

APPLICATION FOR COMPENSATION

ABOUT VCAT

The Victorian Civil and Administrative Tribunal (VCAT) can appoint an administrator or guardian for an adult with a disability that affects their decision-making capacity.

We also make orders to appoint an administrator to help manage the finances and property of a missing person.

If a guardian or administrator causes a loss by not following the law set out in the *Guardianship and Administration Act 2019*, apply using this form so VCAT can determine whether the person they represented should be compensated.

If the person they represented has died, VCAT may order the guardian or administrator to compensate the person's estate instead. Likewise, if the administrator or guardian has died, VCAT may order compensation from their estate.

WHO CAN APPLY?

You can apply if you are one of the following:

- the represented person or formerly represented person
- a former missing person appointed with an administrator during your absence
- their personal representative
- an executor or administrator of the estate of a represented person or missing person who has died
- the Public Advocate
- the nearest relative of the represented person or missing person
- any other person VCAT determines to have a special interest in the affairs of the represented person, formerly represented person or former missing person.

VCAT will determine if you are a person with a special interest after submitting your application.

TERMS USED IN THIS FORM

We refer to the 'represented 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 them make decisions.

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

PERSON YOU ARE APPLYING ABOUT

1. Who is the represented person or missing person you are applying about?

This can also be about a former represented person or former missing person.

Given names

Family name

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

Yes No

VCAT reference number (if known)

3. Contact details of the represented person or missing person:

Street address

Suburb State Postcode

Phone number

Email

4. Does this person identify 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

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

Yes No

If yes, state the cultural or linguistic background:

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

APPLICANT DETAILS

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

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 or missing person?

For example, an executor or administrator of the estate, relative, personal representative, Public Advocate or a person deemed to have a special interest by the Supreme Court or VCAT.

I am the person's

11. Has the represented person or missing person died?

Yes No, skip to Question 13

12. When did the represented person or missing person die (DD/MM/YYYY)?

IS SOMEONE REPRESENTING YOU?

13. Are you represented by a lawyer or professional advocate?

Yes No, skip to Question 15

14. Contact details

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

WHO IS RESPONSIBLE FOR THE LOSS?

Provide details of the guardian or administrator who you say is responsible for the loss suffered by the represented person or missing person.

15. Name of person who may have caused the loss

Given names Family name

16. What is their relationship to the represented person or missing person?

Administrator Guardian

17. Contact details

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

18. Does this person identify 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

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

Yes No Don't know

If yes, state their 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.

20. Does the represented person or missing person have a primary carer?

Yes No, skip to Question 25 Don't know, skip to Question 25

21. Name of the primary carer

Given names Family name

22. Contact details of the primary carer

Organisation (if applicable)

Street address

Suburb State Postcode

Phone number

Email

23. Does the primary carer identify 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

SPOUSE OR PARTNER

25. Does the represented person or missing person have a spouse or partner?

Yes No, skip to Question 30 Don't know, skip to Question 30

26. Name of spouse or partner

Given names Family name

27. Contact details of spouse or partner

Street address

Suburb State Postcode

Phone number

Email

28. Does this person identify 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

29. 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 missing person are aware of this application. Examples of someone with an interest include the person's relatives, close friends, their attorney, supportive attorney, another guardian or another administrator.

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

- Yes No, skip to Question 46 Don't know, skip to Question 46

Details of person with a direct interest – Person 1

31. Name of relative or interested person

Given names Family name

32. Contact details of relative or interested person

Street address

Suburb State Postcode

Phone number

Email

33. Does this person identify 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

35. What is their relationship to the represented 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 46.

36. Name of relative or interested person

Given names Family name

37. Contact details of relative or interested person

Street address

Suburb State Postcode

Phone number

Email

38. Does this person identify 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:

40. What is their relationship to the represented 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 46.

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 identify 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 represented 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

46. How much in compensation do you say the represented person or missing person should be paid?

\$

47. Briefly explain the loss and how you say the guardian or administrator caused this by breaching the law set out in the *Guardianship and Administration Act 2019*:

You will need to attach documents that support your claims.

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.

48. Will the represented person or supported person 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:

49. 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 (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.

- Copy of documents supporting your claims about the acts of the administrator or guardian
- 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

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, post or in person.

By email

Email humanrights@vcat.vic.gov.au

By post

Send to:

The Registrar
VCAT Guardianship List
GPO Box 13193 Law Courts VIC 8010

In person

Victorian Civil and Administrative Tribunal
Ground Floor, 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 1300 018 228 Monday - Friday 9am - 4.30pm

In person

We are open Monday - Friday 9am - 4.30pm

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 or missing person
- any existing administrator or supportive administrator
- any existing guardian 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').