



The role of an OPG guardian

Information for families, carers and support professionals

A guardian is someone who makes decisions about personal and health matters for adults who do not have the ability to make these decisions on their own. A guardian is appointed by the Queensland Civil and Administrative Tribunal (QCAT), who will also determine the types of decisions the guardian can make. A guardian would ideally be a family member or friend who understands the adult, their views and wishes, and is willing to take on the role. However, where there is no one suitable or willing to take on this role, QCAT will appoint the Public Guardian.

OPG guardians

Although the Public Guardian is the appointed decision maker, the Office of the Public Guardian (OPG) employs guardians to perform this role.

A team of guardians will work with the adult under guardianship to make decisions. Depending on the decision and its complexity, different guardians within that team will have contact with the adult to make decisions on their behalf.

Guardians will always try to speak directly to the adult to find out what their views on decisions are. It is a guardian's role to advocate for the adult and ensure any decisions they make protect and promote the adult's human rights, and align with their expressed views, wishes and preferences.

A guardian will only be involved in an adult's life when a decision needs to be made. They do not provide day-to-day support – this will continue to be provided by the adult's family, friends, or carers/service providers. Guardians also do not take on the roles and responsibilities of other agencies or service providers.

What information is needed to make a decision?

OPG must be notified as soon as a decision needs to be made for the adult.

Before they can make a decision, the guardian needs information about:

- what is happening in the adult's life
- what choices there are
- the adult's views, wishes and preferences
- what the potential outcomes of the decision would be.

The guardian will talk with the adult to determine their views, wishes and preferences. If needed, the guardian may also ask their family and carers, their health professionals, services providers and other support agencies to provide information that will help in establishing the adult's views, wishes and preferences relating to a particular decision.

Under the *Guardianship and Administration Act 2000* (section 44) a guardian has a right to all the information the adult would have been entitled to if they had capacity, and which is necessary to make an informed decision. For this reason, a guardian must be given any relevant documents they request.

How we make decisions

Our guardians use structured decision-making and human rights frameworks when exercising their decision-making powers. These frameworks ensure guardians will always consider the adult's views and wishes when making decisions to ensure their will, preferences and rights are respected.



Guardians will try and make the decision the adult would have made for themselves if they could make that decision. Although, guardians also must also ensure the adult remains safe. This means sometimes they will need to make a decision that is different to the one the adult may have made.

Guardians will also prioritise and promote the least restrictive approach wherever possible.

The policies and frameworks that guardians must follow are underpinned by legislative documents, such as the General Principles and the Health Care Principles contained in the *Guardianship and Administration Act 2000* and the *Queensland Human Rights Act 2019*.

Guardians can only make decisions in the areas outlined in the QCAT order. QCAT may appoint a guardian for one area of decision-making, for example, accommodation, or several areas, such as accommodation and health care.

Decision-making timeframes

There are no mandated timeframes for decision-making because the factors that need to be considered will vary from case to case. Sometimes it may take a long time for a decision to be made, especially if the circumstances are complex.

A guardian can only make decisions as outlined in the guardianship order and for the period specified on the guardianship order.

Our primary concern is the adult and making decisions that uphold their views, wishes and preferences. Sometimes guardians need to consider multiple options and consult with several people. Additionally, if there is conflict between interested parties or stakeholders over a proposed course of action, a decision may be delayed further.

However, we always strive to be as efficient as possible in our decision-making.

What a guardian cannot do

OPG cannot make any financial decisions on behalf of a person – this is the role of an administrator, such as the Queensland Public Trustee.

Additionally, the role of a guardian is to make decisions, they don't have the power to enforce a decision. For example, we may make a decision that for their own safety and wellbeing a person needs to move to an aged care facility, but we cannot force them to move if they don't want to go. It is the role of service providers, friends and family to prepare them for this transition.

For more information

Visit www.publicguardian.qld.gov.au for more information on how guardians make different types of decisions. You will also find links to the policies, framework and legislation that guide our decision-making processes.



Contact us

T 1300 653 187

E publicguardian@publicguardian.qld.gov.au

www.publicguardian.qld.gov.au

© Office of the Public Guardian (Qld) 2026
Version 1. 02/26

Acknowledgement of Country

The Office of the Public Guardian acknowledges and pays our respects to the Traditional Custodians over the lands, seas and waterways throughout the state of Queensland in which we work and live and pay our respects to their Elders, past, present and emerging.

Translation

If you need translation services, contact the Translating and Interpreting Service on 131 450.