

Informal arrangements for people who need support to make decisions

Fact sheet

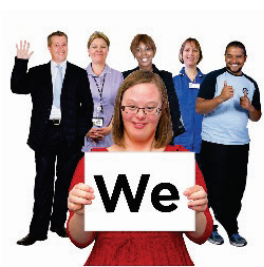
Easy Read version



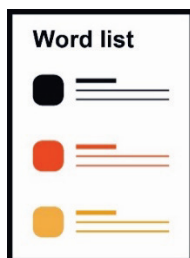
How to use this document



This information is written in an easy to read way.
We use pictures to explain some ideas.



This manual has been written by The Office of the Public Advocate (OPA). When you see the word 'we', it means OPA.



Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 20.



This Easy Read document is a summary of another document.



You can find the other document on our website at **www.opa.sa.gov.au**



You can ask for help to read this fact sheet.
A friend, family member or support person may be able to help you.

What's in this document?

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What is an informal arrangement?



If you can make decisions on your own, we say you have **decision-making capacity**.

We believe someone has decision-making capacity unless we are given proof that they don't.



If a person can't make decisions about their own life, they have **impaired decision-making capacity**.



People might have impaired decision-making capacity because of disability, illness or injury that affects their brain or mind.

An informal arrangement is where a person who can't make decisions on their own gets support to make decisions from a:



- family member or relative

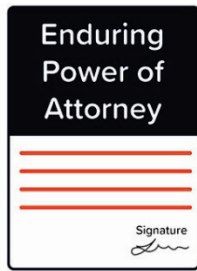


- close friend



- carer.

This is because they don't have power under the law to make decisions through:



- an **Enduring Power of Attorney** – when someone is appointed to make financial decisions if they lose mental capacity in the future.



- an **Advance Care Directive** – when someone is appointed to make health and lifestyle decisions if they lose mental capacity in the future.



- a **Guardianship Order** – a legal document about guardianship.



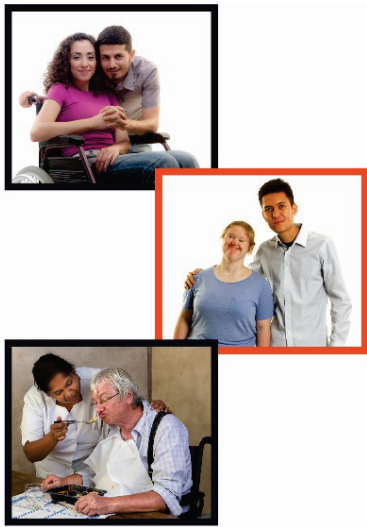
- another legal document.



The law that relates to informal arrangements is the *Guardianship and Administration Act 1993*.

Some examples

Some examples of informal arrangements are:



- community and disability support services for a person with mental incapacity are organised by a:
 - family member
 - friend
 - carer



- assessment by an Aged Care Assessment Team is arranged by a:
 - family member
 - friend
 - carer



- a family member or relative acts as a **person responsible** – they give consent for medical or dental treatment the person needs



- arrangements to move a person from their home or a hospital into an aged care home by a:
 - family member
 - friend
 - carer



- service providers talk about what a person needs with a:
 - family member
 - friend
 - carer.

When is an informal arrangement not enough?

An informal arrangement might not be enough when:

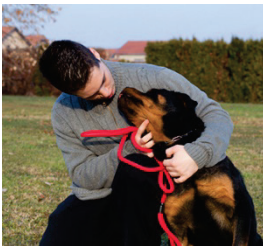


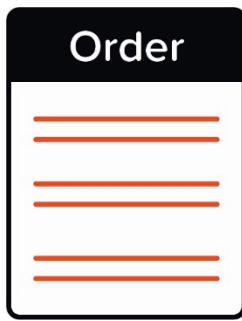
- the person disagrees with the decisions that are being made for them



- there is conflict between family members about the person's:

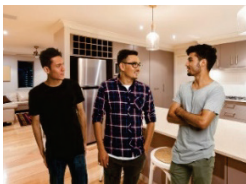
- health
- living arrangements
- lifestyle
- money and finances.





If an informal arrangement is not enough, an order might be needed.

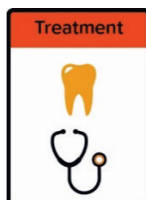
A Guardianship Order appoints someone to make decisions for the person about:



- accommodation:
 - where the person lives
 - who the person lives with



- lifestyle



- medical and dental treatment.



An Administration Order appoints someone to make decisions for the person about:

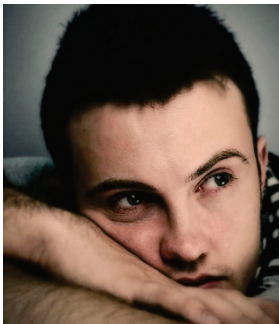


- money and finances
- legal matters.

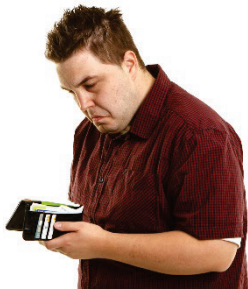
An order might be needed if the person is at risk of:



- harm – they could be hurt



- self-neglect – they won't look after themselves well enough



- being taken advantage of



- abuse.

Decisions about money and finances

Informal arrangements about money and finances are limited by:



- rules and laws about privacy



- bank rules



- legal issues.

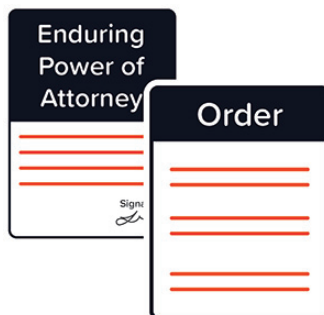
However, there are ways informal arrangements can work.

Banks



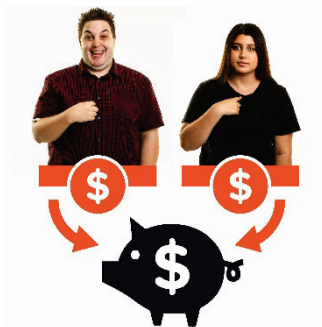
By law, you can only access someone else's bank account if the person has said it's okay in writing.

Account information will only be given to someone who has an:



- Enduring Power of Attorney
- Administration Order.

However, you can access someone else's account if you:



- have a joint account



- are an authorised signatory – you have filled out an approved form that gives you access to the account.



You can still manage the person's money but you don't need an Administration Order.



You should keep accurate records of any transactions you make.

Centrelink

Payments such as pensions can be made to:



- the person



- their **nominee** – someone they have chosen.

The nominee could be:



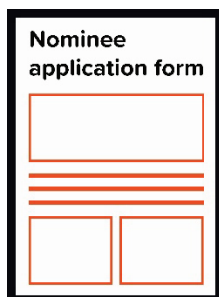
- someone with:
 - an Enduring Power of Attorney
 - a Guardianship Order
 - an Advance Care Directive
- someone willing to look after payments, such as a close:
 - family member
 - friend.



The nominee might get all or part of the person's pension.



They need to do what is best for the person.



You can get a nominee application form at Centrelink offices.



You will need documents to support your application from a:

- doctor
- social worker.

Department of Veteran's Affairs

Payments from the Department of Veteran's Affairs can be made to:



- the person



- a **nominated agent** – someone the person has appointed



- a **trustee** – someone chosen to manage a person's money if they haven't chosen someone already.



The nominated agent must be appointed while the person can still make decisions on their own.

A trustee can be appointed when:



- there is no nominated agent



- the person is so sick or disabled that they can't manage their money.

A trustee must:



- always do what is right for the person



- keep good records

- show any records if they are asked by:



- the person
- officers from the Department.



You can get application forms to become an agent or trustee at Veteran's Affairs offices.



You will need documents to support your application from a:

- doctor
- social worker.

Aged care homes paid for by the Australian Government



If a person is accepted into an aged care home, they are entering into a contract.

The contract might include:



- terms and conditions for living in the aged care home
- the payment of a bond
- extra services.



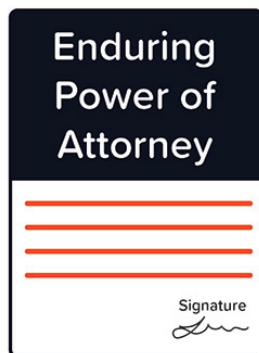
The *Aged Care Act 1997* says that if the person can't sign the contract, someone who represents them can.



Informal arrangements may be enough to do this.

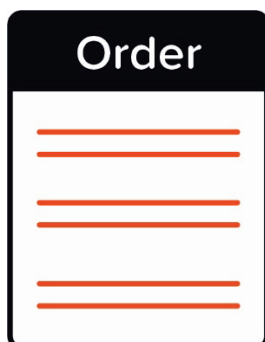


Some aged care homes need you to have an Order.



The person needs to give you Enduring Power of Attorney while they can still make decisions so you can have access to:

- their money
- information about their finances.



If you don't have an Enduring Power of Attorney, you will need to apply for an Administration Order.

Word list



Advance Care Directive

When someone is appointed to make health and lifestyle decisions if the person loses mental capacity in the future.



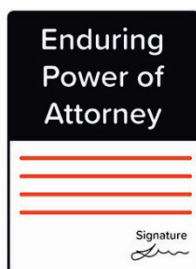
Decision-making capacity

You can make decisions on your own.



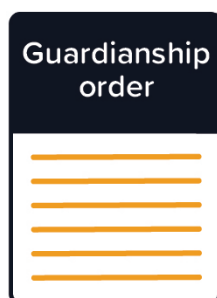
Impaired decision-making capacity

When a person can't make decisions about their own life.



Enduring Power of Attorney

When someone is appointed to make financial decisions if the person loses decision-making capacity in the future.



Guardianship order

A legal document about guardianship.



Nominated agent

Someone the person has appointed



Nominee

Someone they have chosen



Person responsible

Someone who gives consent for medical or dental treatment a person needs.



Trustee

Someone chosen to manage a person's money if they haven't chosen someone already.

Contact us



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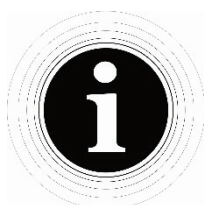
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