



# What does my guardian do?



If you are an adult who has a guardian, your guardian has **power** to make some choices for you.

Power means your guardian is allowed to do this.



Making choices is sometimes called making decisions. For example, about where you live or services you need.

## Who decides that you need a guardian?



The **Victorian Civil and Administrative Tribunal**

decides if you need a guardian to help you make some decisions. In this fact sheet we call it the Tribunal.



If the Tribunal decides you need a guardian, it will make a guardianship **order**. An order is where the Tribunal writes down who your guardian is and the types of decisions they can make for you.

## Who can be your guardian?



Your guardian can be someone from your family, your friend, or your unpaid carer.

The Public Advocate may also be your guardian if you need one and there is no one else. People who work for the Public Advocate can also be your guardian.

## Things your guardian should do



Your guardian should find out if there is a decision you need help to make.  
For example, about where you live or medical treatment.

**If yes**



Your guardian should check if they are allowed to make this decision. To find out, they will look at what the Tribunal has said in the order.

**If yes**



Your guardian should check if the decision is  
is a medical one.

**If it is a medical decision**



Your doctor or dentist needs to find out if you want the medical treatment before they give it to you, unless it is an emergency.

If your doctor or dentist thinks you can **not** make the decision, they may ask your guardian to make the decision for you.



Your guardian should try to make the decision you would want.

## If it is not a medical decision



Your guardian should check if they can **support** you to make the decision. Support means help you. Someone else might also support you to make the decision.

### If yes



You make the decision with the support of your guardian, or with the support of someone else.

### If no



Your guardian makes the decision for you.

To make the decision, your guardian should:



- find out what you want and how you like to live your life
- try to make the decision that you want, unless you would get badly hurt in some way.



If your guardian can **not** find out what you want, they should try to make a decision that helps you to be healthy and happy.



To do this, they should think about the important things in your life. For example, your friends or family, your community, or a pet.



## Can you make your own decisions if you have a guardian?

You should make your own decisions if you can.

The law says you can make a decision if you can:

- understand the information to make your decision
- remember the information to make your decision
- think about both the good and bad things that might happen because of the decision and
- let people know your decision in some way.

For example, you tell them, or you point or nod.



Sometimes your guardian may be able to support you to make your own decision. For example, by explaining information in a way you can understand.

## Are there decisions my guardian can not make?

There are some types of decisions your guardian can **not** make. For example, **financial** decisions. This means decisions about your money and things you own.



The Tribunal can appoint someone to make financial decisions. The person is called an **administrator**.

## Where to get more information

For more information contact the

### Office of the Public Advocate

Phone: 1300 309 337

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[www.publicadvocate.vic.gov.au](http://www.publicadvocate.vic.gov.au)

