

## Review of Enduring Guardianship

### What is an enduring guardianship?

An enduring guardianship is a legal document that enables a person (the appointor) to appoint another person (the guardian) to make personal decisions on their behalf if they lose the mental capacity to make such decisions for themselves. For further information see Enduring Guardian Fact Sheet and the Enduring Guardians Handbook.

### When does the Tribunal conduct a review of an enduring guardianship?

An application can be made to the Tribunal to review an enduring guardianship if a person believes that:

- An instrument appointing an enduring guardian is not valid; or
- A guardian is not capable or willing to perform the functions of a guardian; or
- A guardian acting under an enduring guardianship is not acting in the best interests of the person who appointed the guardian or has been incompetent or negligent as a guardian.

If a guardian appointed under an enduring guardianship needs guidance about the powers and functions of an enduring guardian, the enduring guardian can apply to the Tribunal for advice and direction.

### What decisions can the Tribunal make after a review of an enduring guardianship?

The Tribunal can:

- Revoke an enduring guardianship; or
- Vary a term of the enduring guardianship, including appointing a new guardian; or
- Dismiss the application to review the enduring guardianship; or
- Give advice and direction to a guardian.

### Who can make an application?

An application may be made by any person who the Tribunal is satisfied has a proper interest in the matter.

### More information

Please refer to the application forms.

For further information see Enduring Guardian Fact Sheet and Enduring Guardians Handbook.