

## Administration

### What is an Administrator?

An administrator is a person or agency who has been appointed by the Tasmanian Civil and Administrative Tribunal, Guardianship Stream with legal authority to manage the estate or make financial decisions on behalf of an adult who lacks capacity to make such decisions because of a disability.

### What is the role of an Administrator?

If an administrator has been appointed with full powers, the administrator is responsible for the general care and management of the financial affairs of a person with a disability.

An order appointing an administrator will indicate whether an order makes the administrator responsible for the whole estate or only a limited part of the estate.

An administrator cannot make personal (e.g. health care) decisions on behalf of a person with a disability. That is the role of a guardian or a person responsible.

### What are the responsibilities of an Administrator?

An administrator must:

- Act at all times in the best interests of the person with a disability,
- Encourage and assist that person to become capable of administering his or her estate, and
- Consult with that person, taking into account, as far as possible, his or her wishes.

### When is an Administrator appointed by the Tribunal?

The Tribunal will only appoint an administrator after there has been proof that a person, about whom an application has been made, is:

1. A person with a disability
2. Incapable because of the disability of making reasonable judgments about his or her estate or finances, and
3. In need of an administrator.

The Tribunal must also adhere to the principles in the *Guardianship and Administration Act 1995* (Tas) (the Act) which are:

- (a) to adopt the means which is the least restrictive of a person's freedom of decision and action as is possible in the circumstances,

- (b) to promote the best interests of a person with a disability, and
- (c) to carry the wishes of a person with a disability into effect, if possible.

An administrator is generally appointed after a hearing, but in an emergency the Tribunal can appoint the Public Trustee for up to 28 days without a hearing.

### Who can be appointed as an Administrator?

Before appointment as Administrator a person must meet criteria set out in the Act. If there is no family member or friend who meets those criteria, the Tribunal can appoint the Public Trustee as the administrator for the person. Under an emergency administration order, only the Public Trustee can be appointed.

### What happens after an Administrator is appointed?

The Tribunal receives and audits annual reports and periodically reviews the appointments of administrators to ensure that the order remains necessary and that the person or agency appointed is meeting their statutory duties. An administrator can seek advice and direction from the Tribunal.

If an administrator is not performing the role appropriately, the Tribunal can review the appointment and appoint an alternative administrator. The Tribunal can also make an administrator personally liable if there are losses to the estate caused by a lack of reasonable care or good faith by the administrator.

### More information

Please refer to the Private Administrators Handbook and application forms for more information.