

APPLICATION TO REVOKE OR REASSESS GUARDIANSHIP OR ADMINISTRATION ORDER

ABOUT VCAT

The Victorian Civil and Administrative Tribunal (VCAT) can make orders to appoint an administrator or guardian for a person aged 18 years or over with a disability that affects their decision-making capacity.

A person has decision-making capacity when they are able to understand and remember information relevant to making a decision, and can use and communicate the information to make a decision, and express their views and needs.

We usually reassess whether a guardian, supportive guardian, administrator or supportive administrator is needed at least once every three years. When reassessed, we may decide to extend the arrangement, make changes or cancel (revoke) it.

WHAT CAN I APPLY FOR USING THIS FORM?

Use this form if you want VCAT to make an earlier reassessment of an existing guardianship, administration (including for a missing person), supportive guardianship or supportive administration order.

TERMS USED IN THIS FORM

We refer to the 'represented person', 'supported person' and 'missing person' throughout this application form.

The represented person is someone who has a guardian and/or administrator appointed by VCAT to help make them decisions.

The supported person is someone who has a supportive guardian and/or supportive administrator appointed by VCAT to help them carry out their decisions.

A missing person is someone who usually lives in Victoria that VCAT has determined to be missing and for whom an administrator was appointed.

PROVIDING A MEDICAL REPORT

If you are applying because you believe the represented person has regained decision-making capacity, you must provide VCAT with a copy of a recent and relevant medical report.

We need a medical report to help establish whether circumstances have changed since we appointed a guardian or administrator (eg. medical evidence that they have regained decision making capacity). You can download a medical report template to be completed by a medical practitioner from our website, go to www.vcat.vic.gov.au/medicalreport

You must provide a full medical report from the last three months, **not a medical certificate**.

Examples of suitable medical practitioners include doctors, psychologists, neuro-psychologists and psychiatrists.

ABOUT THE PERSON YOU ARE APPLYING ABOUT

1. Who is the represented person, supported person or missing person?

If you are applying about a former missing person, enter their details in this section.

Given names Family name

2. Contact details of the represented person, supported person or missing person:

Street address

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 represented person, supported person or missing person (DD/MM/YYYY):

6. What was the VCAT reference number for the previous case in which a guardian or administrator was appointed?

VCAT reference number (if known)

APPLICANT DETAILS

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

- I am the represented person, supported person or former missing person – skip to Question 13
 Someone else

8. Name of the applicant

Given names Family name

9. Your contact details

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

10. What is your relationship to the represented person, supported person or missing person?

For example, guardian, administrator, supportive guardian, supportive administrator, relative, Public Advocate or a person deemed to have a special interest by the Supreme Court or VCAT.

I am the person's

EVIDENCE OF DECISION-MAKING CAPACITY

You are responsible for providing VCAT with a copy of a recent and relevant medical report that establishes whether the represented person has decision-making capacity.

11. Indicate which of the following statements is true:

- I have included a copy of a recent medical report (within the last three months) with this application.
- I have requested a report from a medical practitioner. I undertake to provide this report to VCAT before the hearing.

12. Name of the medical practitioner providing the report

Given names

Family name

Name of practice, hospital or clinic

Street address

Suburb

State

Postcode

Phone number

PRIMARY CARER

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

13. Does the represented person, supported person or missing person have a primary carer?

- Yes No, skip to Question 19 Don't know, skip to Question 19

14. Name of the primary carer

Given names

Family name

15. Contact details of the primary carer

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

16. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

18. What is the primary carer's relationship to the represented person, supported person or missing person?

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

SPOUSE OR PARTNER

19. Does the represented person, supported person or missing person have a spouse or partner?

Yes No, skip to Question 24 Don't know, skip to Question 24

20. Name of spouse or partner

Given names Family name

21. Contact details of spouse or partner

Street address

Suburb State Postcode

Phone number

Email

22. 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

23. 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 represented person or former missing person are aware of this application. Examples of someone with an interest include the person's relatives, close friends, their attorney or their supportive attorney.

24. Apart from those you have already mentioned above, do you know of any people with a direct interest in the represented person, supported person or missing person?

Yes No, skip to Question 40 Don't know, skip to Question 40

Details of person with a direct interest – Person 1

25. Name of relative or interested person

Given names Family name

26. Contact details of relative or interested person

Street address
Suburb State Postcode
Phone number
Email

27. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

29. What is their relationship to the represented person, supported person or missing person?
For example, child, parent, grandparent, partner, friend, neighbour, solicitor, etc.

Details of person with a direct interest – Person 2

Provide details of any other known relative or interested person below. Otherwise, skip to Question 40.

30. Name of relative or interested person

Given names Family name

31. Contact details of relative or interested person

Street address
Suburb State Postcode

Phone number

Email

32. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

34. What is their relationship to the represented person, supported person or missing person?

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

Details of person with a direct interest – Person 3

Provide details of any other known relative or interested person below. Otherwise, skip to Question 40.

35. Name of relative or interested person

Given names Family name

36. Contact details of relative or interested person

Street address

Suburb State Postcode

Phone number

Email

37. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

39. What is their relationship to the represented person, supported person or missing person?

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

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

REASONS FOR MAKING AN APPLICATION

About administration

40. Do you want VCAT to reassess or cancel a current administration order?

- Yes No, skip to Question 43

41. When was the current VCAT administration order made (if known)

Date (DD/MM/YYYY)

42. Why do you want VCAT to reassess or cancel the administration order?

- The represented person has regained decision-making capacity
(You must supply a copy of a recent medical report in support of this)
- The missing person was found
- Administrator is not promoting the personal and social wellbeing of the represented person
- Administrator does not wish to continue
- Administrator is ill or has died

- Other,
provide details:

About supportive administration

43. Do you want VCAT to reassess or cancel a current supportive administration order?

- Yes No, skip to Question 46

44. When was the current VCAT supportive administration order made (if known)

Date (DD/MM/YYYY)

45. Why do you want VCAT to reassess or cancel the supportive administration order?

- Supportive person no longer wishes to have a supportive administrator
- Supportive administrator is not promoting the personal and social wellbeing of the supported person
- Supportive administrator does not wish to continue
- Supportive administrator is ill or has died

- Other,
provide details:

About guardianship

46. Do you want VCAT to reassess or cancel a current guardianship order?

- Yes No, skip to Question 49

47. When was the current VCAT guardianship order made (if known)

Date (DD/MM/YYYY)

48. Why do you want VCAT to reassess or cancel the guardianship order?

- The represented person has regained decision-making capacity
(You must supply a copy of a recent medical report in support of this)
- Guardian is not promoting the personal and social wellbeing of the represented person
- Guardian does not wish to continue
- Guardian is ill or has died

Other,
provide details:

About supportive guardianship

49. Do you want VCAT to reassess or cancel a current supportive guardianship order?

- Yes No, skip to Question 52

50. When was the current VCAT supportive guardianship order made (if known)

Date (DD/MM/YYYY)

51. Why do you want VCAT to reassess or cancel the supportive guardianship order?

- Supportive guardian is not promoting the personal and social wellbeing of the supported person
- Supportive person no longer wishes to have a supportive guardian
- Supportive guardian does not wish to continue
- Supportive guardian is ill or has died

Other,
provide details:

52. Briefly explain the reasons for your application by outlining the issues or problems faced by the represented person, supported person or missing person:

ATTENDANCE AT THE HEARING

Aside from the missing person, we expect everyone else mentioned in this application to attend the hearing.

We strongly encourage the represented person, supported person or former missing person 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.

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.

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

If your application is about a missing person, skip this question.

- Yes No Don't know

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

54. 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 and supporting documents to all of the following:

- represented person or former missing person (if applicable)
- any primary carer
- all relatives and parties with a direct interest
- any current 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:

DOCUMENTS TO ATTACH WITH THIS APPLICATION

Attach the following documents if you have them. Your VCAT hearing may be delayed if we do not get all required documents that are relevant to your application.

- Current medical report – if applying for a reassessment or cancellation of a guardianship or administration arrangement because the represented person has regained decision-making capacity
- List of other known relatives and people with a direct interest (if you could not provide all details on this form)
- Any other documentation to support your application

FURTHER STEPS TO TAKE

Ensure you do the following:

- Give a copy of this application to every person mentioned in this application. You can only send documents to other parties by email if you have already exchanged information with them this way.
- Make a copy of this application for your own records.
- Speak to the represented person, supported person or former missing person (if possible).

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.

SUBMITTING THIS APPLICATION

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

By email

Email 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 phone, email or in person.

By email

Email 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 represented person, supported person or missing person (send a copy to their last known address)
- their guardian or administrator.

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').