

## APEA Members

### Legal Services Commission

Information, legal advice, and preparation of Enduring Powers of Attorney and Guardianship.

**Tel. 1300 366 424** for Legal Help Line

Mon to Fri 9am to 4:30pm

**Tel. 8463 3555** for free half hour appointments.

[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

### Office of the Public Advocate

Promotes and protects the rights of people with mental incapacity.

**Tel. 8269 7575 or 1800 066 969**

General enquiries Mon to Fri 9am to 5pm

[www.opa.sa.gov.au](http://www.opa.sa.gov.au)

### South Australia Police (SAPOL)

Prevents, detects and investigates reports of crime.

**Tel. 131 444** to report a crime or for police assistance.

[www.police.sa.gov.au](http://www.police.sa.gov.au)

### SAPOL's Home Assist Scheme

Provides crime prevention advice and services to assist older people and those with a disability, to safely remain in their own home.

**Tel. 8204 2817**

[www.police.sa.gov.au](http://www.police.sa.gov.au)

### Public Trustee

Advice preparation and management of Enduring Powers of Attorney and Wills.

**Tel. 8226 9200 or Toll free 1800 673 119**

[www.publictrustee.sa.gov.au](http://www.publictrustee.sa.gov.au)

### Aged Rights Advocacy Service

Provides support to uphold the rights of older people who are at risk of, or experiencing abuse by family or friends.

**Tel. 8232 5377 or Toll free 1800 700 600**

[www.sa.agedrights.asn.au](http://www.sa.agedrights.asn.au)

Disclaimer: Information in this pamphlet is of a general nature to be used as a guide only. It is not a substitute for legal advice.

The guardian(s) must arrange for the Guardianship Board of South Australia to consider revoking the EPG and appointing another guardian(s) if the current guardian(s) no longer wishes to have this responsibility.

Guardians who are appointed jointly and who cannot agree on decisions should apply to the Guardianship Board of South Australia for advice or direction or a change in the guardianship arrangement.

### Helpful publications

“Now you are a guardian”

A manual for Private Guardians in SA and available from Service SA.

Telephone 132 324

[www.service.sa.gov.au](http://www.service.sa.gov.au)

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# The Duties and Responsibilities of your Enduring Guardian



# APEA

Alliance for the Prevention of Elder Abuse

Legal Services Commission  
Office of the Public Advocate  
SA Police  
Public Trustee  
Aged Rights Advocacy Service

## Key Points

A donor is the person who gives the Enduring Power of Guardianship to another person.

A donee is the person who accepts the Enduring Power of Guardianship - called a guardian.

An **Enduring Power of Guardianship** (EPG) allows the guardian to make medical, healthcare, accommodation and lifestyle decisions on behalf of the donor if he/she loses mental capacity\*. However the guardian cannot make financial decisions.

**\*Mental capacity refers to the ability to understand the nature and consequences of a decision and the alternative choices and consequences available or likely.**

## Role and Responsibilities of the Guardian

The guardian(s) becomes legally responsible when a doctor or neuropsychologist says that the donor has lost the ability to make certain decisions.

The guardian(s) stands in the shoes of the donor making substitute decisions as if he/she is that person.

The guardian(s) makes decisions which follow wherever possible:

- Any guidelines or directions contained in the EPG.
- Knowledge about the donor's previous lifestyle and past wishes.
- Current wishes of the donor.

The guardian's decisions should be the least intrusive into the donor's life but ensure where possible the safety and wellbeing of the donor (eg providing support at home versus residential care).

**The guardian must not allow his/her own values and needs to influence the decisions made.**

If there is more than one guardian appointed jointly, they must agree on all decisions made.

The guardian(s) will need to undertake a range of activities to fulfil his/her role effectively.

For example:

- Monitor the wellbeing of the donor and link them with any assistance required (eg health care providers, support programs).
- Consult appropriately with the donor, close family, friends and service providers regarding decisions.
- Avoid decisions that may lead to abuse or neglect or may be illegal in nature.
- Seek advice and assistance from people with specialist knowledge where necessary.