

Decision-making for adults

QCAT is an independent tribunal which can make decisions about decision-making for adults with impaired capacity, including financial decisions (administration) and personal and health decisions (guardianship).

Our focus is always the wellbeing, needs and interests of the adult.

When does an adult need help making decisions?

There are three elements to making a decision:

- understanding the nature and effect of the decision;
- freely and voluntarily making a decision; and
- communicating the decision in some way.

If an adult needs to make a decision, and is unable to carry out any part of this process, they have impaired decision-making capacity.

QCAT decisions about adults

QCAT can decide a range of matters about adults including:

- making a declaration about an adult's decision-making capacity for some or all matters
- determining if informal arrangements in place are adequate to protect the adult
- appointing a guardian to make some or all personal and health care decisions
- appointing an administrator to make some or all financial decisions
- making a temporary decision to deal with an urgent situation
- making a declaration about the execution and appointment of an enduring power of attorney.

Administration for adults

An administrator may be appointed by QCAT to help an adult who cannot make their own financial decisions. Generally, administrators are given the authority to make decisions on behalf of the adult such as:

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



Guardianship for adults

A guardian may be appointed by QCAT to help an adult to make personal and health care decisions. Generally, guardians can be given the authority to make decisions on behalf of the adult such as:

- where they live
- what support services they receive
- contact or visits with others
- general health care matters
- the approval of containment and seclusion (in certain limited circumstances)
- the approval of chemical, physical or mechanical restraint
- restricting access to objects
- other day-to-day issues.

About guardians or administrators

Generally, guardians or administrators:

- can be appointed for up to five years
- must be at least 18 years of age and not a paid carer for the adult
- can be reimbursed for reasonable expenses, but cannot be paid for their services
- can be reviewed by QCAT and removed under a range of circumstances.

Who can request appointment of a guardian or administrator?

Family members, close friends, professionals or anyone who has a genuine and continuing interest in the welfare of an adult with impaired decision-making capacity can apply for an administrator or guardian to be appointed. Adults with impaired decision-making capacity can also apply on their own behalf.

Working with other organisations

QCAT cannot act as a decision-maker for an adult. If there is no suitable person to be appointed, QCAT may appoint:

- the [Office of the Public Guardian](#) as a guardian for an adult
- the [Public Trustee Queensland](#) as an administrator for an adult.

Applying for a guardian or administrator to be appointed

Generally, you will need to complete and lodge [Form 10 Application for administration/guardianship appointment or review - Guardianship and Administration Act](#) and provide medical or financial reports depending on the type of appointment you are requesting.

For more information about an application, please contact QCAT.

More resources

A wide range of information providing more detail on guardians and administrators is available at www.qcat.qld.gov.au

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights you should get legal advice. Any actions taken to resolve your matter should be determined by your individual circumstances.