

## About Ruah Legal Services

Ruah Legal Services launched in 2019 when the Mental Health Law Centre (MHLC) merged with Ruah Community Services. MHLC has been helping Western Australians with mental illness for more than 20 years. MHLC continues its important work as a specialist centre of Ruah Legal Services. We are an independent, not for profit, community legal service and Western Australia's experts in mental health law.

If you have a legal issue connected to a mental illness and are experiencing financial hardship, our qualified and experienced lawyers can give you free confidential advice and represent you in court.

We specialise in involuntary treatment and matters under the *Mental Health Act (WA)*. We can also advise on:

- Criminal matters
- Guardianship and Administration
- Mentally Impaired Accused Review Board hearings
- Responding to Restraining Orders
- Care and Protection matters
- Mental Health Tribunals

To find out if you are eligible for assistance please call our Telephone Advice Line or visit [ruahlegal.org.au](http://ruahlegal.org.au).

## Need legal advice?

### Call our Telephone Advice Line

Monday to Friday 9am to 4pm  
08 9328 8012 or Freecall 1800 620 285

### Visit us online

[ruahlegal.org.au](http://ruahlegal.org.au)

### Connect with us



### Ruah Legal Services

PO Box 8078, Subiaco East WA 6008  
Facsimile: (08) 6323 3382  
Email: [legalservices@ruah.org.au](mailto:legalservices@ruah.org.au)

## Everyone is welcome. Everyone belongs.

Ruah Legal Services acknowledges and respects the traditional Aboriginal and Torres Strait Islander owners of the land on which we work, the first people of this country. We pay our respects to their culture and their Elders past, present and future.



### Disclaimer

The writer, publisher and Ruah Legal Services disclaim liability as to the reliability and completeness of the information in this publication and disclaim any liability for action taken or not taken as result of this content or for any errors and omissions. It is emphasised that the reader may need legal advice in relation to their particular circumstances.

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Mental Health Law Centre WA

**RUAH**  
LEGAL SERVICES

**mental  
health**  
LAW CENTRE

# Administration Orders

in Western Australia

*Guardianship and Administration Act 1990 (WA)*

## What is an Administration Order?

An Administration Order can be put in place to help a person manage their financial affairs when they cannot do so themselves, because they have a mental illness or disability.

## When is an Administrator appointed?

An Administrator is appointed by the State Administrative Tribunal if a person is unable, because of their mental impairment, to make reasonable judgments about their property or finances.

## Who can be an Administrator?

An Administrator:

- can be a friend, family member or the Office of the Public Trustee;
- must be at least 18 years of age and consent to act as Administrator to the person about whom the application is being made;
- must always act in the represented person's best interests; and
- ensure that their interests do not conflict with the interests of the person they represent – an example of a conflict is where the Administrator can receive money or benefit by being in control of the represented person's money.

## What does an Administrator do?

There are two kinds of Administration Order which determine what an Administrator is able to do:

- Plenary order – the Administrator is authorised to make decisions about any aspect of the person's property or finances.
- Limited order – allows the Administrator to make decisions about some things but not others.

The decision to issue an Administration Order, and the details of the order, are decided by the State Administrative Tribunal. If an Administrator is appointed, their powers could include:

- making decisions about selling property;
- paying debts;
- managing a budget; and/or
- investing savings.

## How is an Administrator appointed?

An application for an Administration Order must be completed detailing why the request is being made. It is then submitted to the State Administrative Tribunal which will arrange a hearing, usually six to eight weeks after the application is lodged.

At the hearing:

- The presiding Member of the State Administrative Tribunal will start by presuming that the person whose affairs are being considered has the capacity to make decisions for themselves.
- The person who lodged the application will then need to provide evidence to support their application – this can include reports from social and support workers and doctors.
- The Member will assess whether the evidence meets the criteria for an Administration Order to be made.
- The Member must consider the views and wishes of the person who is the subject of the application. Where possible they will decide whether there is another way that the person can be supported – such as using family members or care providers to help the person make decisions.
- Once the Member is satisfied they have all the information available they will make their decision.
- If the Member determines an Administration Order is needed, they will also decide what type of order is required and what decisions the Administrator is authorised to make.

## If you need help with an Administration Order

The Mental Health Law Centre (MHLC) can help you with legal advice and representation if you are the subject of an Administration Order application or your Administration Order is being reviewed by the State Administrative Tribunal.

If you would like us to represent you at a hearing, we will need at least seven working days' notice – please contact our Telephone Advice Line on **1800 620 285**.

## Planning for your future

In Western Australia there are three legal tools which can assist you in planning for how decisions are made on your behalf in the future.

- Enduring Power of Attorney: enables you to appoint someone to make financial and property decisions.
- Enduring Power of Guardianship: enables you to appoint someone to make personal, lifestyle, treatment and medical research decisions.
- Advance Health Directive: enables you to write down your decisions about the specific treatment and health care you would want in certain medical circumstances.

To appoint an enduring guardian or attorney and/or make an Advance Health Directive, you must be capable of making reasoned decisions, able to make a formal agreement and understand the implications of the information contained in that agreement, at the time of completing the forms.

For more information call the Public Advocate telephone advisory service on **1300 858 455** or visit [publicadvocate.wa.gov.au](http://publicadvocate.wa.gov.au).