



**PRESIDENTIAL DIRECTION NO 2 OF 2002**

**Part A - General**

**Definitions**

1. In this Practice Direction, the following definitions apply, unless the context otherwise indicates:
  - (a) "Tribunal" is the Guardianship and Administration Tribunal unless otherwise specified
  - (b) "Registry" is the Registry of the Guardianship and Administration Tribunal
  - (c) "Registrar" is the Registrar of the Guardianship and Administration Tribunal and includes those person authorised by the Registrar.
  - (d) "Party or Parties" means an active party to a hearing.
  - (e) "Enduring documents" are Enduring Powers of Attorneys and Advance Health Directives.

**Part B - Applications**

2. This section sets out the minimum standard documentation required by the Tribunal prior to listing the specified applications for hearing.
3. **Appointment of a Guardian:**
  - (a) Application;
  - (b) Report by medical and related health professional/s other than the applicant, or other documentation describing diagnosis and capacity;
  - (c) Statutory declaration from the proposed appointee/s;
  - (d) Any enduring documents in existence.
4. **Appointment of Administrator:**
  - (a) Application;
  - (b) Report by medical and related health professional/s other than the applicant, or other documentation describing diagnosis and capacity;
  - (c) Statutory declaration from proposed appointee/s;
  - (d) Financial management plan and, if a administrator currently in place, a statement of accounts;
  - (e) Any enduring documents in existence.
5. **Declaration regarding an Enduring Power of Attorney**
  - (a) Application;
  - (b) Report by medical and related health professional/s other than the applicant, or other documentation describing diagnosis and capacity;
  - (c) Investigation report from Office of the Adult Guardian;
  - (d) Any enduring documents in existence.

6. **Approval of unauthorised real estate transaction: REPEALED**
7. **Declaration of capacity.**
  - (a) Application;
  - (b) Report by medical and related health professional/s other than the applicant, or other documentation describing diagnosis and capacity;
  - (c) Any enduring documents in existence.
8. **Recognition of order made under another law.**
  - (a) A certified copy of the original order from the originating court or tribunal;
  - (b) Any other relevant material upon which the originating court or tribunal relied upon in making its decision;
  - (c) Any enduring documents in existence;
9. **Requested review of an appointment made by the Tribunal**
  - (a) A review of an appointment of a guardian and/or an administrator made by the Tribunal will be conducted at the end of the period of the appointment as ordered by the Tribunal except in cases where:
    - (i) New and relevant information has become available since the hearing; or
    - (ii) A relevant change in circumstances has occurred since the hearing; or
    - (iii) Relevant information that was not presented to the Tribunal at the hearing has become available;And, in accordance with s.31 *Guardianship and Administration Act 2000*:
    - (iv) The current appointee is no longer competent; or
    - (v) Another person is more appropriate for appointment.
  - (b) An application for review must be supported by a written report addressing:
    - (i) The new and relevant information which has become available since the hearing; or
    - (ii) The relevant change in circumstances which has occurred since the hearing; or
    - (iii) The information that was not presented to the Tribunal at the hearing; and
    - (iv) The competence and appropriateness of the current appointee; and
    - (v) The competence and appropriateness of any proposed appointee/s; and
    - (vi) A report by any current appointee and, in the case of an administrator, a statement of accounts.
  - (c) The Tribunal or Registrar may dismiss an application for Review which the Tribunal or Registrar determines:
    - (i) Is not sufficiently supported by the written report required in paragraph 9 above; or
    - (ii) Is frivolous or vexatious.

10. **Special Health Matters**

Special Health Matters will be conducted in accordance with:

- (a) Section 6, Guardianship and Administration Regulation 2000, and
- (b) The protocols of the Tribunal.

11. **Clinical Research**

- (a) Application;
- (b) Written approval by an Ethics Committee;
- (c) Research proposal/Protocol describing the Clinical Research;
- (d) Patient Information Sheet;
- (e) Consent form.

**Part C – Complex Matters**

12. This part applies to complex matters only.

13. A complex matter is a matter determined by the Tribunal, President, Deputy President, or Registrar to be a complex matter. For example, a matter may be determined to be a complex matter by reason of conflict between the parties, urgency, sensitivity of information, complexity of affairs pertaining to the adult, or any other special circumstances.

14. Parties will be advised in writing by the Tribunal that a matter has been determined to be a complex matter.

**Provision of written outlines of argument for use by the Tribunal at hearing**

15. Unless otherwise directed by the Tribunal, President, Deputy President, or Registrar, each party to a matter must provide to the Tribunal a concise written outline of argument of the issues and arguments in the matter, including the position of the individual party preparing the statement.

16. The written outline of argument must:

- (a) Briefly explain the relevant arguments upon which the party intends to rely in relation to the matter;
- (b) Be free from exaggeration or misstatement;
- (c) Annex a copy of any cases and legislation referred to in the written statement;
- (d) Include the name of the person who prepared the statement;
- (e) Include the name of the party on whose behalf it was prepared;
- (f) Be lodged in the Tribunal Registry, together with at least four copies of the said outline of argument, no later than 5 business days prior to the hearing of the matter; and
- (g) Be served on all other parties to the matter, including the Adult Guardian and the Public Trustee of Queensland, no later than 5 business days prior to the hearing.

17. The Tribunal may require the written statement to be expanded upon or supplemented by oral and/or further written submissions.

18. Any response to a written statement by another party must be lodged in the Registry and served on all other active parties no later than 3 business days prior to the hearing of a matter.

## **Exchange of information and documents in complex matters**

19. Unless otherwise directed by the Tribunal, President, Deputy President or Registrar, all relevant material upon which a party intends to rely at the hearing of a matter, including any reports and written submissions, must be served upon all other parties to the matter, and on any other person as directed by the Tribunal, President, Deputy President or Registrar.
20. The material referred to in paragraph 19 must be lodged in the Registry and served on all other parties to the matter no later than 5 business days prior to the hearing of the matter.

**Ann Lyons**  
**President**

15 August 2002