

# Is somebody else making decisions about your life for you?

*Do you know who is making these decisions?*

## 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 can you do if you don't like these arrangements?

If you have capacity you may be able to revoke the EPOA. If it is possible that you do not have capacity, you may need to make an application to QCAT to ask them to review your situation.

## 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 a QCAT 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 two to six months from application for QCAT to organise a hearing. QCAT will send a notice approximately two weeks before the hearing. If you would like more information, contact QCAT at least three weeks after your application has been submitted, and ask for your customer reference number and Case Manager contact details.

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



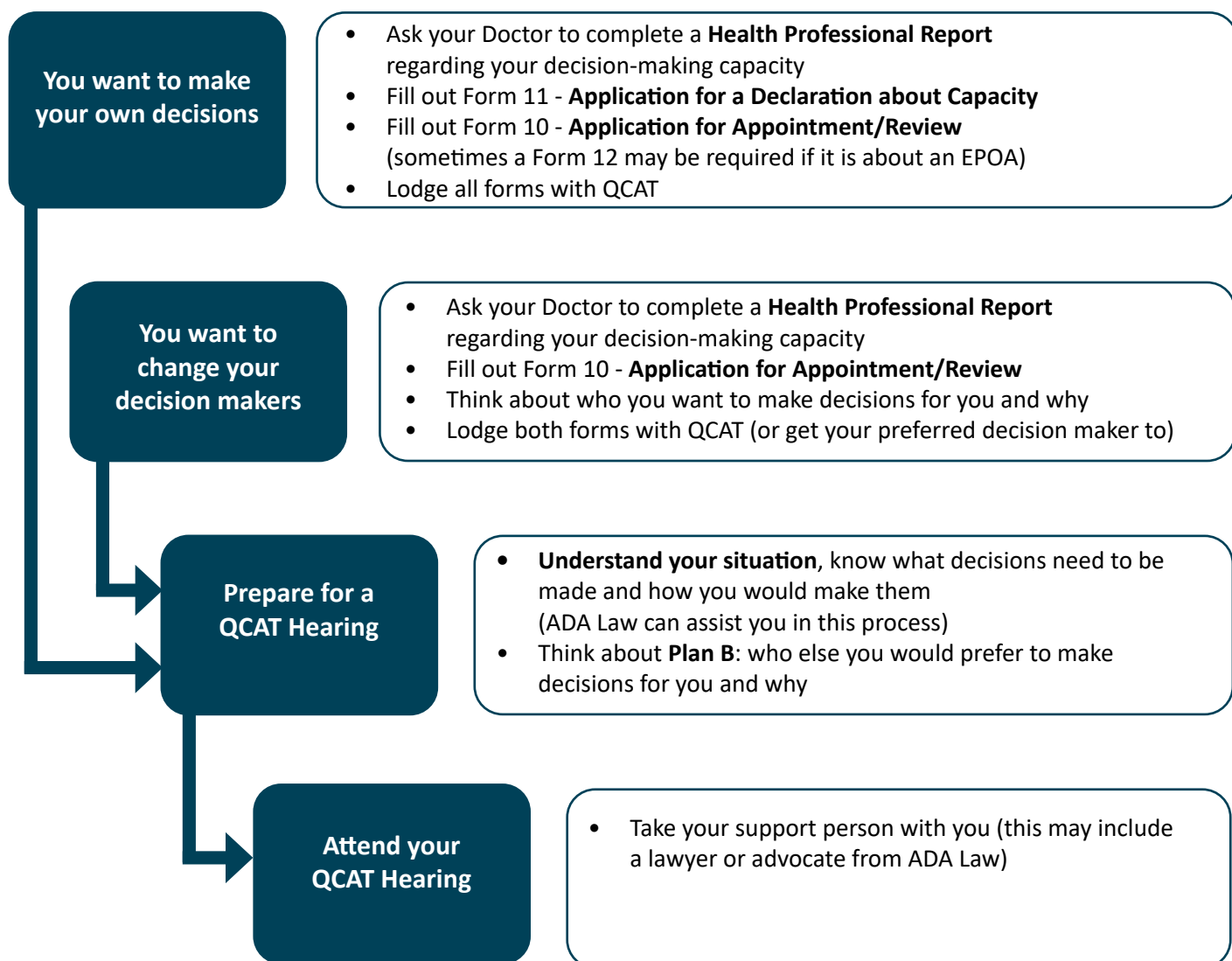
**ADA Australia**  
Your aged and disability advocates

# Overview of the Guardianship Review Process

*What do I need to do to request a QCAT review of my situation?*

**You have a Guardian, Administrator or Attorney making your decisions,  
and you feel they are not supporting you, and you disagree with their decisions  
and**

**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)



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