



## INTERIM ORDERS FOR GUARDIANSHIP AND/OR ADMINISTRATION

### WHAT IS AN ORDER?

A Tribunal order is a written document advising the outcome of a Tribunal hearing. It could be an order for the appointment of a guardian for all or some personal matters or the appointment of an administrator for specific areas, e.g., managing the adult's investments. Each order is tailored to meet the needs of the adult in the least restrictive way and will state the duration of any appointments made.

### WHAT IS AN INTERIM ORDER?

The Tribunal has the power to grant interim orders as an emergency measure when immediate action is required to protect adults with impaired decision-making capacity from situations of harm or risk. This is a temporary measure for the protection of the adult from abuse, neglect or exploitation.

### ISN'T SUCH A STEP INTRUSIVE OF AN ADULT'S RIGHTS?

Yes, Interim Orders are very intrusive and therefore are only made in limited circumstances.

### WHO CAN MAKE AN APPLICATION?

A person who has a genuine and continuing interest in the adult can make an application for an interim order.

### WHAT IS REQUIRED TO MAKE AN APPLICATION FOR AN INTERIM ORDER?

You must provide:

- evidence by a health professional of the adult's incapacity
- a completed application for guardianship and/or administration
- information setting out:
  - the nature of the serious and immediate risk
  - what other options have been tried
  - the names of the people involved with the adult who have been consulted or if they have not been consulted the reasons why consultation has not occurred or is not appropriate.

### CAN AN INTERIM ORDER BE REQUESTED AT ANY STAGE BEFORE THE APPLICATION IS HEARD?

Yes. If the adult's circumstances change after the application has been lodged and the adult is now at risk, the applicant can lodge a request for an interim order.

### DO I HAVE TO ATTEND THE HEARING?

No. The hearing is conducted on the material provided in the absence of the parties. The *Guardianship and Administration Act 2000* allows the usual requirement of notice to be dispensed with.

### ON WHAT BASIS WILL AN INTERIM ORDER BE DONE?

The Tribunal needs to be satisfied that on reasonable grounds, urgent action is necessary. The risk to the adult must be serious and immediate, for example:

- the adult has been physically injured or harmed or the likelihood of injury or harm is imminent or inevitable
- serious allegations of abuse have been made
- The adult's property is at serious risk.

### HOW LONG DOES AN INTERIM ORDER LAST?

Up to three (3) months and it can be revoked if necessary. It can only be renewed where there are exceptional circumstances.

**WILL AN INTERIM ORDER BE GRANTED IN ALL CIRCUMSTANCES?**

No.

**WHAT IS AN EXAMPLE OF A SITUATION WHICH IS NOT SUITABLE FOR AN INTERIM ORDER?**

There are appropriate people available to act as Statutory Health Attorneys.

**WILL THERE BE A FINAL HEARING?**

Yes. After an Interim Order is made the Tribunal then schedules a full oral hearing.

9th Floor  
259 Queen Street  
GPO Box 1639  
Brisbane Q 4001  
Telephone: (07) 3234 0666  
Telephone - Cost of Local Call: 1300 780 666  
Facsimile: (07) 3221 9156  
Website: [www.gaat.qld.gov.au](http://www.gaat.qld.gov.au)  
ABN: 13 846 673 994