
Elder Financial Abuse

VCAT – Guardianship and Administration Overview

VCAT makes decisions about appointing guardians and administrators and supervises their conduct.

Anyone can make an application to VCAT if they are worried that an adult is not making reasonable judgments because of a disability, such as cognitive impairment as a result of dementia. Applicants commonly include an older person's adult children, siblings, other family members or step-family members or concerned third parties such as neighbours. VCAT must be satisfied that the needs of the person can't be met by any other less restrictive means than appointing a guardian or administrator.

What is the difference between Guardianship and Administration?

A guardian is empowered to make lifestyle decisions, such as where a person lives and who they live with, who can visit them, and what support services the person needs. A guardian may in some instances be able to make medical decisions on behalf of the person.

An administrator can make legal and financial decisions, such as paying bills, managing investment portfolios, banking, and property related decisions.

In both cases, the appointed decision maker must act in accordance with the represented person's wishes and should only override their wishes if it is necessary to prevent serious harm to them. Administrators and Guardians are subject to onerous obligations as to their conduct and must not allow their interests to conflict with the represented person's interests.

What if a Guardian or Administrator is not meeting their obligations?

Guardianship and administration orders are reviewed at least every three years to consider whether the order is still necessary.

Interested parties can also apply for:

- Reassessment of the original order, if it is not working in the interests of the represented person;
- Revoke the original order;
- Rehearing of the original application, if it is believed that VCAT has made an error in its initial decision.

Contact Us

If you need further assistance or advice, please do not hesitate to contact our Elder Financial Abuse team on (03) 9843 2171.