

Review of Administration and Guardianship Orders



Can an administration or guardianship order be reviewed?

Yes. An adult under an administration or guardianship order can apply to the Queensland Civil and Administrative Tribunal (**QCAT**) for review of the order in certain circumstances. An interested person for the adult under the order, such as a family member, can also apply for review.

When can you apply to review an administration or guardianship order?

A person may apply to QCAT for a review of an administration or guardianship order outside the review period listed in the order, in a number of circumstances, including when:

- new and relevant information becomes available since the last QCAT hearing;
- there has been a relevant change in circumstance since the last QCAT hearing;
- relevant information that was not presented to QCAT at the last hearing has now become available;
- the current administrator or guardian is no longer competent; or
- another person is more appropriate to be appointed as administrator or guardian.

What steps do you need to take to have an administration or guardianship order reviewed?

1. You will need to complete a **Form 10 'Application for administration/guardianship appointment or review'** which is available from QCAT's website on qcat.qld.gov.au. You can also request a copy of this form from QCAT by phoning 1300 753 228 or by emailing enquiries@qcat.qld.gov.au.
2. Gather all relevant supporting documentation, which will assist your application. This can include **doctor's reports** outlining your ability to make decisions (this can be done in QCAT's '**Health Professional Report**', which can be accessed on QCAT's website) and/or statements from supports (such as family, close friends or an advocate who will support you to make decisions).
3. If there is someone who you would prefer as your administrator or guardian if QCAT orders the appointment, such as a family member or close friend, and they are willing to perform this role, they should also complete and sign pages 13 and/or 16 of the Form 10 Application for Review. A paid carer cannot be appointed.
4. Lodge the application with all supporting documentation to QCAT either in person, by post or by email to the addresses outlined on page 21 of the form. Make sure to keep a completed and signed copy for your own records.

Note: There is no fee payable when lodging the application.

What to expect once you have lodged your application

QCAT will notify you of the time and date of the hearing, which you will be required to attend along with your supporters. The administrator or guardian will also be informed of your application and may make submissions to QCAT outlining why they should remain as the administrator or guardian. You are entitled to obtain a copy of any documents related to your hearing from QCAT.

What will QCAT consider when reviewing an administration or guardianship order?

The main matter QCAT will consider when reviewing an application will be whether you have the '**capacity**' to make decisions regarding your own financial and legal or personal affairs. Please see the Capacity Factsheet for more information. QCAT will also consider whether there is a need for a decision to be made (for example, a decision about your accommodation) and whether there is any risk your needs will not be adequately met, or your interests adequately protected, if the order is revoked (stopped).

What happens if the adult is found to have capacity?

If QCAT finds that the adult **does** have capacity to make decisions regarding their financial affairs, then the administration order will be revoked and the administrator will be removed.

If QCAT finds that the adult **does** have capacity to make decisions regarding their personal affairs, then the guardianship order will be removed.

What happens if the adult is found to have impaired capacity?

An administration or guardianship order may be made, and an administrator or guardian may be appointed, if QCAT finds that:

- the adult **does not** have decision making capacity; and
- there is a need for a particular decision to be made; and
- there is a risk the adult's needs will not be adequately met, or interests not adequately protected, without a substitute decision-maker.

Any existing order may also remain in place. However, QCAT can decide to remove the administrator or guardian and appoint someone else in their place if that person is more appropriate.

If QCAT finds that the adult **does not** have capacity, they may still stop the administration or guardianship order if they decide the order is no longer needed. QCAT will look at any informal support which the adult has when deciding whether an order is necessary.