



Reviewing your decision-maker if things change

You can change a guardianship, financial management or administration order if your circumstances change. The process varies from state to state.

- » Asking for a review
- » Who can apply for your review
- » Before you apply
- » What the tribunal might do
- » More information

"All states and territories have a process for reviewing tribunal-made guardianship, financial management or administration orders."

Top 3 messages about reviewing your decision-maker:

1. You can seek a review of a guardianship, financial management, or administration order if your circumstances or those of your appointed decision-maker have changed significantly.
2. All Australian states and territories have a process for reviewing these tribunal-made orders, though the specific rules and who can apply may vary.
3. After hearing a review application, the tribunal has three main options: they can change (vary) the order, cancel (revoke) it, or leave the order as it is.

If you need help to make decisions about your health care, property, finances and other personal matters, a tribunal may make guardianship, financial management and administration orders appointing someone to help you.

If your circumstances change, you may want to alter an order that a tribunal made for you. (Most states and territories call this "reviewing" an order, so we'll use the word "review" in this article.) It's possible to do this if you have evidence of your changed circumstances.

The main reasons you might want to review a tribunal-made guardianship, financial management or administration order are that:

- **your circumstances have changed**—for example, your health may have significantly improved, and you're now able to make your own decisions
- **your appointed decision-maker's circumstances have changed**—for example, new health or other issues make it impractical for them to help you with decision-making.

Some states or territories require orders to be reviewed after a certain time, such as after 3 years. This article does not talk about these compulsory or automatic reviews, but about how you or someone else can ask for a review.



Asking for a review

All states and territories have a process for reviewing tribunal-made guardianship, financial management or administration orders. The process, and the rules about who can apply for a review, may vary from state to state, but they all allow you to seek a review if you have evidence that your circumstances have changed. Other people who can ask for a review might be a relative, the public trustee or public guardian.

Keep in mind that most tribunals receive thousands of applications every year, and it can take a long time for your case to be heard. Your review application might not be successful—the tribunal might decide not to change the order, or they might change it but not in the way you want. Think about whether there is another way to resolve the issue you're having. Could you try negotiating with your decision-maker directly or engaging a mediator?



Who can apply for your review

The following information points you to the relevant legislation and lists who may be able to seek a review of an existing tribunal-made order. (For appointments made by the person instead of a tribunal, other processes and legislation apply.)

ACT

Relevant Legislation

Guardianship and Management of Property Act 1991 (ACT) section 19

Who can apply?

- you
- the tribunal
- anyone with an interest in you

New South Wales

Relevant Legislation

Guardians

Guardianship Act 1987 (NSW) section 25 and section 25B

Who can apply?

- you
- the tribunal
- your guardians
- public guardian
- anyone who has a genuine concern for your welfare

and

Guardianship Act 1987 (NSW) section 25N and section 25R

Who can apply?

- you
- NSW Trustee
- your financial manager
- anyone who has a genuine concern for your welfare

Northern Territory

Relevant Legislation

Guardianship of Adults Act 2016 (NT) division 7

Who can apply?

- you
- the tribunal
- your relative
- your guardian
- public guardian
- public trustee
- your agent
- person who is primarily responsible for your support or care
- any other person with an interest in protecting your best interests

Queensland

Relevant Legislation

Guardianship and Administration Act 2000 (Qld) section 31 and section 29

Who can apply?

- you
- the tribunal
- interested person
- public trustee
- trustee company
- anyone who has a concern for your rights and interests

South Australia

Relevant Legislation

Guardianship and Administration Act 1993 (SA) section 30 and section 33

Who can apply?

- you
- public advocate
- guardian or substitute decision-maker
- “person responsible”
- relative
- friend
- a person who oversees your supervision, care and wellbeing

Tasmania

Relevant legislation

Guardianship and Administration Act 1995 (Tas) section 67

Who can apply?

- you or someone on your behalf
- the tribunal
- guardian or administrator
- “interested person”

Victoria

Relevant legislation

Guardianship and Administration Act 2019 (Vic) section 159

Who can apply?

- you
- the tribunal
- any other person

Western Australia

Relevant legislation

Guardianship and Administration Act 1990 (WA) section 86 and section 87

Who can apply?

- you
- public guardian
- public trustee
- guardian
- administrator
- any other person with permission



Before you apply

Applications to tribunals are legal processes, so check the website of your state or territory's tribunal for their factsheets and forms—see 'More information' at the end of the article. You can also speak to your local community legal centre or your lawyer for guidance and advice. Remember that costs will apply to a review.

Think about what evidence you might need, such as medical reports or letters from service providers. Also think about things the tribunal might ask:

- Do you still need a decision-maker? If you do, what decisions will they need to make?
- Who is the best person to make decisions for you, and why?
- Will they support your independence and involve you in decisions?
- Are they suited to managing financial decisions, and why?
- Are cultural factors relevant to changing a decision-maker?

What the tribunal might do

After hearing your review application, the tribunal may change (or “vary”) the order, cancel (or “revoke”) it or leave the order as it is.

If the tribunal varies the order, they might amend the types of decisions your decision-maker can make for you, according to the changed circumstances. For example, if your accommodation needs are now settled, they might reduce the decisions your guardian can make to “services” only or expand your financial manager’s authority to cover your property and assets now that you have some.



More information

For details on applying for a review, visit your state or territory tribunal's website or talk to a community legal centre or your lawyer.

ACT

ACT Civil and Administrative Tribunal (ACAT) website

ACAT: Reviews and appeals

New South Wales

NSW Civil and Administrative Tribunal (NCAT) website

NCAT: Review of guardianship orders

NCAT: Review of financial management orders

Northern Territory

Northern Territory Civil and Administrative Tribunal (NTCAT) website

NTCAT application forms

Queensland

Queensland Civil and Administrative Tribunal (QCAT) website

QCAT: Make an application (click on "A guardian and/or administrator", then "Review of an appointment of a guardian or administrator or both: Form 10")

South Australia

South Australian Civil and Administrative Tribunal (SACAT) website

SACAT: Reviewing, cancelling or changing guardianship orders

Tasmania

Tasmanian Civil and Administrative Tribunal (TASCAT) website

TASCAT: What if the circumstances have changed after an order has been made?

TASCAT: When do we review your guardianship order? (page 12 of What is a guardianship order? Booklet)

Victoria

Victorian Civil and Administrative Tribunal (VCAT) website

VCAT: When something's not working

Western Australia

State Administrative Tribunal (SAT) website

SAT: Review of guardianship or administration order

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