guardian needs to take legal action or defend a legal action for the person for whom they are guardian. When that happens the guardian can be give the authority to act as next friend to start a legal action or guardian ad litem to defend a legal action. With these authorities a guardian can also settle any action on behalf of the person.</p> <p>The authorities do not include any criminal charges against the person nor any legal action to do with the person's financial affairs (estate).</p>

FINANCIAL DECISION MAKING

<i>Enduring Power of Attorney (EPA)</i>	An EPA is a document made by a person when capable in which the person appoints someone to make their financial and legal decisions when they become incapable of making those decisions themselves. The EPA can also be used when the person is capable if they want that to happen.
<i>Administration appointment</i>	An administrator is appointed by the Tribunal to make financial and legal decisions for a person who is not capable of making those decisions themselves.