

Appointment as a private financial administrator

1. INTRODUCTION - SACAT has appointed you as an administrator – now what?

An administration order has been made by SACAT appointing you as an administrator. The role of administrator is a very important responsibility. This now means that you will manage the financial affairs of the named protected person. Here are some tips to help you understand your duties and to get you started:

2. REGULAR REPORTS TO THE PUBLIC TRUSTEE AND SACAT

As an administrator you have an obligation to report on your financial administration of the estate of the protected person either yearly, twice per year or as frequently as is specified on the order (depending on the conditions of the administration order). You **MUST** provide the report on the statement of accounts in accordance with the conditions of the order. A failure to do so is an offence (penalty \$5000) and may mean that you will be removed from the role of administrator.

3. PUBLIC TRUSTEE – FINANCIAL EXAMINER

The Public Trustee is an independent statutory officer who is completely separate to SACAT. One of the Public Trustee's roles is to receive and examine the statements of accounts from private administrators in accordance with the conditions of the order and the Act. Financial examiners within the office of the Public Trustee perform this function.

3. FEES

Public Trustee charges a regulated fee per hour for the examination of the statement of accounts provided by you as the private administrator. The SA Government reviews this fee annually. The current financial examination fee is available on its website at www.publictrustee.sa.gov.au/fees-charges. Public Trustee may waive this fee if it will cause the protected person financial hardship or unreasonably reduce their estate. You can discuss this with a Financial Examiner.

4. ASSISTANCE FROM THE PUBLIC TRUSTEE – guide and information sessions

Public Trustee fully understands the duties and obligations of an administrator and can provide information and support. This will help to ensure you are effectively performing your duties for the proper care of the protected person. You can download the "*Public Trustee Guide for Financial Administrators*" from the Public Trustee's website, www.publictrustee.sa.gov.au. This guide will give you the necessary information to understand your role.

It is recommended that you attend an information session, offered by Public Trustee, to understand your role and seek advice from Public Trustee. These sessions are generally held on the first Thursday of each month. Please call (08) 8463 7442 or email: DLPTRegulatoryTeam@sa.gov.au

5. GETTING STARTED

- (a) Read the administration order carefully and note the conditions
- (b) Develop a financial management strategy/budget: You will need to determine the protected person's assets, their source(s) of income, their expenses and debts.
- (c) Safeguard any assets:
The person's property will continue to remain in their name, even after you are appointed as administrator. Under the Act you may consider the lodgement of a caveat to safeguard the protected person's interest in any real estate. Make sure assets are insured where appropriate and that items are physically secured where relevant.
- (d) Read the *Guardianship and Administration Act 1993* (refer to SACAT website):
It is advisable to look at the Act as this is the authority under which you must carry out your duties. You do not necessarily need to read it cover to cover but you should be familiar with its contents and the sections that specifically apply to your role and duties as administrator. (Sections 35 – 48 and Sections 74 and 75)
- (e) Tell relevant people and organisations that you have been appointed:
 - Banks and financial institutions where the person has accounts
 - Companies in which the protected person has shares
 - Centrelink or Department of Veteran's Affairs
 - Anyone who owes the protected person money, and
 - Organisations to which the protected person owes money
- (f) Set up a 'working account':
It is a good idea for you to open a bank account in the sole name of the protected person to use as a 'working account' into which all income is paid, and from which all expenditure is paid. Having one account for the protected person's income and expenditure will make it easier for you to keep track of their finances. You may find it convenient to use one of the protected person's existing accounts as a working account by adding your authority as administrator to operate the account. You may then decide that it is more practical to close any other accounts and consolidate them into the working account. The bank will need to see a copy of the administration order before this can be done.
- (g) Start managing documentation:
As the administrator, you are required to keep full details and documentation of the protected person's assets, income and expenditure. Documentation includes invoices, receipts, statements accompanying cheques received and bank statements.
- (h) Find out what is in the protected person's Will:
Some of the decisions you make as administrator may be affected by the terms of the protected person's Will. It is therefore advisable to locate, store and check the protected person's Will.

6. INITIAL STATEMENT OF ACCOUNTS

When you are first appointed you need to lodge the 'Initial Statement of Assets and Liabilities' form. This will be sent to you by the Public Trustee. You must send this to the Public Trustee within 21 days of your appointment.

7. WORKING WITH A GUARDIAN

In some instances a protected person will have a guardian appointed by SACAT who is a person appointed to make major life decisions for the person and the order will state the extent of that role, which may relate to accommodation, health, and/or personal (lifestyle) decisions. SACAT can appoint a guardian as well as an administrator. Sometimes the same person will be appointed to both of these roles, but if they are not, it is important that you and the guardian work closely together.