



**PUBLIC TRUSTEE
AND GUARDIAN**

GUARDIANSHIP BY THE PUBLIC TRUSTEE AND GUARDIAN

Who is the Public Trustee and Guardian?

The Public Trustee and Guardian (PTG) is an independent Territory authority and statutory office-holder.

Appointment of PTG by ACT Civil and Administrative Tribunal

All adults have the right to make their own decisions. However, if an adult has impaired decision-making capacity because of disability, the ACT Civil and Administrative Tribunal (ACAT) can appoint a guardian or financial manager under authority of the *Guardianship and Management of Property Act 1991* (GMP Act).

The person subject to a guardianship order is known as the 'protected person'.

PTG may be appointed by ACAT as a guardian only if an individual has not consented to do so or when there is no other person suitable or able to be the guardian (s.9(4) *Guardianship and Management of Property Act 1991*),

As guardian, PTG does not become the case manager or the carer for the person, and does not replace the role of family in a person's life.

Where appointed as guardian, PTG must endeavour to find a suitable person to be appointed as guardian and apply to ACAT to have that person appointed in lieu of PTG (s.19C *Public Trustee and Guardian Act 1925*).

PTG can also make financial decisions for a person where appointed as a manager for financial and property matters (see PTG Fact Sheet 'Financial Management for Protected Persons').

What happens after the appointment?

When ACAT appoints PTG as guardian, ACAT prepares a guardianship order and the reasons for its decision. The order is time-limited and states the areas of a person's life in which the guardian can make decisions. These include -

- where, and with whom, the protected person is to live
- what education or training the protected person is to receive
- whether the protected person can work and, if so, the place and nature of the work



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- if consent should be given on behalf of the protected person for a medical procedure or other treatment (other than prescribed medical procedures)
- if consent should be given on behalf of the protected person for medical treatment involving treatment, care or support under the *Mental Health Act 2015* (ACT)
- to bring or continue legal proceedings for or in the name of the protected person.
- make other personal decisions to ensure the person's health and welfare needs are met and to protect them from unreasonable risk.
- the protected person's wishes must be given effect to wherever possible, unless those wishes will significantly adversely affect the protected person's interests
- if the protected person's wishes cannot be given effect, the interests of the protected person must be promoted
- the protected person's life and lifestyle must be interfered with to the smallest extent necessary
- the protected person must be encouraged to look after himself or herself as far as possible
- the protected person must be encouraged to live in the general community and take part in community activities.

How does PTG make decisions?

PTG can only make decisions in the areas where it is appointed and must consider the views of the person under guardianship and those of the carers of the person. PTG must make decisions for the protected persons in accordance with the decision-making principles set out in s.4 of the GMP Act and in accordance with the National Guardianship Standards (Refer Fact Sheet 'National Standards for Guardianship').

The decision-making principles are set out below -

Contacting PTG

When appointed as Guardian, PTG will visit or contact you after the appointment. You can contact PTG on the telephone number below.

What can I expect from PTG?

PTG is committed to providing quality guardianship services and complies with the guardianship standards established by the Australian Guardianship and Administration



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Council (AGAC). These standards are in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

You can ask for a copy of our 'National Standards for Guardianship' Fact Sheet.

If you are unhappy with PTG's service as guardian, you can make a complaint or ask for a review of the decision.

If you wish to make a complaint, please contact PTG refer to 'Our Complaints Policy' Fact Sheet.

What other services does PTG provide?

PTG provides the ACT Community with the following additional services -

- Estate administration
- Trust administration
- Will-making
- Enduring powers of attorney
- Financial management
- Unclaimed Money
- Official Visitor scheme administration

Advice and Support

You can obtain general advice and information from the Public Trustee and Guardian on Ph (02) 6207 9800 or by visiting our website at www.ptg.act.gov.au.