

Guardianship and Administration Application for Tribunal's Consent to Performance of Abortion

The attached Notice of Hearing is informing you of a Guardianship and Administration hearing at the State Administrative Tribunal (SAT).

You are receiving this notice of hearing, because:

- you applied for an order for the Tribunal's consent to the performance of an abortion on you or someone else;
- you are the person on which the abortion is proposed to be performed; or
- you are the nearest relative, guardian, Public Advocate, or a person who has a proper interest in the proceeding.

The Notice of Hearing tells you the time, place and date of the hearing. Most hearings take place at the SAT building, which is located at 565 Hay Street, Perth 6000.

What is this about?

If an adult person is unable to make reasonable judgments in respect of whether or not an abortion should be performed on them, the SAT upon hearing an application may, by way of an order, in writing, consent to the performance of the abortion on that person.

A patient who is unable to make reasonable judgments in respect of the performance of an abortion on them cannot give consent to that procedure. A person with a proper interest can apply to the SAT to give consent to the performance of an abortion.

Even if the person on whom the abortion is to be performed has a guardian, the guardian cannot consent to the performance of the abortion. The SAT's consent is required.

Why is there a hearing?

SAT is holding a hearing to assess whether the person on whom the abortion is proposed to be performed is capable of making reasonable judgments in respect of whether the abortion should be performed, and whether the abortion would be in their best interest.

The Tribunal's primary concern is the best interests of that person. SAT will presume the person is capable of making decisions for themselves until there is sufficient evidence to the contrary.

Do I have to attend?

You have received this Notice of Hearing because SAT believes your views may be important in deciding if an order is necessary.

Whether you should attend depends on your role in the hearing.

Applicant

If you are the applicant you must attend and must also arrange for the subject to attend.

If the subject would be distressed by attending the hearing, or cannot make a meaningful contribution, you must advise SAT prior to the hearing.

Person who is the subject of the application

It is important that the person who is the subject of the application attend so the Tribunal can obtain their views on the application.

Family member/interested parties

The subject's nearest relative and other persons who the Tribunal considers have a proper interest should attend to ensure the Tribunal hears their views.

What happens at the hearing?

The SAT Member in control of the hearing will give everyone an opportunity to be heard. Formal written submissions are not required.

During the hearing, the Member will:

- discuss the application and the written information on the Tribunal file,
- ask attendees for information, and
- discuss the issues and information so that parties can comment.

Hearings commonly take about one hour but may be longer in more complex cases. Please note that hearings are recorded to create an official record.

What happens at the end of the hearing?

Depending on what happens during the hearing, there are several potential outcomes.

- A decision will be given at the end of a hearing or will be issued in writing a few days after the hearing.
- If SAT needs more time to consider the decision, they may reserve the decision and issue it at a later date.
- Sometimes SAT will ask the independent Public Advocate to investigate the application and report to the Tribunal. If this happens, the Public Advocate will contact you to discuss the application. This usually happens before the first hearing but can happen at any stage of the application.

You will receive a SAT order with a short description of the application outcome. It will not detail the reasons for the decision. A party can request SAT to provide reasons for the decision.

A request for written reasons must be made within 28 days of the decision. If granted, you will receive reasons written by SAT, or a transcript of the hearing where the decision was made.

Other people can request a review of an order, but SAT must approve the request.

Costs and fees

There are no fees for applying to the Tribunal for an order for consent to perform an abortion.

Parties are required to pay their own costs associated with the hearing. These include the expense of attending the hearing, the costs of any witnesses they call, transcripts of the hearing, and any legal costs they incur. SAT generally does not award costs.

Do I need a lawyer?

If you are the subject of the application, you can represent yourself, or be represented by a lawyer. Most guardianship and administration hearings are conducted without legal representatives.

With SAT's permission, a non-lawyer can represent you. If you are the subject of the application and SAT believes legal representation is necessary, it may apply for Legal Aid representation on your behalf.

Please note that Tribunal staff are not able to offer legal advice.

What do I need to do now?

You can attend the hearing, send relevant information to the Tribunal before the hearing, and you can also bring information to the hearing. If there is anything in particular you are required to bring, SAT will request you to bring it.

It is particularly important that the applicant attempts to organise relevant up-to-date medical evidence. They can provide medical practitioners with the Medical Report or Service Provider Report, located on the Tribunal's website. This gives them a template to use when assessing someone's decision-making capacity.

If you are unable to attend the hearing in person, you can contact SAT and request to attend by telephone.

Accessing SAT

The SAT building is located at 565 Hay Street, Perth, near the City of Perth Town Hall and the City of Perth Library. There are listing display screens on the ground floor which tell you the hearing room number. You can proceed directly to the room where your hearing is taking place. Alternatively, you can make enquiries at the front counter on level 6.

Help and Support

The Tribunal offers a range of support services including disability support, interpreting services, referrals to the Senior Aboriginal Advisory Officer and many more. Please ensure that you let the Tribunal know what kind of diverse support you need as early as possible using the Tribunal's Contact Us Form on our website or by calling the following number and asking to speak to a member of the Tribunal's Specialist Support Team: (08) 9219 3111.

Some examples of the diverse support the Tribunal can assist with:

- Mobility access;
- Hearing and visual aids;
- Interpreter services;
- Referrals to the Senior Aboriginal Support Officer; and
- Other arrangements as required