

APPOINTMENT OF A SUPPORTIVE ADMINISTRATOR AND/OR SUPPORTIVE GUARDIAN

WHAT VCAT CAN DO

The Victorian Civil and Administrative Tribunal (VCAT) may appoint a supportive administrator or supportive guardian for an adult with disability that does not affect their decision-making capacity.

A supportive administrator or supportive guardian supports a person with making decisions; for example, by collecting information, communicating and giving effect to the decisions the person makes.

TERMS USED IN THIS FORM

A **supportive administrator** supports a person with disability to make their own decisions about their financial and property affairs.

A **supportive guardian** helps a person with disability to make their own decisions about their lifestyle, including health care, employment and living arrangements.

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.

WHAT CAN I APPLY FOR USING THIS FORM?

Use this form if you want VCAT to appoint a supportive administrator or supportive guardian for someone over 18 years old with decision-making capacity.

If the person does not have decision-making capacity and they need support, VCAT can alternatively appoint a guardian or administrator who can make decisions on their behalf about their lifestyle or finances. To apply for a guardian or administrator, you must use a different application form. For more information, see www.vcat.vic.gov.au/guardianship

PERSON YOU ARE APPLYING ABOUT

1. Who are you applying about?

This is the person with disability who needs a supportive guardian and/or supportive administrator.

Given name 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)

6. Has a previous application about this person been made to the Guardianship List?

- Yes No

VCAT reference number (if known)

WHO IS APPLYING?

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

- I am the person listed in Question 1 – skip to Question 13
 Someone else

Your details

8. Your name

Given names

Family name

9. Address

Organisation (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

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

For example, partner, child, mother, case manager

I am the person's

11. 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

12. 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.

13. Does the person you are applying about 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 number and 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 person you are applying about?

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

I am the person's

SPOUSE OR PARTNER

19. Does the person you are applying about 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 number and name

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 person you are applying about are aware of this application. Examples of someone with an interest include the person's relatives, close friends, their attorney appointed under an enduring power of 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 person you are applying about?

- 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 number and name

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 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 40.

30. Name of relative or interested person

Given names

Family name

31. Contact details of relative or interested person

Street number and name

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 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 40.

35. Name of relative or interested person

Given names

Family name

36. Contact details of relative or interested person

Street number and name

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 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.

DO YOU WANT A SUPPORTIVE ADMINISTRATOR APPOINTED?

40. Do you want someone to support the person you are applying about with making financial and property decisions?

Yes No, skip to Question 50 Don't know, skip to Question 50

41. Provide details of the person you want to nominate as a supportive administrator:

Given names Family name

Organisation (if applicable)

Street number and address

Suburb State Postcode

Phone number

Email

42. 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

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. Do you want to nominate a second person to act as a supportive administrator?

Yes No, skip to Question 50

46. Provide details of the second person you want to nominate as a supportive administrator:

Given names Family name

Organisation (if applicable)

Street number and address

Suburb State Postcode

Phone number

Email

47. 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

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:

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

DO YOU WANT A SUPPORTIVE GUARDIAN APPOINTED?

50. Do you want someone to support the person you are applying about with making lifestyle decisions?

- Yes No, skip to Question 58 Don't know, skip to Question 58

51. Provide details of the person you want to nominate as a supportive guardian:

Given names Family name

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

52. 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

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. Do you want to nominate a second person to act as a supportive guardian?

- Yes No, skip to Question 58

56. Provide details of the second person you want to nominate as a supportive guardian:

Given names Family name

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

57. 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 you want to nominate more than two supportive guardians, include an attachment with the details of your nominees.

REASONS FOR MAKING AN APPLICATION

58. Briefly state your reasons for making this application

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.

59. 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:

60. 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 details 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 supportive administrator and/or supportive guardian (if applicable)
- all relatives and parties with a direct interest
- any person I am proposing as a supportive administrator and/or supportive 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:

SUBMITTING THIS APPLICATION

Submit your application to us by email, 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 email, phone 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 person you are applying about
- the person you nominated as the supportive guardian or supportive administrator
- 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').