

APPLICATION FOR ORDER APPOINTMENT OF AN ADMINISTRATOR AND/OR GUARDIAN

WHAT VCAT CAN DO

We can appoint a guardian and/or administrator

The Victorian Civil and Administrative Tribunal (VCAT) can make orders protecting people aged 18 years or over who have a disability that affects their decision-making capacity.

The cause of the disability may be a neurological impairment, intellectual impairment, mental disorder, brain injury, physical disability or dementia.

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.

If necessary, VCAT may appoint a **guardian** for people unable to make reasoned decisions about their lifestyle, including health care, employment and living arrangements. VCAT may appoint an **administrator** for people unable to make reasoned decisions about their financial and property affairs.

YOU NEED TO PROVIDE A MEDICAL REPORT

As the applicant, you are responsible for providing VCAT with a copy of a recent and relevant medical report for the person to be represented by a guardian and/or administrator.

We need a medical report to help establish the disability, inability to make reasoned decisions and need for a guardian and/or administrator for the person you are seeking an order for. 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.

PERSON YOU ARE APPLYING ABOUT

1. Who are you applying about?

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

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)

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

Yes No

VCAT File Number (if known)

G

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, son, 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:

DETAILS OF THE DISABILITY

13. What is the nature of the person's disability?

- Neurological impairment Mental disorder Physical disability
 Intellectual impairment Brain injury Dementia

EVIDENCE OF THE DISABILITY

You are responsible for providing VCAT with a copy of a recent and relevant medical report that establishes the disability and/or decision making capacity of the person you are seeking an order about.

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

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

14. Indicate which of the following statements is true:

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

15. Name of the medical practitioner providing the report

Title Given names Family name

Name of practice, hospital or clinic

Street number and name

Suburb State Postcode

Phone number

PRIMARY CARER

Primary carer means any person who is in a care relationship with the person the application is about and has the main responsibility for the person's care.

A person is in a care relationship if they provide another person care because they have a disability; or is older; has a mental illness; or has an ongoing medical condition.

A primary carer cannot be a professional organisation or employee of such an organisation.

- Yes No, skip to Question 22 Don't know, skip to Question 22

17. Name of the primary carer

Given names Family name

18. Contact details of the primary carer

Organisation (if applicable)

Street number and address

Suburb State Postcode

Phone number

Email

19. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

21. 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

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

Yes No, skip to Question 27 Don't know, skip to Question 27

23. Name of spouse or partner

Given names Family name

24. Contact details of spouse or partner

Street number and name

Suburb State Postcode

Phone number

Email

25. 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

26. 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.

27. 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 43 Don't know, skip to Question 43

Details of person with a direct interest – Person 1

28. Name of relative or interested person

Given names Family name

29. Contact details of relative or interested person

Street number and name

Suburb State Postcode

Phone number

Email

30. 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

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

- Yes No Don't know

If yes, state their cultural or linguistic background:

32. 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 43.

33. Name of relative or interested person

Given names Family name

34. Contact details of relative or interested person

Street number and name

Suburb State Postcode

Phone number

Email

35. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

37. 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 43.

38. Name of relative or interested person

Given names Family name

39. Contact details of relative or interested person

Street number and name

Suburb State Postcode

Phone number

Email

40. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

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

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

DO YOU WANT AN ADMINISTRATOR APPOINTED?

43. Do you want someone to make financial and property decisions on behalf of the person you are applying about?

- Yes No, skip to Question 55 Don't know, skip to Question 55

44. Is the person you are applying about living interstate? If so, are you applying to make decisions about property they own in Victoria?

- Yes No

45. 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 50

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

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:

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

- Yes No, skip to Question 55

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

Given names Family name

Organisation (if applicable)

Street number and 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:

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

DO YOU WANT A GUARDIAN APPOINTED?

55. Do you want someone to make lifestyle decisions on behalf of the person you are applying about?

Yes No, skip to Question 64 Don't know, skip to Question 64

56. Do you want to nominate or want VCAT to nominate someone to make these lifestyle decisions?

I want to nominate someone I want VCAT to nominate someone, skip to Question 61

57. Details of the person you want to nominate to make lifestyle decisions:

Given names Family name

Organisation (if applicable)

Street number and address

Suburb State Postcode

Phone number

Email

58. 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

59. 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

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

Yes No Don't know

If yes, state their cultural or linguistic background:

61. Do you want to nominate a second person who can also make lifestyle decisions?

Yes No, skip to Question 64

62. Details of the second person you want to nominate to also make lifestyle decisions:

Given names

Family name

Organisation (if applicable)

Street number and address

Suburb

State

Postcode

Phone number

Email

63. 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 guardians, include an attachment with the details of your nominees.

REASONS FOR MAKING AN APPLICATION

64. 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.

65. 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:

66. 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 telephone 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 persons 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:

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

Visit us Monday - Friday 9am - 4.30pm.

55 King Street
Melbourne VIC 3000

NEED HELP WITH YOUR APPLICATION?

If you have any questions or need help, contact us.

By email

Email humanrights@vcat.vic.gov.au

By phone

Call 1300 018 228 Monday - Friday 9am - 4.30pm

In person

Visit us Monday - Friday 9am - 4.30pm

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 guardian or 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 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').