



# Review of Administration & Guardianship Orders

This fact sheet is for people who have someone appointed to make financial, legal or personal decisions for them and want to review the order to either change or remove their administrator or guardian.

## Can an Administration or Guardianship Order be reviewed?

Yes. If you are under an Administration or Guardianship Order you can apply to the Queensland Civil and Administrative Tribunal (QCAT) for review of the order in certain situations. An 'interested person', such as a family member, can also apply for review.

## When can you apply for a review?

You may apply to QCAT for a review of an Administration or Guardianship Order at any time. You might consider applying for a review 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.
- the current administrator or guardian is no longer competent.
- another person is more appropriate to be appointed as administrator or guardian.

## What steps do you need to take to review an order?

**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](http://qcat.qld.gov.au). You can also request a copy of this form from QCAT by phoning [1300 753 228](tel:1300753228) or by emailing [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au).

**2** Gather all relevant supporting documentation, which will assist your application. This can include doctor's reports that outline your ability to make decisions (this can be done in QCAT's '[Health Professional Report](#)', which you can find on [QCAT's website](#)) and/or statements from support people (such as family, close friends or an advocate who will support you to make decisions).

**3** If there is someone else who you would prefer as your administrator or guardian if QCAT continues the order, 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 to lodge a review application.



## What to expect after you lodge your application

QCAT will notify you of the time and date of the hearing, which you must attend. You can also bring your supporters with you. The administrator or guardian will also be informed of your application and may make submissions to QCAT that outline why they should stay on as your administrator or guardian. You are entitled to a copy of any documents related to your hearing from QCAT.

## What will QCAT consider when they review the order?

The main matter QCAT will consider when reviewing an application will be whether you have the **capacity** to make your own financial, legal or personal decisions.

See our 'Capacity' fact sheet for more information.

QCAT will also consider if there is a decision that needs to be made (for example, a decision about where you live) and if there is any risk your needs will not be met, or your interests not protected, if the order is revoked (stopped).

## What happens if QCAT says you do have capacity?

If QCAT finds that you **do have capacity** to make your own financial decisions, then the Administration Order will be revoked and the administrator will be removed.

If QCAT finds that you **do have capacity** to make your own legal or personal decisions, then the Guardianship Order will be revoked and the guardian will be removed.



## What happens if QCAT says you have impaired capacity?

An Administration or Guardianship Order may be made or continued, 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 your needs will not be met or your interests not protected to an adequate level without someone else to make decisions for you.



If your current order is continued, QCAT can still decide to remove the current administrator or guardian and appoint someone else in their place if that person is more appropriate.

If QCAT finds that you **do not have capacity**, they may still stop the Administration or Guardianship Order if they decide it is no longer needed. QCAT will look at any informal support you have when they decide if an order is needed or not.

## We are here to help

If you would like more information or legal advice about financial administration or guardianship, please contact us.

 [1300 130 582](tel:1300130582)

 [qai@qai.org.au](mailto:qai@qai.org.au)

 [qai.org.au](http://qai.org.au)



This fact sheet has been written by Queensland Advocacy for Inclusion (QAI), an independent, community-based systems and advocacy organisation for people with disability in Queensland. This publication is for general information only. It must not be relied on as legal advice. You must seek legal advice about your own particular circumstances.