

# APPLICATION FOR A REHEARING IN THE GUARDIANSHIP LIST

## WHAT VCAT CAN DO

Use this form if you want VCAT to reconsider their decision about a case involving guardianship, administration, powers of attorney, medical treatment or an advance care directive.

You must apply for a rehearing within 28 days of VCAT making the order. You will not automatically be entitled to a hearing. It will depend on whether you were a party to the original case and what type of hearing it was.

## PERSON YOU ARE APPLYING ABOUT

### 1. Who are you applying about?

This is the person who needs or has a guardian, administrator, supportive guardian, supportive administrator, medical treatment decision maker and/or who made an advance care directive.

Given names  Family name

### 2. Contact details of the person you are applying about

Street number and name

Suburb  State  Postcode

Phone number

Email

### 3. Does this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?

A member of our Koori Engagement team can give this person cultural support throughout the case.

Yes  No

### 4. Is this person of a culturally or linguistically diverse background?

Yes  No

If yes, state the cultural or linguistic background:

### 5. Date of birth of the person you are applying about (DD/MM/YYYY)

## WHO IS APPLYING?

### 6. Tick which of the following best describes you as the applicant:

- I am the person listed in Question 1 – skip to Question 12
- Someone else

## Your details

### 7. Your name

Given names

Family name

### 8. Address

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

### 9. What is your relationship to the person you are applying about?

For example, partner, son, mother, case manager, guardian, administrator

I am the person's

### 10. Do you wish to be identified as someone of Aboriginal or Torres Strait Islander descent?

A member of our Koori Engagement team can give you cultural support throughout your case.

Yes

No

### 11. Are you of a culturally or linguistically diverse background?

Yes

No

If yes, state your cultural or linguistic background:

## ABOUT YOUR APPLICATION

### 12. Enter the VCAT reference number for the case you want us to rehear (if known)?

VCAT reference number

G

### 13. When did VCAT make the original order (DD/MM/YYYY)?

### 14. Did you attend the hearing in the original case?

Yes

No

### 15. Were you a party to the original case?

You were a party to the previous case if you are one of the following:

- the current or proposed guardian, administrator, supportive guardian, supportive administrator or medical treatment decision maker
- the person who needs a guardian, administrator, supportive guardian, supportive administrator or medical treatment decision maker
- the person who made the advance care directive.

Yes, skip to Question 17

No

**16. VCAT first needs to review your right to make this application. What are you seeking a rehearing for?**

- A reassessment of a current guardianship or administration arrangement
- Any other case heard at VCAT

## PRIMARY CARER

A primary carer is usually the person who provides or arranges for domestic and personal services for a person.

**17. Does the person you are applying about have a primary carer?**

- Yes       No, skip to Question 23       Don't know, skip to Question 23

**18. Name of the primary carer**

Given names  Family name

**19. Contact details of the primary carer**

Organisation (if applicable)

Street number and address

Suburb  State  Postcode

Phone number

Email

**20. Does the primary carer wish to be identified as someone of Aboriginal or Torres Strait Islander descent?**

A member of our Koori Engagement team can give them cultural support throughout the case.

- Yes       No       Don't know

**21. Is the primary carer of a culturally or linguistically diverse background?**

- Yes       No       Don't know

If yes, state their cultural or linguistic background:

**22. What is the primary carer's relationship to the person you are applying about?**

For example, child, parent, grandparent, partner, friend, neighbour, solicitor, etc.

I am the person's

## SPOUSE OR PARTNER

**23. Does the person you are applying about have a spouse or partner?**

- Yes       No, skip to Question 28       Don't know, skip to Question 28

**24. Name of spouse or partner**

Given names  Family name

**25. Contact details of spouse or partner**

Street number and name

Suburb  State  Postcode

Phone number

Email

**26. Does this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?**

A member of our Koori Engagement team can give them cultural support throughout the case.

- Yes  No  Don't know

**27. Is this person of a culturally or linguistically diverse background?**

- Yes  No  Don't know

If yes, state their cultural or linguistic background:

## PERSONS WITH A DIRECT INTEREST

We need to ensure people with a direct interest in the person you are applying about are aware of this application. Examples of someone with an interest include the person's relatives, close friends, their guardian, administrator, supportive guardian, supportive administrator, their attorney appointed under an enduring power of attorney or their supportive attorney.

**28. Apart from those you have already mentioned above, do you know of any people with a direct interest in the person you are applying about?**

- Yes  No, skip to Question 44  Don't know, skip to Question 44

### Details of person with a direct interest – Person 1

**29. Name of relative or interested person**

Given names  Family name

**30. Contact details of relative or interested person**

Street number and name

Suburb  State  Postcode

Phone number

Email

**31. Does this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?**

A member of our Koori Engagement team can give them cultural support throughout the case.

- Yes  No  Don't know

**32. Is this person of a culturally or linguistically diverse background?**

Yes       No       Don't know

If yes, state their cultural or linguistic background:

**33. What is their relationship to the person you are applying about?**

For example, child, parent, grandparent, partner, friend, neighbour, solicitor, etc.

I am the person's

**Details of person with a direct interest – Person 2**

Provide details of any other known relative or interested person below. Otherwise, skip to Question 44.

**34. Name of relative or interested person**

Given names

Family name

**35. Contact details of relative or interested person**

Street number and name

Suburb

State

Postcode

Phone number

Email

**36. Does this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?**

A member of our Koori Engagement team can give them cultural support throughout the case.

Yes       No       Don't know

**37. Is this person of a culturally or linguistically diverse background?**

Yes       No       Don't know

If yes, state their cultural or linguistic background:

**38. What is their relationship to the person you are applying about?**

For example, child, parent, grandparent, partner, friend, neighbour, solicitor, etc.

I am the person's

**Details of person with a direct interest – Person 3**

Provide details of any other known relative or interested person below. Otherwise, skip to Question 44.

**39. Name of relative or interested person**

Given names

Family name

**40. Contact details of relative or interested person**

Street number and name

Suburb  State  Postcode

Phone number

Email

**41. Does this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?**

A member of our Koori Engagement team can give them cultural support throughout the case.

- Yes       No       Don't know

**42. Is this person of a culturally or linguistically diverse background?**

- Yes       No       Don't know

If yes, state their cultural or linguistic background:

**43. What is their relationship to the person you are applying about?**

For example, child, parent, grandparent, partner, friend, neighbour, solicitor, etc.

I am the person's

If there are other known relatives or interested people, include an attachment with their details.

**REASONS FOR MAKING AN APPLICATION**

**44. Briefly state why you want a rehearing:**

## ATTENDANCE AT THE HEARING

We strongly encourage the person you are applying about to attend the hearing, as the decisions we make will affect them. We will try to make it as easy as possible for them to attend.

The applicant must attend the hearing. Any other person with an interest in the application may attend.

We offer a range of support services for people with disability, language difficulties and concerns about their personal safety. Let us know of your needs so we can make arrangements for the hearing.

### 45. Will the person you are applying about attend the VCAT hearing?

- Yes       No       Don't know

If no, state why the person will not attend the VCAT hearing:

### 46. Does anyone mentioned in the application need special assistance at the hearing?

- Help accessing the venue (e.g. wheelchair access)
- Interpreter required
- Language:
- Assisted communication (e.g. assistive listening device or hearing loop)
- Personal safety concerns
- Attend the hearing by phone or video link
- Other

Provide more detail about who needs the forms of assistance you have indicated and why?

## ACKNOWLEDGMENT

By completing this application, I understand and acknowledge that:

- to the best of my knowledge, all information provided in this application is true and correct
- it is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT
- I will provide a copy of my completed application to all of the following:
  - person I am applying about
  - their primary carer (if applicable)
  - any current administrator and/or guardian (if applicable)
  - all relatives and parties with a direct interest
  - any person I am proposing as an administrator and/or guardian
- I will notify VCAT in writing if I am unable to provide a copy of my application to any party.

Full name of person completing this form:

Date:

## PRIVACY POLICY

All information you give VCAT for your case is available to anyone who inspects the case file or attends the hearing, including media. They might get information like your name, contact details and personal information. By law, with limited exceptions, VCAT must share information that you provide for your case with other parties. This includes your documents and evidence. But it is illegal to publish or broadcast information that could identify a party in a guardianship, powers of attorney or medical treatment case, unless VCAT makes an exception.

You can ask VCAT at the start of the case to keep your information confidential. VCAT may not agree to this request. For more information, go to [www.vcat.vic.gov.au/privacy](http://www.vcat.vic.gov.au/privacy)



## SUBMITTING THIS APPLICATION

Submit your application and a copy of the medical report to us by email, by post or in person.

### **By email**

Email [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

### **By post**

Send to:

The Registrar  
Guardianship List  
Victorian Civil and Administrative Tribunal  
GPO Box 5408 Melbourne VIC 3001

### **In person**

Our office is open Monday to Friday from 9 am to 4.30 pm.

55 King Street  
Melbourne VIC 3000

## NEED HELP WITH YOUR APPLICATION?

If you have any questions about completing this form, contact us by email, phone or in person.

### **By email**

Email [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

### **By phone**

Call us between 9 am and 5 pm Monday to Friday on 1300 01 8228 (1300 01 VCAT)

### **In person**

Our office is open Monday to Friday from 9 am to 4.30 pm.

55 King Street  
Melbourne VIC 3000

## DO I NEED TO GIVE PEOPLE A COPY OF MY APPLICATION?

You must tell the people who you have mentioned in this form about your application.

Send a copy of your application and any documents in support of it to parties.

Parties to your application include:

- the person you are applying about
- any existing administrator or guardian
- any existing supportive administrator or supportive guardian.

You must also send a copy of your application to everyone else you have mentioned in this form, but you do not need to send the documents you submitted in support of your application.

Send a copy of your application to the following people:

- the spouse or domestic partner of the person you are applying about (if any)
- the primary carer of the person you are applying about (if any)
- any person you have mentioned has a direct interest in your application.

## HOW TO GIVE PEOPLE A COPY OF YOUR APPLICATION

You can give people a copy of your application and supporting documents by email, post or in person.

You can only send by email if you have already exchanged information with them this way.

## RIGHTS OF PARTIES

A party can attend the hearing, give evidence, ask questions and make submissions. They may also be able to make further applications after the hearing.

## RIGHTS OF EVERYONE ELSE MENTIONED IN YOUR APPLICATION

Everyone else you have mentioned in your application can attend the hearing.

They can ask to see the entire VCAT file. VCAT grants access unless there is a good reason to refuse, such as the need to keep sensitive personal information private or the potential to cause another person harm.

VCAT may ask the other parties for their views before deciding whether to grant access. It is an offence under the *Victorian Civil and Administrative Tribunal Act 1998* to publish or broadcast any material that identifies a party to a proceeding under the *Guardianship and Administration Act 1986*.

People you have mentioned in your application can also apply to be joined as a party, by writing to VCAT or by asking at the hearing. VCAT may ask the other parties for their views on this. VCAT will then make an order granting or refusing the application to be joined as a party. If they become a party, they gain the same rights as described in the previous section.

## COMMUNICATING WITH VCAT AND OTHER PARTIES

If you plan to use evidence at VCAT you need to send copies of these documents to the other parties. How to do this and when is explained in the notice or order VCAT sends you.

By law, when you send documents to VCAT related to your case you must also send them to the other parties so the process is open and fair (called 'serving documents').