

Banking guidelines for administrators

Establishing your authority with the bank

You will receive several certified copies of the QCAT decision confirming your appointment as administrator and outlining your powers. The original of one of these copies should be presented to banks and financial institutions to establish your authority to act on the administrator's behalf.

If you experience problems, 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 can lodge a complaint with the bank's centralised complaint line. In addition, you should contact QCAT with details of why the bank has refused to recognise your appointment.

The Australian Banking Association has released a set of industry guidelines regarding banks and administrators. Banks are encouraged to adopt these guidelines and incorporate them into their internal processes, procedures and policies. These guidelines are available at bankers.asn.au.

Bank accounts

No bank accounts containing the adult's funds should be held in the name of the administrator, any other party or held on a trustee basis. All bank accounts should be in the adult's name with the administrator as a signatory. All of the adult's income should be deposited into a bank account in their name and as far as possible all expenses should be paid from this bank account.

- 1. New bank accounts:** If the adult does not have an existing bank account in their name, one will need to be established. This account should be in the adult's name solely.
- 2. Existing bank accounts:** Existing bank accounts can be retained though you may wish to consolidate if the adult maintains a number of them. If the existing bank account is in joint names, for e.g. with the adult's spouse they can be continued however any new bank accounts should be in the adult's name solely unless the funds are clearly jointly owned.
- 3. Trustee bank accounts:** The bank account should **not** be in your name as trustee for the adult as this is a contravention of the *Guardianship and Administration Act 2000*. The establishment of trustee bank accounts creates significant problems in regards to ownership, taxation, liability and deceased estate administration. Any existing trustee bank accounts will need to be closed.
- 4. Account access:** If appropriate, the adult can continue to have full access to their bank account. However, if there is a real risk that the adult will use their funds inappropriately, or third parties may attempt to have unauthorised access to the account, you should discuss with the bank what restrictions can be placed on the account to protect the funds. This may involve the opening of a second bank account for the adult's sole use. Individual banks may have different policies regarding how they allow ongoing access to the adult and how they allow the administrator to access bank accounts.
- 5. New QCAT decisions:** If a new QCAT decision is issued either renewing or changing your appointment it is your responsibility to inform the bank of these changes and provide them with a copy of the latest decision.