Your roles and responsibilities as an appointed administrator

Version 2.0

January 2015
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This guide provides general information and should not be considered legal advice. If you are unsure about your legal rights or responsibilities you should get legal advice.
The role of an administrator

An administrator is a person appointed by QCAT to assist adults with impaired decision-making capacity by making certain financial and legal decisions on their behalf. This ensures that the adult’s needs are met and that their financial interests are protected.

Generally, administrators are given the authority to make decisions on behalf of the adult such as:

- buying and selling property
- maintaining property
- paying bills
- making business decisions
- managing investments.

Administrators are not allowed to make decisions about personal or health care matters unless:

- they have also been appointed as a guardian for the adult; or
- they are their attorney for personal matters under an enduring power of attorney; or
- if there is no formalised appointment and they are acting as the adult’s statutory health attorney.

If the adult can communicate their views and wishes, administrators should take these into account when making any decisions.

General principles of the Act

The Guardianship and Administration Act 2000 aims to seek a balance between the right of an adult with impaired decision-making capacity to maintain an independent role in decision-making, and their right to adequate and appropriate decision-making support.

To achieve this balance, a range of general principles are to be applied by administrators. These include:

- **presumption of capacity**: adults are presumed to have the capacity to make their own decisions unless it is established that they are unable to do so
- **human rights**: regardless of decision-making capacity, everyone has the same basic rights including the protection of individual liberty and access to services. Decision-makers must recognise the importance of encouraging the adult to exercise their rights
- **individual value**: each person is valued as an individual and their human worth and dignity is respected
- **valued social role**: an adult’s right to be a valued member of society is recognised, as is the importance of encouraging and supporting them in social roles such as home owner, bank customer, investor, shopper, worker or volunteer
- **participation in community life**: decision-makers must acknowledge the importance of encouraging the adult to take part in general community activities and of providing the support needed for such participation to occur
- **encouraging self-reliance**: decision-makers must recognise the importance of encouraging an adult to be as autonomous and self-reliant as possible - physically, socially, emotionally and intellectually
- **least restrictive option**: anyone performing a function or exercising a power under the Guardianship and Administration Act 2000 must apply the least restrictive option that is consistent with the adult’s proper care and protection. This also means:
o **maximum participation in decision-making** - the adult has the right to participate, to the best of their ability, in the decisions affecting their life. This involves giving the adult any necessary support and access to information to enable them to participate in such decisions. It also includes seeking and taking into account the adult's view and wishes, whether they are expressed orally, in writing or through interpreters or other ways of communicating

o **substituted judgement** - if it is possible to work out from the adult's previous actions what their views and wishes would be, then these must be taken into account in any decision made

**Administrator duties**

The *Guardianship and Administration Act 2000* sets out a number of duties for administrators. They include the duty to:

- act honestly and with reasonable diligence
- act according to the decision made by QCAT
- avoid any transactions that could be in conflict with the interests of the adult unless authorised by QCAT.

Administrators must also:

- keep detailed records of dealings and transactions made on behalf of the adult
- submit accounts as specified in QCAT’s decision
- keep their assets separate from the adult’s assets
- invest prudently and obtain financial advice.

If there are two or more administrators they have a duty to:

- make decisions together unless QCAT’s decision states otherwise
- consult with the other administrators and any guardians regularly to ensure that the adult's interests are not prejudiced by a breakdown of communication.

**Administrator powers and rights**

The decision issued by QCAT states the authority of the administrator, including the:

- extent of authority e.g. the administrator may be appointed to make some or all financial decisions
- number of administrators appointed and the nature of the appointment, that is, whether the administrators will make decisions together (“jointly”) or separately (“jointly and severally”)
- duration of the appointment.
Decisions an administrator cannot make

Administrators are not allowed to make decisions about personal or health care matters unless:

- they have also been appointed as a guardian for the adult; or
- they have been appointed as the adult’s attorney for personal matters under an enduring power of attorney; or
- there is no formalised appointment and they are acting as the adult’s statutory health attorney.

There may be some overlap between these roles and the role of an administrator. Administrators should consult any guardian, power of attorney or statutory health attorney about major financial decisions which are likely to affect the lifestyle or health of the adult.

Access to information

When making decisions on behalf of the adult, administrators have the right to access all the information that the adult would have been entitled to.

Administrators are provided with certified copies of the QCAT decision as confirmation of their appointment. This document enables the administrator to access all information from companies and organisations that the adult would have had access to.

Extent of authority

QCAT may appoint you for all financial matters or may specifically detail what matters you are appointed for.

If appointed for all financial matters you are responsible for all financial matters that the adult did, or legally could have conducted, on their own if they had capacity.

If QCAT specifies what you are responsible for, you should ensure that you do not exceed your powers. If this proves unworkable you should contact QCAT to discuss a possible review of your appointment to seek appropriate powers.

More than one administrator

If more than one administrator is appointed the appointment will be made either on a “jointly” or ‘jointly & severally’ basis.

If “jointly”, the administrators are required to make decisions and conduct transactions on a joint basis. All documentation, including bank withdrawals or contracts signed on behalf of the adult must be signed by all administrators.

If “jointly and severally”, each administrator is entitled to make decisions and conduct transactions solely. Documentation, including bank withdrawals or contracts on behalf of the adult, can be signed by one administrator. In saying that, all administrators should consult and involve other administrators regarding their decisions.

Length of appointment

QCAT may appoint an administrator for a period of up to five years. QCAT has the option of appointing the Public Trustee of Queensland or a private trustee company as administrator for an indefinite period.
Appointments are reviewed before the end of the appointment or earlier if QCAT considers it necessary. QCAT can also review an appointment if someone has applied for a review because of the actions of an administrator, or if any new or relevant information is provided about the adult's circumstances that may affect the appointment.

**Reporting requirements**

As the appointed administrator you have a responsibility to lodge certain documentation with QCAT. The QCAT decision will outline what you need to lodge. This may include:

- notice of interest in land
- financial management plan
- account of administration.

**Notice of interest in land**

If the adult owns real estate, the administrator must lodge a notice of interest in land, usually within three (3) months of the appointment by registering QCAT’s decision with the Registrar of Titles.

This process protects:

- the adult’s interest in the property by ensuring that only the appointed administrator can conduct transactions such as the sale of the property or registering of any mortgages
- the adult from being coerced by third parties or if the adult themselves decides to act on the property without the knowledge of the administrator.

This process involves:

- conducting a search of the records of the Registrar of Titles to identify any property registered in the adult’s name
- lodging with the Registrar of Titles a Titles Registry General Request form, with a copy of QCAT’s decision advising the Registrar that any interest in property held by the adult is subject to this decision. Instructions are available on completing the form
- providing QCAT with a copy of the Lodgement Summary Report from the Titles Registry confirming the notice has been lodged for each property held by the adult
- providing QCAT with a copy of the current title search.

This process will need to be repeated each time a new decision is issued by QCAT.

If the adult purchases a property subsequent to your appointment as administrator, this process will also have to be followed.

**Professional help**

If you are not sure about any steps in the procedure you can contact QCAT, the Titles Registry or get legal advice.

**Financial management plan**

You may have provided QCAT with a financial management plan when you applied to become the adult’s administrator. However there are times when administrators may not have full access or be aware of the adult’s entire circumstances when an application is made. Also there may be important matters yet to be
This information kit is available from www.qcat.qld.gov.au

finalised. In these situations QCAT may require another plan and this will be specifically requested in the QCAT decision.

The plan is to be provided on QCAT’s Financial management plan for appointed administrators form. Individuals, trustee companies and professionals can elect to provide QCAT with a separate plan as an attachment to this form.

The plan should contain personal and financial information about the adult as well as proposed care arrangements. The plan should then outline how the adult’s finances can be best managed, taking into account these considerations.

It should include:

- details of income and sources of income
- details of the assets and where they are situated
- debts and when they are due
- bank account details
- any professionals needed to help manage the financial affairs e.g. an accountant or lawyer
- a budget e.g. board and lodging, clothing, money for the person’s personal needs, pharmaceutical needs, optical expenses, medical expenses, hospital fees, nursing home fees, dental expenses etc
- what will happen to the adult’s house
- all income and expenditure records
- investments you need to make and investments you need to keep track of
- any proposed gifts e.g. birthday and Christmas presents
- money to be spent for maintenance of the adult’s family
- legal matters relating to the adult’s financial or property matters and how you propose to address these
- any additional information relevant to the adult’s financial and legal affairs.

You can also include any other relevant details of the person’s financial matters, life circumstances and future considerations.

QCAT may request additional information if required.

Professional help

If you are not sure about any steps in the procedure or how to answer any of the questions, contact QCAT or get advice from a professional such as an accountant, lawyer or financial planner.

Account of administration

An account of your administration (ABA) is usually due every year; two months before the anniversary date of your appointment or as specifically stated in QCAT’s decision.

The ABA provides QCAT with a summary of how you have administered the adult’s financial affairs during the reporting period as well as an updated list of assets and liabilities. The opening date of the account is either the date you became the administrator or, if you have provided accounts previously, the closing date from your last set of accounts.

The ABA should summarise all receipts and payments made through the adult’s bank accounts as well as payments made on their behalf.

Please note that there are also various documents that you are required to lodge with the ABA form, form e.g. copies of bank statements. For a full list of the documents required please refer to Section 23 of the ABA form.
If an exemption has been approved, you will be advised of the full list of documents required to be lodged either in the QCAT decision, or by separate letter.

It is up to you to lodge your accounts by the due date. You will not be sent a reminder.

The Account by administrator - Guardianship and Administration Act 2000 (PDF, 878.0 KB) form is to be completed unless an exemption has been granted.

Lodgement instructions

Where the accounts are to be lodged depends on the adult’s assets.

If a partial exemption has been approved, in all cases the accounts must be sent directly to QCAT.

**Assets over $50,000**

If the value of the adult’s assets, excluding principal place of residence or nursing home accommodation bond, is over $50,000, the accounts must be sent to one of the approved panel of examiners. The current list of approved panel of examiners is:

<table>
<thead>
<tr>
<th>Public Trustee of Queensland</th>
<th>Perpetual Trustees Queensland Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration Accounts Assistance</td>
<td>Examination Manager</td>
</tr>
<tr>
<td>GPO Box 1449</td>
<td>GPO Box 5257</td>
</tr>
<tr>
<td>BRISBANE QLD 4001</td>
<td>BRISBANE QLD 4001</td>
</tr>
<tr>
<td>Telephone: (07) 3213 9309</td>
<td>Telephone: (07) 3834 5661</td>
</tr>
<tr>
<td>Fax: (07) 3213 9262</td>
<td>Fax: (07) 3834 5662</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Vincents Chartered Accountants</th>
<th>LHK Examinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attention: Peter Haley</td>
<td>Laurie Kerslake</td>
</tr>
<tr>
<td>QCAT-Accounts Examination</td>
<td>PO Box 232</td>
</tr>
<tr>
<td>PO Box 13004 George St</td>
<td>SALISBURY QLD 4107</td>
</tr>
<tr>
<td>BRISBANE QLD 4003</td>
<td>Telephone: (07) 3300 2258</td>
</tr>
<tr>
<td>Telephone: (07) 3228 4000</td>
<td>Mobile: 0424 371 308</td>
</tr>
<tr>
<td>Other contacts: Cayley Lancaster or Stephanie Ursin</td>
<td></td>
</tr>
</tbody>
</table>

**Assets under $50,000**

If the value of the adult’s assets, excluding principal place of residence or nursing home accommodation bond, is under $50,000, the accounts must be sent directly to QCAT.

If a partial exemption has been approved, in all cases the accounts must be sent directly to QCAT.

**Fees**

The approved panel of examiners is entitled to charge a fee for this service. Fees vary, and you should contact the examiners directly for further details regarding their fees. QCAT does not regulate the fees charged.

While QCAT does not charge a fee for its services, it reserves the right to outsource matters valued under or equal to $50,000 to one of the approved panel of examiners if necessary. The examiner is entitled to charge a fee for this service.
You will be issued with a tax invoice on behalf of the adult, and you are authorised and required to pay the tax invoice within 30 days of receipt from the adult’s funds. Failure to pay the invoice may result in QCAT reviewing your appointment.

**Professional help**

If you are not sure about any steps in the procedure or how to answer any of the questions, contact QCAT or get assistance from another party or professional such as an accountant. Given that the cost is reasonable for this service, you are entitled to be reimbursed from the adult for the costs involved.

### Key responsibilities under the Act

The following are relevant sections from the *Guardianship and Administration Act 2000* which must be abided by:

- Appropriateness and competence
- Notice of interest in land
- Avoiding conflict transactions
- Payment of expenses
- Keeping records and Records and audit
- Keeping property separate
- Investments
- Gifts
- Maintaining an adult’s dependants.

#### Appropriateness and competence (section 17)

When you applied as a proposed administrator, you signed a statutory declaration confirming that you were an appropriate adult and competent to act as an administrator.

There are a number of situations where your appointment can automatically be revoked or steps taken to remove you as administrator. You must tell QCAT if there are any changes to your circumstances which have affected your appropriateness or competence to act.

#### Notice of Interest in Land (section 21)

If the adult owns real estate, your appointment as an administrator must be registered with the Registrar of Titles.

#### Avoiding conflict transactions (section 37)

A conflict transaction is any transaction which causes a ‘conflict of interest’ between your duty to the adult and either your interests, the interests of a person in a close personal or business relationship with you, or another duty you have.

Where a conflict transaction cannot be avoided, you must apply to QCAT using the Application for miscellaneous matters for approval before entering into the transaction.
Below are examples of transactions where there may be a conflict or which may result in a conflict between your duties as an administrator and the adult:

- the adult lives in a nursing home and you or a person in a close relationship with you live in the adult's home
- you or someone in a close relationship with you buys the adult's car, house or any other asset
- you or someone in a close relationship with you obtains a loan from the adult
- the use of the adult's funds to obtain an asset such as a vehicle or property in the administrator's name.

**Payment of expenses (section 47)**

You are entitled to reimbursement from the adult for ‘reasonable expenses’. You must decide what is reasonable given the adult's circumstances and keep full records about the reimbursement.

All expenses relating to the adult should, as much as possible, be reflected in the adult's bank statements for transparency purposes. Regular payments from your own bank accounts and bulk reimbursements from the adult's bank account should be avoided.

**Important note:** Administrators may not be paid for services. For example, if the administrator drives the adult to the shops, they are entitled to reimbursement for motor vehicle costs such as petrol but not for the time it took to drive them there.

**Keeping records (section 49) and Records and audit (section 153)**

You must keep detailed records of the administration on behalf of the adult including full details and records of the adult’s assets (what they own), liabilities (what they owe), income (what they earn) and expenses (what they spend). You may choose to use any method to keep these records such as ledgers, spreadsheets or a commercial software system. You may wish to use QCAT’s Recording of receipts and payments - Guardianship and Administration Act 2000 (PDF, 484.5 KB) form.

If you use a commercially available system such as MYOB, you are still required to complete and lodge an Account by administrator - Guardianship and Administration Act 2000 (PDF, 878.0 KB) form. You may attach reports from your commercial software system as additional information.

QCAT may require you to have your accounts audited. Selection of an auditor will be based on the adult's circumstances, in particular, the size and complexity of the estate and whether this is recommended by the QCAT financial assessment manager or a panel examiner. QCAT requires that the auditor is qualified as per Section 52 of the Trusts Act 1973.

**Keeping property separate (section 50)**

All bank accounts, real estate and investments and property are to be kept separate. Existing property in the adult's sole name should continue in their name solely. Any property owned jointly by the adult and administrator e.g. the family home or existing joint bank accounts can remain in joint names.

For example, bank accounts for the adult should be structured as follows:

- in the adult’s name with the administrator/s as signatories; or
- in the administrator’s name as administrator for the adult (e.g. Mary Bloggs as administrator for Joe Bloggs). This structure should only be used in exceptional situations e.g. when there is a real risk that the adult or another person may attempt to have unauthorised access to the bank account.
**Important note – Trustee bank accounts:** Bank accounts should not be in your name as trustee for the adult. Trustee bank accounts are a contravention of the Guardianship and Administration Act 2000. Creating such an account causes significant legal problems about the ownership, taxation, liability and deceased estate administration.

**Investments (section 51)**

If you are going to invest money for the adult you must only invest in authorised investments made under the prudent person rule.

The prudent person rule refers to the duties and matters to be considered when investing for the adult and is contained in Part 3 of the *Trusts Act 1973*. References to trustee in this section of that Act should be taken as applying to administrators.

The prudent person rule advises that when managing investments for another person, you must exercise care and diligence and adhere to a range of duties including:

- investing in investments that are not speculative or hazardous and which protect the best interests of all present and future beneficiaries
- obtaining advice and reviewing the performance of investments annually
- considering a number of matters such as the circumstances of the beneficiaries, the risk of capital or income loss and the likely return.

**Important note:** If you have concerns that a proposed investment might breach the prudent person rule, you can make an application to QCAT to have the investment approved.

If the adult held investments that were not authorised investments at the time of your appointment, you are allowed to continue these investments on behalf of the adult.

**Gifts (section 54)**

You can use the adult’s money to purchase gifts without approval from QCAT if the gift:

- is one that the adult would have made when he or she had capacity e.g. birthday and Christmas presents to children or grandchildren
- is reasonable in terms of value, taking into account the adult’s individual circumstances
- is of a nature the adult might reasonably be expected to make e.g. a wedding gift for a child or grandchild.

**Important note:** There are gifting provisions imposed by pension authorities such as Centrelink. These gifting provisions may not comply with the QCAT legislation and may require approval by QCAT.

**Maintaining an adult’s dependants (section 55)**

You may provide for the dependant/s of the adult providing it is reasonable considering the adult’s circumstances, particularly their financial situation. A dependant can either be a child, spouse or another party who has been reliant on the adult.
Reviewing the appointed administrator

The Guardianship and Administration Act 2000 requires QCAT to review the appointment of an administrator. The Tribunal conducts reviews in the way it considers appropriate either at an oral hearing or on the basis of written information received without parties in attendance.

Initially the Tribunal will request that interested parties provide their views in writing about:

- the actions of an administrator
- any new or relevant information about the adult's circumstances that may affect the appointment.

If QCAT is satisfied that there are sufficient grounds for an appointment to continue, it can either:

- continue the QCAT order; or
- alter the QCAT order e.g. change the terms of the appointment, remove an administrator or appoint a new administrator.

QCAT may only remove an appointed administrator if it considers:

- there is no longer a need for the appointment; or
- the guardian or administrator is no longer competent; or
- another person is more appropriate for appointment.

If QCAT is not satisfied that there are sufficient grounds for the appointment to continue, it must revoke the decision and remove the administrator.

QCAT reviews of an administration appointment can be commenced in one of three ways: requested review; periodic review or review initiated by QCAT.

Requested reviews

The adult or any interested party may apply for a review of the appointed administrator at any time, showing evidence of changed circumstances, new information or concerns regarding the actions of the administrator.

Periodic reviews

QCAT conducts an automatic periodic review of the appointed administrator usually commenced three (3) months before the QCAT appointment expires. You will receive a letter from QCAT around this time to advise you of how the review will proceed.

Some appointments of administrators will state that the appointment remains current until further order of the Tribunal but that the appointment is reviewable and is to be reviewed in so many years. Reviews of these appointments are also commenced three (3) months prior to the specified review period.

QCAT initiated reviews

QCAT can initiate and conduct a review of any appointment of an administrator at any time. In the majority of cases, QCAT initiates reviews because an administrator has not provided documentation within a certain time frame, or issues or concerns have been raised about the information contained in the documentation submitted.
QCAT's decision about the review

QCAT can give its decision at the end of the review hearing and set out the terms of the appointment in a written decision. Sometimes the decision will be made at a later date. In this case the decision will be sent to each party who received notice of the review hearing. In certain circumstances parties have the right to appeal the QCAT decision.

Removing an appointed administrator

Automatically revoking an administrator’s appointment

An appointment of an administrator will end if:

• the administrator becomes a paid carer or health provider for the adult (this does not include receipt of a carers pension)
• the administrator becomes a service provider for a residential service where the adult is a resident
• the administrator was married to the adult when the appointment was made and the marriage is dissolved
• the administrator and the adult were in a registered relationship when the appointment was made and the registered relationship is terminated
• the administrator dies (and there are no other appointed administrators)
• the adult dies
• the administrator becomes bankrupt or insolvent
• QCAT becomes aware of an enduring power of attorney appointing someone to manage the adult’s financial affairs which was made prior to the appointment of the administrator.

Removal of an administrator

Administrators can be removed when:

• they have not acted in the best interests of the adult
• they have not acted in terms of QCAT's decision
• they have neglected their duties or abused their decision-making authority, either generally or for a specific matter
• they have otherwise contravened the Guardianship and Administration Act 2000
• the need for an administrator no longer exists
• they are no longer competent to act as a decision-maker
• another person is more appropriate to be the adult’s administrator
• they no longer wish to act.

Withdrawal of an administrator

If an administrator wishes to withdraw from his or her role, an application must be made to QCAT. The tribunal must then give the administrator permission to withdraw. The administrator’s appointment and responsibilities will end only when permission to withdraw is given.
Frequently asked questions for appointed administrators

Where can I find more advice about my role as an appointed administrator?

The Public Trustee of Queensland has a range of resources to assist administrators in their role, including the Guide for Financial Administrators.

How does an administrator exercise their authority with organisations and companies?

You will receive several certified copies of the QCAT decision. The decision outlines your authority to act on behalf of the adult for financial matters. You will need to present this document when you carry out your duties e.g. visiting banks and financial institutions where the adult has funds invested.

What if the adult owns real estate?

If the adult owns real estate your appointment as an administrator must be registered with the Registrar of Titles. QCAT refers to this as a Notice of interest in land (see page 7). For more information on registration, contact the Registrar of Titles.

Do I have to re-submit a Notice of interest in land when a new QCAT decision is made, even if I have submitted a Notice of interest in land previously?

Yes. You must submit a notice of interest in land every time a new decision is made by QCAT. This ensures that all documentation held by the Registrar of Titles reflects the latest decision made by QCAT, and fully safeguards the interests of the adult.

How do I establish a bank account for the adult?

If the adult does not have an existing bank account in his or her name, you will need to establish an account for the adult. You will be required to present the certified copy of the QCAT decision to the financial institution.

*Important note: Bank accounts cannot be held in trust for the adult. Please refer to ‘Keeping property separate’ under Key responsibilities under the Act.*

What happens when the adult dies?

Your powers as an administrator cease when the adult dies. No further accounts are required to be provided to QCAT. You are required to inform QCAT in writing of the death of the adult within 30 days.

You will need to send QCAT an original or certified copy of one of the following:

- the death certificate, or extract of the death certificate
- the death or funeral notice published in a newspaper
- notification of death by a professional such as a doctor or director of nursing who was involved in the care of the deceased.

If there is a valid will appointing an executor, the executor has the power to take over and administer the deceased estate. Alternatively, the adult will have died without a will (intestate) and the estate will be distributed in accordance with the law.
You must make sure that the adult’s assets are protected until control is handed over to the executor. You should provide records to the executor up to the adult’s date of death.

For further advice about deceased estates and wills, you should get legal advice or contact the Public Trustee of Queensland.

**Can a complaint be made about an administrator?**

If you have the appropriate facts to support a complaint against an administrator, you can lodge an application for review of an administrator with QCAT to enable them to address the matter.

QCAT can suspend the administrator’s powers for a three month period in appropriate circumstances.

If an administrator is suspended, the Public Trustee of Queensland is automatically appointed temporary administrator for the period of the suspension.

**Can QCAT review an appointed administrator?**

There are various different types of reviews QCAT can conduct in relation to an appointed administrator. A hearing is held which gives interested parties an opportunity to put forward their views in writing about the actions of an administrator as well as any new or relevant information about the adult’s circumstances that may affect the appointment.

Anyone with an interest in the matter can request a review at any time, including a guardian, administrator, family member, the Public Guardian, the Public Trustee of Queensland or the adult concerned.

**What happens if there is a disagreement between the administrator/s and other people involved in making decisions for the adult?**

If the adult has a guardian appointed or a statutory health attorney, the administrator/s should consult them about major financial decisions which are likely to affect the lifestyle or health of the adult.

Where there is more than one administrator appointed, all administrators should work closely together to ensure the best interests of the adult are protected.

If agreement cannot be reached, an application for review of an administrator can be made to QCAT, at which all issues can be heard., you can lodge with QCAT to enable them to address the matter.

**Can I be reimbursed for the adult’s expenses which were paid by me?**

All expenses should be paid directly from the adult’s bank account where possible.

Administrators can be reimbursed for expenses paid on the adult’s behalf, such as a chemist bill, however reimbursement as a regular method of paying the adult’s expenses should be avoided.

If the expense is substantial and severely impacts the adult’s finances, consideration should be given to delay a full reimbursement at one time.

**Can I be reimbursed for my own expenses including travel costs?**

An administrator is entitled to reimbursement from the adult for reasonable expenses incurred in acting as administrator, however, they cannot be paid for their services or time.
Administrators must decide what is reasonable, taking into account the adult’s financial circumstances and ensure sufficient funds are retained for the adult’s care.

Administrators must keep records detailing what was reimbursed, and retain copies of receipts for individual items over $500.

For travel costs, an administrator can be reimbursed for reasonably incurred expenses such as air travel, accommodation and petrol costs. In relation to fuel costs, a set rate per kilometre is acceptable, though should be reasonable with regards to the adult’s financial situation.

Administrators may be required to justify their expenses to QCAT.

Can I purchase a motor vehicle for the adult?

As administrator, you may purchase a motor vehicle to be used solely for the adult’s benefit. The purchase must be in the adult’s best interests and the cost reasonable considering the adult’s financial situation. The motor vehicle should be purchased in the adult’s name.

If the motor vehicle is used for any other purposes (e.g. by other family members), QCAT would expect that costs of the motor vehicle would be paid on a pro-rata basis.

Can I sell the adult’s real estate?

An administrator appointed for all financial matters is able to sell the adult’s real estate without the approval of QCAT. The best interests of the adult should be considered and other interested parties (including any appointed guardians) consulted.

Important note: If the real estate is being sold to someone in a close personal or business relationship to you such as family, friends or other associates, the sale will be considered a conflict transaction. Approval from QCAT is required prior to the conflict transaction occurring. The sale price should be at current market value. Any proceeds from the sale must be deposited into the adult’s bank account, and a copy of the settlement statement provided with the annual accounts.

Any impact the sale may have on the adult’s pension needs to be considered. Administrators may need to liaise with the appropriate organisation (e.g. Centrelink/Department of Veterans Affairs) to determine the impact the sale would have.

Can I rent out the adult’s principal place of residence?

The administrator has the power to do this without seeking approval from QCAT. The rent received should reflect current market values.

If the real estate is being rented to someone in a close personal or business relationship to you such as family, friends or associates, this will be considered a conflict transaction. Approval from QCAT is required prior to the conflict transaction occurring. If rent is below market value, reasons for this should be outlined in the conflict transaction application. If rent is below market value, reasons for this should be outlined in the conflict transaction application. For more information refer to Key responsibilities under the Act.
I am having problems with the bank recognising my authority as an administrator. What should I do?

Initially, you should discuss the matter with the bank’s branch manager who may have to refer to the bank’s head office or legal section for advice. If this does not result in a satisfactory solution you should lodge a complaint to the bank’s centralised complaint line.

If this does not result in a solution, contact QCAT with details of why the bank has refused to recognise your appointment.
**Contact information**

**QCAT**

Level 9  
BOQ Building  
259 Queen Street  
Brisbane QLD 4000

Telephone: 1300 753 228 between 8.30am and 5.00pm  
Website: [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

**Public Guardian**

The role of the Public Guardian is to protect the rights and interests of adults who are unable to make decisions for themselves. The Public Guardian can act as a person's decision-maker for personal and some legal matters under a decision from QCAT or as an attorney under an enduring power of attorney. The Public Guardian can also investigate allegations of abuse, neglect or exploitation of an adult who is unable to make decisions for themselves.

Telephone: 07 3234 0870 or 1300 653 187 (local call outside Brisbane)  

**Carers Queensland**

Carers Queensland is the peak body that represents the interests of carers in Queensland. Carers Queensland’s Family Support & Advocacy Program can provide carers with free support, information, advice and representation in regards to guardianship and administration matters.

Telephone: 1800 242 636  
Website: [www.carersqld.asn.au](http://www.carersqld.asn.au)

**Community Visitor Program**

The staff of the Community Visitor Program visit facilities such as hostels to make sure that the interests of adults with impaired decision-making capacity are promoted and their rights are protected.

Telephone: 07 3406 7711 or 1300 302 711 (local call outside Brisbane)  

**Department of Communities, Child Safety and Disability Services**

The Department of Communities, Child Safety and Disability Services is committed to promoting and supporting excellence in the delivery of human services to Queenslanders. Its stated purpose is to strengthen and protect the well-being of Queenslanders, particularly those who are vulnerable and most in need.

Telephone: 13 74 68  
Website: [www.communities.qld.gov.au](http://www.communities.qld.gov.au)
Department of Natural Resources and Mines

The Department of Natural Resources and Mines incorporates the Titles Registry. If the adult owns property, this office can assist with the requirements in lodging a notice of interest in land.

Telephone: 13 74 68  
Website: [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)

**Mental Health Review Tribunal**

The role of the Mental Health Review Tribunal is to review persons subject to the *Mental Health Act 2000* to make sure that the involuntary processes of assessment, treatment and detention of people with mental illness are properly applied.

Telephone: 07) 3235 9059 or 1800 006 478 (local call outside Brisbane)  
Website: [www.mhrt.qld.gov.au](http://www.mhrt.qld.gov.au)

**Public Advocate**

The role of the Public Advocate is to identify widespread situations of abuse and exploitation of people with impaired capacity due to shortcomings in the systems or facilities of a service provider.

Telephone: 07 3224 7424  

**The Public Trustee of Queensland**

The Public Trustee can be appointed as a person's decision-maker for financial and some legal matters. These appointments can be made by QCAT or a court or as an attorney under an Enduring Power of Attorney.

Telephone: 1300 360 044  