

# Administration Orders

This fact sheet is for people who have someone appointed to make financial decisions for them, and want to understand what an Administration Order is and what their administrator does.

## What is 'administration' and how does it work?

Administration is when someone is chosen to be your 'administrator' and make decisions about your money, and sometimes legal matters. For example, your administrator may make decisions about the payment of bills or anything to do with your finances or property.

### Enduring Power of Attorney

All adults over the age of 18 years, whether they have a disability or not, have a right to make their own decisions. There are some situations where you may decide to make an Enduring Power of Attorney, which means you choose someone who will manage your financial and legal matters when you do not have the capacity to do so.

### Administration Order

An Administration Order may be made by the Queensland Civil and Administrative Tribunal (QCAT) if someone applies for an administrator to be appointed for you. Anyone can make this application, for example informal support people, health workers or service providers. QCAT will hear the matter and decide if you need an administrator or not. If you have close family or friends who can support you, an appointed administrator should not be needed.

## Why is an Administration Order made?

The Queensland **Guardianship and Administration Act 2000** (the Act) says that QCAT may appoint an administrator for a financial matter for an adult if it is satisfied:

1. The adult has impaired capacity
2. There is a need for a decision  
and
3. Without an appointment –
  - a. the adult's needs will not be adequately met, or
  - b. the adult's interests will not be adequately protected.

See our 'Capacity' fact sheet for more information.

## Who can be an administrator?

To be appointed as an administrator, a person must be:

- at least 18 years of age
- not a paid carer or health provider for you (a carer's pension or foster allowance doesn't count)
- not bankrupt or taking advantage of the laws of bankruptcy as a debtor under the federal **Bankruptcy Act 1966** or a similar law in a foreign jurisdiction.

QCAT can appoint a person such as a family member, friend or organisation such as the Queensland Public Trustee. The administrator must be able to competently manage your financial and legal matters, and act in your best interests. QCAT will consider how appropriate and competent a person is before making them your administrator.

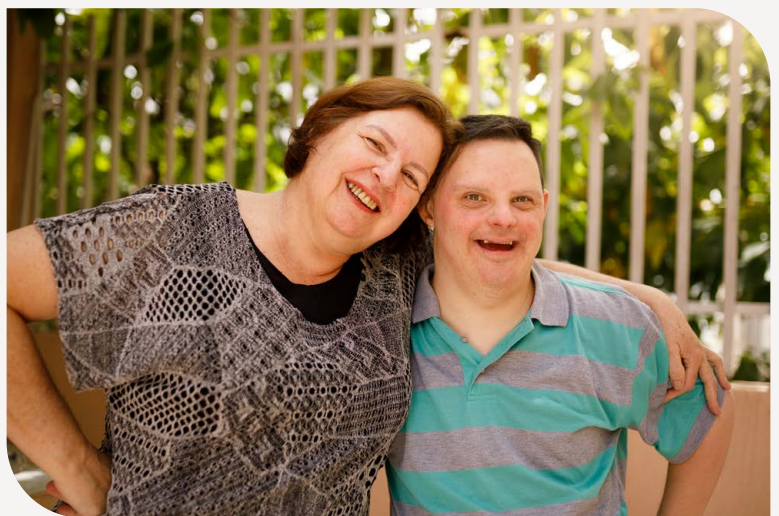
When deciding who to appoint, QCAT must take your wishes into account, so far as they can be known, as well as the views of family members and other interested people. If there is no one available or there is a disagreement about who should be your administrator, an independent administrator such as the Public Trustee may be appointed.

## What decisions can an administrator make?

An administrator can only make decisions about your money and some legal matters that relate to property and finance. This could include managing your banking, paying bills or selling property.

The Administration Order made by QCAT will say what your administrator can make decisions about. An administrator cannot make personal decisions like where you live or what services you get. An administrator may however, need to agree to the amount of rent you pay.

An administrator's job is to make sure your financial needs are met and your interests are protected.



## What does your administrator have to do?

When making decisions for you, your administrator must apply the general principles outlined in the Queensland **Guardianship and Administration Act 2000**.

This means they **must**:

- Assume you have capacity
- Recognise and take your human rights and fundamental freedoms into account
- Empower you to exercise your human rights and fundamental freedoms
- Keep your existing supportive relationships
- Keep your connections to your culture, languages and values
- Respect your privacy
- Recognise and protect your right to liberty and security
- Maximise your participation in making decisions
- Make decisions in a way that promotes, safeguards, and is least restrictive of your rights, interests, and opportunities
- Adopt a structured decision-making approach.

Your administrator should also:

- Act honestly and with reasonable diligence
- Exercise their power within the terms of the QCAT order
- Avoid entering into a conflict transaction (a transaction with a conflict of interest)\*
- Keep records
- Keep their own property separate from your property
- Only invest in authorised investments
- Maintain your dependents
- Encourage and support you to live a life in the general community
- Encourage your self-reliance
- Keep your existing supportive network.



\*A conflict of interest is when someone has a personal interest that could affect how they perform their official role. If the choices your administrator makes about your money or assets, could affect their own financial situation, that is a conflict of interest. For example, if they wanted to buy your car from you, or if they were also your landlord and decided how much rent you pay to them.

An administrator may only enter into a conflict transaction if QCAT has approved the transaction.

## How long does an Administration Order last for?

Generally, an Administration Order can last for a maximum of five years. At the five year mark it will need to be reviewed. If the Queensland Public Trustee is appointed as your administrator, there may not be an end date or review date for their appointment.

You can apply for your Administration Order to be reviewed by QCAT at any time. The order will be stopped if QCAT finds that the order is no longer needed.

See our 'Review of Administration & Guardianship Orders' fact sheet for more information on reviews.

## We are here to help

If you would like more information or legal advice about financial administration, please contact us.

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This fact sheet has been written by Queensland Advocacy for Inclusion (QAI), an independent, community-based systems and advocacy organisation for people with disability in Queensland. This publication is for general information only. It must not be relied on as legal advice. You must seek legal advice about your own particular circumstances.