



**PUBLIC TRUSTEE
AND GUARDIAN**

WHEN YOU ARE UNABLE TO MANAGE YOUR AFFAIRS

Helping People

The Public Trustee and Guardian may be appointed by ACT Civil and Administrative Tribunal as financial manager for people who are unable to manage their affairs due to accident, age, illness or a physical, mental, psychological or intellectual condition.

Before a financial manager can be appointed, ACAT must be satisfied that a person is legally incompetent or unable to enter into particular transactions.

The Public Trustee and Guardian does not make health or lifestyle decisions. However, some of the financial decisions made by the Public Trustee and Guardian may assist a person's lifestyle.

How does this happen?

When a person loses legal competence (and no prior arrangement such as a power of attorney has been made), ACAT can appoint the Public Trustee and Guardian under a Financial Management Order to manage and protect the person's estate. This appointment may be comprehensive or relate to a specific action or amount of money. The Public Trustee and Guardian is called the financial manager.

The Public Trustee and Guardian then manages the represented person's financial affairs and, where necessary, consults with the represented person, the family, a guardian (if appointed) or carers as specified by ACAT, to ensure available funds and resources are used to assist the well-being and lifestyle of the represented person.

The role of the Public Trustee and Guardian as financial manager

The role of financial manager covers all financial matters (unless otherwise limited) and some legal matters in relation to the property of the represented person and is specified in the *Guardianship and Management of Property Act 1991*.

We collect all income

The Public Trustee and Guardian will collect and account for the represented person's income, including pension entitlements, superannuation, rents, investments, dividends from shares and interest. We also arrange payment of accounts and bills and lodge social security returns and medical benefits claims.

The Public Trustee and Guardian will budget the collected income, prioritising payment of the



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represented person's bills, which could include accommodation, personal expenses, rents, rates, property repairs, gas, electricity, medical, hospital and nursing home charges.

We manage property

The Public Trustee and Guardian may also be required to manage the represented person's property, monitor a share portfolio, supervise rental properties and maintain investments.

We prepare and lodge taxation returns

The Public Trustee and Guardian will prepare and lodge the represented person's income tax return for a small fee or instruct an external accountant if requested.

We keep accurate accounts

In all cases, the Public Trustee and Guardian maintains accurate accounts, and provides statements of these accounts on an annual basis, or more regularly if required.

What does the term guardian mean?

A guardian is usually someone concerned for, and in close contact with, the represented person, such as an immediate family member or a close friend, and is appointed by ACAT where a person is affected by a condition which limits their ability to make lifestyle decisions.

What is the role of the guardian?

The guardian should inform the Public Trustee and Guardian if they have knowledge of any specific needs which the represented person may have. The Public Trustee and Guardian will consult with the guardian or family, to make sure that funds and resources are appropriately utilised to improve the represented person's quality of life.

A guardian may be appointed by order of ACAT to oversee the affairs of the represented person, and to provide advice and information to the financial manager on any specific financial needs to make sure that the represented person's needs are met. However, the financial manager makes the final decision as to whether the requested expenditure can be afforded.

Does a represented person have any powers?

A financial management order may be limited, in which case the represented person may make all decisions relating to other financial matters not covered by the order. Even with a comprehensive order, the Public Trustee and Guardian aims to allow as much financial autonomy as possible, particularly in handling day-to-day expenses. However, a represented person cannot enter into any binding contract to dispose of or purchase assets or property.