



Questions & Answers

Guardianship Administration Tribunal Hearings

QADA can offer professional advice, support and representation to assist adults with guardianship and administration matters, to reduce the uncertainty and complexities of these processes.

Q. Why do I have a Hearing at the Tribunal?

A. A Hearing may be held if an application has been made to the Tribunal. The application is about whether or not you require support with decision-making.

An application must show that there is no other way your interests can be protected.

Most people who require decision making support can be assisted by family and others and there is no need to go to the Tribunal.

Q. Who is at a Tribunal Hearing?

A. Anyone with a genuine interest in your welfare, has a right to attend a Hearing.

Usually, Hearings will be held around a table. The Tribunal members (1 to 3 members) will sit on one side. You, those supporting you, and any other interested parties will sit on the other side.

The Tribunal is informal, the members are called by their first name. Tribunal members are experienced professionals in different areas – medical, legal and community – they will understand the issues very well.

Often someone from the Public Trustee's Office, and/or the Office of the Adult Guardian will attend the Hearing, either in person or by telephone.

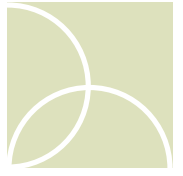
Q. What will they be talking about?

A. The Tribunal will discuss three main questions when looking at the application:

1. Do you have difficulty with decision making?
(This could be due to intellectual or mental health issues, acquired brain injury, a temporary illness such as delirium, or an inability to express your views in any way).
2. Is there a specific decision to be made, or a risk to your health, welfare and/or property?
3. Can your interests be protected or your needs met without the Tribunal making a formal order?

Supporting you to be heard

Queensland Aged & Disability
advocacy Inc.



LEGAL SERVICES



Q. What happens at the Hearing?

A. Everyone attending the Hearing and wishing to put forward their views will be given an opportunity to speak.

You can give the Tribunal a written opinion before the Hearing if you wish.

The Tribunal will also read all relevant documents from you and any interested parties.

After the Hearing the Tribunal members will have a private discussion before reaching their decision. They will then let everyone know about the decision they have made.

The Tribunal can only make an Order if it is satisfied the person does not have decision-making capacity.

A written copy of the decision will usually be sent to everyone who attended the Hearing.

Q. What decisions can the Tribunal make?

A. Usually the Tribunal will decide whether to:

1. Appoint an Administrator to make decisions about your financial and/or legal affairs;
2. Appoint a Guardian to make decisions about health, accommodation or personal and lifestyle matters.

The Tribunal often makes a Guardianship Order and an Administration Order at the same Hearing.

Q. Who can support me at the Hearing?

A. You have the right to tell the Tribunal what you think about the application. You can do this at the Hearing, or you may prefer for someone you trust to speak on your behalf.

You have the right to ask any person you wish to come to the Hearing.

You can also go to the Tribunal Registry Office and look at the application. This is useful as you can see why the application is being made. To do this, just call the Tribunal and request a time to look at the application.

Queensland Aged and Disability Advocacy Inc. (QADA) can assist you at all stages of the Tribunal process. We provide a professional, confidential, independent, free service directed by you.

Our advocacy services stand by you to make sure you are heard and that your rights and interests are protected.

For further information

If you would like further information or assistance with your EPA please contact QADA:

Phone: **3637 6000** or **1800 818 338**

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