

APPOINTMENT OF ADMINISTRATOR FOR A MISSING PERSON

WHAT VCAT CAN DO

The Victorian Civil and Administrative Tribunal (VCAT) can make orders to help manage the estate of a missing person. This usually means we may appoint an administrator to manage the missing person's financial and property affairs.

You may choose to nominate an administrator or ask VCAT to nominate someone.

Use this form to apply to VCAT about:

- appointing an administrator for a missing person
- renewing the appointment of an administrator for a missing person

DOCUMENTS YOU NEED TO PROVIDE

As the applicant, you need to provide enough information and documents to support the claims you make in your application.

This includes providing any supporting documents that support your claim the person is missing.

You must provide a police report.

We also need supporting documents supporting your other claims, which may include:

- a copy of the missing person's will
- a report from a social worker
- a medical report
- an affidavit in support of your claims
- a previous order made by a court or tribunal
- a power of attorney.

It is your decision which documents to provide. Choose the documents that best support your application.

ABOUT THE MISSING PERSON

1. Who are you applying about?

Provide the name of the missing person.

Given names

Family name

2. Missing person's date of birth (DD/MM/YYYY):

3. Last known contact details of the missing person

Street address

Suburb State Postcode

Phone number

Email

4. Would this person wish to be identified as someone of Aboriginal or Torres Strait Islander descent?

☐ Yes ☐ No

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

☐ Yes ☐ No

If yes, state the cultural or linguistic background:

6. Has a previous application about this person been made to VCAT?

☐ Yes ☐ No ☐ Don't know

VCAT reference number (if known)

7. Has this person been missing for at least 90 days?

☐ Yes ☐ No

8. Have reasonable efforts been made to find the missing person?

☐ Yes ☐ No

9. Has the missing person made contact with anyone at their last known address or is there a friend or relative they are likely to communicate with?

☐ Yes ☐ No

10. Does the person usually live in Victoria?

☐ Yes ☐ No

11. While the person is missing, is there a need for a decision to be made about their financial matters or property?

☐ Yes ☐ No

12. Is the person registered as a missing person in Victoria or any other state or country?

☐ Yes ☐ No

13. Did the missing person sign a power of attorney or enduring power of attorney?

☐ Yes ☐ No – skip to Question 23 ☐ Don't know – skip to Question 23

The attorney (person appointed to act on their behalf under a power of attorney) may be able to manage the missing person's affairs. You should seek independent advice.

ABOUT THEIR ATTORNEY

Attorney 1

14. Name of the attorney

Given names

Family name

15. Contact details of attorney

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

16. Does the attorney 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 attorney of a culturally or linguistically diverse background?

☐ Yes

☐ No

☐ Don't know

If yes, state their cultural or linguistic background:

18. What did they sign?

☐ Power of attorney

☐ Enduring power of attorney (financial)

Attorney 2

If the missing person does not have a second attorney, skip to Question 23.

19. Name of the attorney

Given names

Family name

20. Contact details of attorney

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

21. Does the attorney 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

22. Is the attorney of a culturally or linguistically diverse background?

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

WHO IS APPLYING?

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

- ☐ I am the missing person's attorney – skip to Question 29
☐ Someone else

Your details

24. Your name

Given names

Family name

25. Address

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

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

For example, partner, child, mother, case manager

I am the person's

27. 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

28. Are you of a culturally or linguistically diverse background?

☐ Yes ☐ No

If yes, state your cultural or linguistic background:

PRIMARY CARER

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

29. Does the missing person you are applying about have a primary carer?

☐ Yes ☐ No, skip to Question 35 ☐ Don't know, skip to Question 35

30. Name of the primary carer

Given names Family name

31. Contact details of the primary carer

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

32. 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

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

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

34. What is the primary carer's relationship to the missing person?

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

I am the person's

SPOUSE OR PARTNER

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

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

36. Name of spouse or partner

Given names Family name

37. Contact details of spouse or partner

Street address

Suburb State Postcode

Phone number

Email

38. 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

39. 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 missing person are aware of this application. Examples of someone with an interest include the person's relatives or close friends.

40. 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 56 ☐ Don't know, skip to Question 56

Details of person with a direct interest – Person 1

41. Name of relative or interested person

Given names Family name

42. Contact details of relative or interested person

Street address

Suburb State Postcode

Phone number

Email

43. 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

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

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

45. 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 56.

46. Name of relative or interested person

Given names

Family name

47. Contact details of relative or interested person

Street address

Suburb

State

Postcode

Phone number

Email

48. 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

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

☐ Yes

☐ No

☐ Don't know

If yes, state their cultural or linguistic background:

50. 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 56.

51. Name of relative or interested person

Given names

Family name

52. Contact details of relative or interested person

Street address

Suburb

State

Postcode

Phone number

Email

53. 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

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

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

55. 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.

WHAT ARE YOU APPLYING FOR?

56. What do you want to apply for?

- ☐ Appoint a new administrator for a missing person
☐ Renew the appointment of an administrator for a missing person, skip to Question 67

57. Do you want to nominate or want VCAT to nominate someone to make these financial decisions?

☐ I want to nominate someone ☐ I want VCAT to nominate someone, skip to Question 62

58. Details of the person you want to nominate to make financial decisions:

Given names

Family name

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

59. What is their relationship to the missing person?

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

60. 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

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

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

62. Do you want to nominate a second person who can also make financial and property decisions?

☐ Yes ☐ No, skip to Question 67

63. Details of the second person you want to nominate to also make financial and property decisions:

Given names Family name

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

64. What is their relationship to the missing person?

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

65. 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

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

☐ Yes ☐ No ☐ Don't know

If yes, state their cultural or linguistic background:

If you want to nominate more than two administrators, include an attachment with the details of your nominees.

REASONS FOR MAKING AN APPLICATION

67. State your reasons for making this application

67. State your reasons for making this application (continued)

ATTENDANCE AT THE HEARING

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

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.

68. 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 leave a copy of my completed application and supporting documents at the last known address of the missing person
- ☐ I will provide a copy of my completed application and supporting documents to all of the following:
 - their attorney (if applicable)
 - their primary carer (if applicable)
 - their current administrator and/or guardian (if applicable)
 - all relatives and parties with a direct interest
 - any person I am proposing as an administrator
- ☐ 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 YOU NEED TO PROVIDE

You need to provide enough information and documents to support the claims you make in your application.

This includes:

- ☐ Copy of a police report
- ☐ Evidence that the person usually lives in Victoria
- ☐ Evidence that there is a need to make a decision about finances or property while the person is missing
- ☐ Any other documentation that supports your application

SUBMITTING THIS APPLICATION

Submit your application 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 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

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

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 missing person (send a copy to their last known address)
- the person you nominated as the administrator
- any existing administrator or 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 missing person (if any)
- the primary carer of the missing person (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').