

# Understanding Decision Making in Queensland

*Are you currently having difficulties being heard?  
Do you know who your decision maker is?*

## Decision Making Rights

If you are an adult in Queensland, you are presumed to have the capacity to make your own decisions.

However, sometimes your ability to make some or all decisions may be affected by age-related impairment, intellectual or developmental impairment, mental illness or acquired brain injury.

If this has happened to you, then somebody else may be making your decisions for you. If you had an Enduring Power of Attorney (EPOA), the attorney you nominated may be your decision-maker. If you did not make an EPOA, or your attorney arrangements were not suitable, someone may have applied to the Queensland Civil and Administrative Tribunal (QCAT) to be your decision-maker, and QCAT may have appointed a Guardian and/or an Administrator.

## What is Capacity?

If you have capacity, it means that:

- You understand the nature and effect of decisions about a particular matter
- You can freely and voluntarily make decisions about the matter
- You can communicate the decisions in some way.

A **doctor or health professional**, such as your GP, psychologist, psychiatrist or geriatrician, can help you determine whether or not you have capacity.

A **Health Professional Report** provides information on your capacity and accompanies an application for appointment or review of guardianship.

## How do I make an Application for Appointment/Review of Guardianship?

To make an application, you will need to go to the QCAT website and obtain a number of forms under the 'Decision-making for Adults with impaired capacity' section at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au). You can also contact ADA Law for assistance.



## Forms that you may need:

- Health Professional Report
- Form 10 - Application for Administration/Guardianship Appointment or Review
- Form 12 - Application for Miscellaneous Matters (eg. EPOA)

## If you wish to become your own decision maker you will also need:

- Form 11 - Application for Declaration about Capacity

## How long does it take?

It can take several months from application for QCAT to organise a hearing. They usually send a notice approximately two weeks before the hearing. If you would like more notice, contact QCAT two or three weeks after you have sent in your application, introduce yourself, and ask who your Case Manager is. Exchange contact details with your Case Manager so you can readily communicate with each other.

Freecall: 1800 232 529

e: [info@adalaw.com.au](mailto:info@adalaw.com.au)

[www.adalaw.com.au](http://www.adalaw.com.au)



**ADA Law**  
Community Legal Service

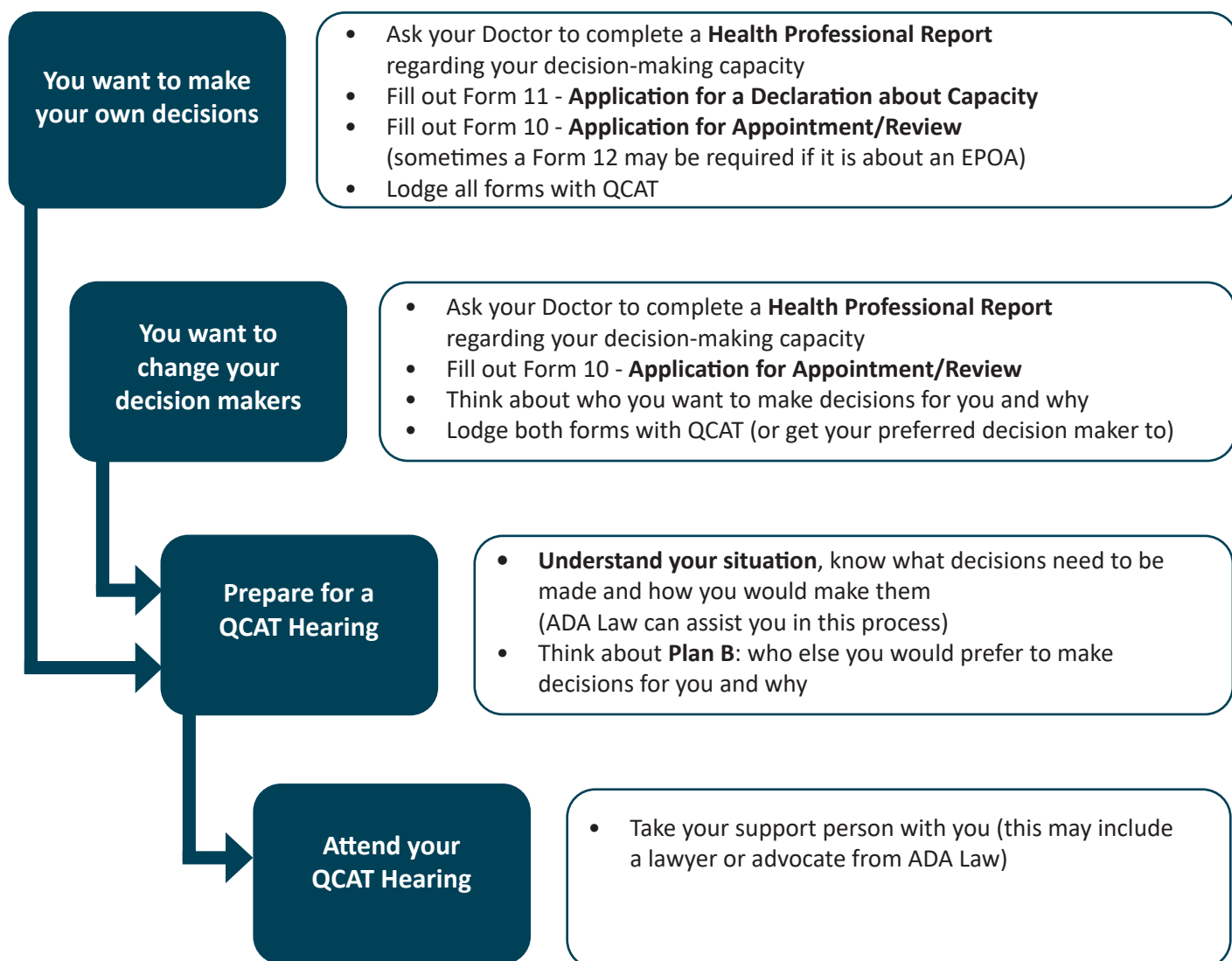


**ADAAustralia**  
Your aged and disability advocates

# Overview of the Guardianship Review Process

You have a **Guardian or Administrator** appointed to make your decisions,  
or an **attorney**, who is not supporting you  
and

You disagree with their decisions, or you want to make your own decisions,  
or you want to change decision makers



Queensland Civil and Administrative Tribunal (QCAT)

[www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

ADA Australia

[www.adaaustralia.com.au](http://www.adaaustralia.com.au)

Office of the Public Guardian

[www.publicguardian.qld.gov.au](http://www.publicguardian.qld.gov.au)

Public Trustee of Queensland

[www.pt.qld.gov.au](http://www.pt.qld.gov.au)



**ADA Law**

Community Legal Service



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Your aged and disability advocates

ADA Law is a registered Queensland Community Legal Centre operating under ADA Australia