

## ***Transcript - "Before the hearing"***

*The Queensland Civil and Administrative Tribunal decides applications about adults who may have impaired decision making capacity.*

*This video explains how an application progresses to a Tribunal hearing.*

What happens when QCAT receives an application?

*If you want the Tribunal to make a decision about something, you must ask the tribunal to do so by completing and lodging the appropriate application form.*

*The QCAT Registry will send a copy of the application to the person the application is about. The law calls this person 'the Adult'.*

*The Tribunal may decide not to do this in very limited circumstances.*

*The QCAT registry will give written notice of the application to certain people involved in the Adult's life, such as family members, carers and others who are "active parties" to the particular proceeding, including the Public Guardian and the Public Trustee of Queensland.*

*Those processes are important because the Tribunal must have all the relevant information and material necessary to hear and decide the application including the Adult's views, wishes and preferences to the extent they can provide them.*

*If QCAT requests your feedback on an application, or particular information from you, please provide your response in writing as soon as possible and preferably by email. The email address will be in the correspondence you have received from QCAT.*

*It may be that you receive notice of an application and you disagree with the decision being sought by the applicant.*

*If you feel that somebody else is more appropriate to make decisions for an Adult, you should complete and lodge the relevant application form. The Tribunal may hear and determine multiple applications about the same Adult at the same time.*

Who can see the documents provided to the Tribunal?

*The Member who makes the decision will be given the documents.*

*Active parties must be given a reasonable opportunity to present their case to the Tribunal. That includes being entitled to access relevant documents. Access to the relevant documents is provided to active parties by way of inspection.*

*Active parties can request document inspection by completing the online form. If you are uncertain about whether you are an active party to the proceeding, you can find information about who is an "active party" on the website.*

*You can find the current wait time for a hearing on the QCAT website.*

*The length of time to wait for a hearing may be impacted by a range of factors such as: the complexity of the particular case, and the availability of a venue.*

*About two to four weeks before the date of the hearing, QCAT will send a "notice of hearing" to those people the Tribunal is required to notify.*

*The 'notice of hearing' will tell you the date and start time of the hearing as well as where the hearing will take place. An 'attendance advice' form will be sent with the 'notice of hearing'*

*It is important to complete and return the attendance advice preferably by email to the QCAT registry officer as soon as possible, so the Tribunal knows who will and will not be attending the hearing.*

*The Tribunal can proceed with the hearing and make a decision even if all of the active parties are not present at the hearing.*

*It may be that the adult or another active party requires special assistance to enable them to properly participate in the hearing.*

*QCAT needs to know this as soon as possible before the day of the hearing so that appropriate arrangements can be made.*

*Where can I get assistance?*

*QCAT registry staff cannot give you legal advice and are not involved in the decision-making of the Tribunal.*

*There are a number of advocacy services that may be able to support an Adult in a proceeding. The Tribunal may also appoint a representative for an Adult.*

*You can find the contact details of those services and where to seek legal advice on QCAT's website.*

*An active party may, with the permission of the Tribunal, be represented by a lawyer or agent at the hearing. To request the Tribunal's permission to be represented at the hearing, an active party must complete the relevant application form.*

*If you still have questions about any aspect of QCAT's procedures, remember you should be able to find the answers on the website.*