



**PUBLIC TRUSTEE  
AND GUARDIAN**

## GUIDELINES - PURCHASE OF REAL ESTATE BY FINANCIAL MANAGER

These guidelines have been prepared to assist (financial/property) managers appointed by the ACT Civil and Administrative Tribunal (ACAT) in the purchase of real property on behalf of protected persons.

When a manager is considering the purchase of real property on behalf of a protected person whether as a sole owner, a joint owner or as a tenant in common, ACAT requires that -

- any dealings with the property\* of the protected person must have the prior endorsement of the Public Trustee and Guardian for the ACT (PTG); and
- before endorsing the purchase of any real property, PTG will require evidence that -
  - the purchase price is the true market value of the property; and
  - the purchase is in the best interest of the protected person.

(property above means real estate)

A manager should seek the Public Trustee and Guardian's endorsement as follows -

**A.** A letter addressed to the Public Trustee and Guardian containing the following -

- a request for approval of the purchase accompanied by payment of a fee equal to the Public Trustee and Guardian's hourly rate (please check at the time of payment);
- confirming that the property is to be purchased in the name of the protected person;
- the reasons for the purchase;
- identifying the property to be purchased;
- in the event that it is necessary for an amount to be borrowed to finance the purchase, details of the amount to be borrowed, the amount of repayments required;
- details of title ownership (tenancy) either solely, jointly or as a tenant in common confirming the equitable value; full details of any other adult person who will be residing in the property with the protected person and what contributions that person will be making to the outgoings on the property;
- details of alterations, additions or other work or repairs required following the purchase together with an estimate of the cost of such work;



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- details of the outgoing associated with the property and how they will be funded;
  - details of the financial impact the proposed purchase will have on the protected person – it is recommended that a budget be prepared indicating the financial position of the protected person before and after the purchase;
  - the views of the protected person (if applicable);
  - the views of the protected person's immediate family, carer or other associated relevant organisation, if applicable;
  - annexing the written comments from the guardian (if appointed)
  - supporting the purchase and the guardian's reasons for supporting the purchase.
- B.** Once PTG is satisfied that the purchase is in the best interests of the protected person, their solicitor will be requested to forward -
- a copy of the agreement for the purchase, and a letter stating -
    - that all necessary searches and enquiries have been made;
    - that the agreement is in order and protects the protected person's interests as purchaser; and
    - and undertaking to provide a copy of the management order to the Registrar-General at the time of registration of the transfer of title to the protected person (refer S.25 *Guardianship and Management of Property Act 1991* at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)).
- C.** The Public Trustee and Guardian will then consent to the purchase proceeding.
- If PTG has any concerns or queries regarding the proposed purchase, the matter will be referred to the protected person's solicitor or to the ACT Civil and Administrative Tribunal for direction.
- Please contact PTG on Ph 62079800 for further information.