

## What is an enduring guardianship?

An enduring guardianship is a legal document that enables a person (the appointor) to appoint another person (the guardian) to make personal decisions on their behalf after they lose the mental capacity to make such decisions for themselves. For further information see [Enduring Guardian Fact Sheet](#) and [The Enduring Guardians' Handbook](#).

## When does the Board conduct a review of an enduring guardianship?

An application can be made to the Board to review an enduring guardianship if a person believes that:

- An instrument appointing an enduring guardian is not valid, or
- A guardian is not capable or willing to perform the functions of a guardian
- A guardian acting under an enduring guardianship is not acting in the best interests of the person who appointed the guardian or has been incompetent or negligent as a guardian.

If a guardian appointed under an enduring guardianship needs guidance about the powers and functions of an enduring guardian, the enduring guardian can apply to the Board for advice and direction.

## What decisions can the Board make after a review of an enduring guardianship?

The Board can:

- Revoke an enduring guardianship
- Vary a term of the enduring guardianship, including appointing a new guardian
- Dismiss the application to review the enduring guardianship
- Give advice and direction to a guardian

## Who can make an application?

An application may be made by any person who the Board is satisfied has a proper interest in the matter.

## What happens in an emergency?

The Board can vary or suspend an enduring guardianship under emergency provisions in the *Guardianship and Administration Act 1995* without a hearing in circumstances of urgency. In those circumstances, it is possible that the Board will substitute the Public Guardian for an enduring guardian until such time as a hearing can be convened.

## More information:

Please refer to the [application forms](#).

For further information see [Enduring Guardian Fact Sheet](#) and [The Enduring Guardians' Handbook](#).

### Other fact sheets available in this series:

- 1 WHAT IS THE GUARDIANSHIP & ADMINISTRATION BOARD?
  - 2 GUARDIANSHIP
  - 3 ADMINISTRATION
  - 4 CONSENT TO MEDICAL OR DENTAL TREATMENT
  - 5 CONSENT TO MEDICAL TREATMENT BY A PERSON RESPONSIBLE
  - 6 REVIEW OF ENDURING POWERS OF ATTORNEY
  - 7 REVIEW OF ENDURING GUARDIANS
  - 8 STATUTORY WILLS
  - 9 RESTRICTIVE INTERVENTIONS
  - 10 WHAT IF I DON'T AGREE WITH THE BOARD'S DECISION?
- ENDURING GUARDIANSHIP INFO SHEET

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