



SAT

State
Administrative
Tribunal

Western Australia

PRACTICE NOTE 9

Proceedings under the *Guardianship and Administration Act 1990*

What is this document?

Procedures for applications under the *Guardianship and Administration Act 1990* are generally informal and aim to make the process as accessible as possible to the parties.

This document gives information about how to make an application and how it will be dealt with by the Tribunal. It is a practice note issued by the Rules Committee of the Tribunal under section 33 of the *State Administrative Tribunal Act 2004*.

If you need help understanding this document please contact the Tribunal on (08) 9219 3111 or 1300 306 017 or email info@sat.justice.gov.wa.au.

Making an Application

How do I apply?

Applications may be made:

- in writing;
- orally (where the matter is urgent); or
- partly in writing and partly orally.

Application forms can be obtained from the Tribunal's website at www.sat.justice.wa.gov.au. You can also telephone the Tribunal or email info@sat.justice.gov.wa.au and ask the Tribunal to send an application form to you.

What information do I need to include?

So that your application can be processed as quickly as possible:

- answer all relevant questions on the application form;
- give as much information as possible;
- attach any documents you think relevant including medical and other reports; and
- sign the application form.

What Happens after an Application is Filed?

The Tribunal will arrange a hearing for the applicant and others to attend so that it can obtain all the relevant information for a decision to be made.

In some cases the Tribunal may make a decision on the documents provided to the Tribunal without the need for a hearing. You will be advised if this is to happen.

Tribunal staff may contact you for further information about your application and may contact doctors and others for a report.

Sometimes the Tribunal will ask the Public Advocate to investigate the application and report to the Tribunal. If this happens, the Public Advocate will contact you to discuss your application. The Office of the Public Advocate is a government agency that is independent of the Tribunal.

How do I know what Information the Tribunal has?

The *Guardianship and Administration Act 1990* gives parties certain rights to inspect, or otherwise have access to, documents on the Tribunal's file, unless the Tribunal orders otherwise.

To request access to documents, contact the Tribunal's support staff on 9219 3111.

The Hearing

When will the hearing be?

The hearing will usually be 6 to 8 weeks after the application is received. Urgent hearings can be held sooner.

How will I know when the hearing will be?

The Tribunal will send a notice telling you the date and time of the hearing. It will also send a notice to the person whom the application concerns and other interested persons.

Ordinarily, parties must be given 14 days notice of the hearing. In exceptional circumstances, this period may be shortened.

Who will be at the hearing?

It is your responsibility to attend the hearing and arrange for the person whom the application concerns to attend as well.

If the person whom the application concerns would be distressed by attending a hearing, or can make no meaningful contribution, you must advise the Tribunal.

Other persons whom the Tribunal has notified of the hearing may also attend. Occasionally the Tribunal will ask a doctor, social worker or other professional person to attend, either in person or by telephone or video link.

What should I bring to the hearing?

Bring any documents you think are relevant.

What happens at the hearing?

Most hearings are held before a single Tribunal member. Complex matters may be heard by three members.

The member will discuss the application and will ask those present for information relevant to the decision. The member will advise what written information they have on the file and may give copies of documents, or read out documents, so that parties can comment on them. Hearings are recorded.

How long will the hearing take?

Hearings commonly take about one hour but may be longer in more complex cases or where there are several applications.

Occasionally the hearing may be adjourned if the Tribunal decides it needs more information.

Is the hearing private?

Hearings are open to the public unless the Tribunal orders them closed.

However, no information may be disclosed if it would identify the person whom the application concerns or any other party.

What if someone needs an interpreter or other assistance at the hearing?

Contact the Tribunal's support staff on 9219 3111.

Directions Hearing

In some complex cases the Tribunal may hold a preliminary hearing, before the main hearing, to give directions about when the hearing will be, where it will be, who will attend and what information is to be provided before or at the main hearing.

Mediation

Where there is disagreement between family members or other parties, the Tribunal may decide they should attend mediation.

Mediation is separate from the hearing and is conducted by a trained mediator who is a member of the Tribunal. It aims to assist parties to resolve their differences about what is best for the person whom the application concerns.

The Decision

When will I get the decision?

Decisions and reasons are generally given orally at the end of a hearing.

Sometimes the Tribunal will reserve its decision, in which case it will give written reasons for its decision. If the Tribunal reserves its decision it must give its reasons within 90 days or such longer period as the President allows.

Can I get written reasons?

Any party may ask for written reasons. A request must be made within 28 days after the decision is given. The Tribunal must give written reasons within 90 days of the request or such longer period as the President allows.

[Issued by Rules Committee on 19 August 2008]