

**Instructions for completing****Application for interim order –  
Guardianship and Administration Act 2000**

An interim order is an order made in a proceeding before the final decision is made.

**General instructions****Copies of the application**

You need to lodge at QCAT:

- the original of this application and any attached documents
- a *Form 10 Application for administration/guardianship appointment or review* and any attached documents if this form instructs you to do so.

**Important:** If you want an interim order appointing, or reviewing the appointment of, a guardian or administrator for an adult, you must also complete and lodge a *Form 10 Application for administration/guardianship appointment or review* if you haven't already done so.

**Application may be lodged**

Your application may be lodged:

**By post:** QCAT, GPO Box 1639, Brisbane QLD 4001

**In person:** QCAT, Level 11, 259 Queen Street, Brisbane OR any Magistrates Court (excluding Brisbane).

To find the address of the relevant Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

**By fax:** (07) 3221 9156

**By email:** [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au).

**Application fee**

There is no fee to lodge this application.

**PART A PARTY DETAILS**

Insert the name of the adult, who you are, and what your relationship is to the adult.

**PART B APPLICATION OR REFERRAL DETAILS**

Insert the case number if known.

**PART C WHAT INTERIM ORDER DO YOU WANT?**

Insert details about the interim order you want.

## Instructions for completing *(continued)*

The tribunal cannot make an interim order consenting to special health care.

The maximum period an interim order can be effective is 3 months.

An interim order can be renewed only if the tribunal is satisfied there are exceptional circumstances that justify it being renewed.

However, an interim order relating to a restrictive practice cannot be renewed.

The tribunal may make an interim order without a hearing and without making a final decision.

The tribunal may make an interim order without notice to the adult or any other party, and without hearing from the adult or any other party.

The tribunal does not have to comply with any other part of the *Guardianship and Administration Act 2000* before it makes an interim order.

### **PART D WHY DO YOU WANT THE INTERIM ORDER?**

Explain here the reasons why you want an interim order.

The tribunal will only make an interim order if it is satisfied, on reasonable grounds, that the adult may not have capacity. The application should include information about the adult's capacity.

You should attach any evidence from health professionals about the adult's capacity for decision-making.

The tribunal will only make an interim order if it is satisfied, on reasonable grounds, that there is an immediate risk of harm to the health, welfare or property of the adult.

Examples of immediate risk of harm may be because of the:

- risk of physical or emotional abuse of the adult
- risk of exploitation of the adult
- neglect of the adult
- self-neglect by the adult
- provision of services for the adult is at immediate risk
- risk of harm to the adult's finances or property, including financial abuse.

If the interim order relates to a restrictive practice, the tribunal will make an interim order only if it is satisfied, on reasonable grounds:

- that there is an immediate risk of harm to the adult or others; and
- that using the restrictive practice is the least restrictive way of making sure the adult or others are safe.

Therefore, if the interim order relates to a restrictive practice, you must also explain why it is the least restrictive way to make the adult or others safe.

You should attach any relevant documents that demonstrate the immediate risk of harm.

### **PART E WHAT OTHER OPTIONS HAVE BEEN TRIED?**

Insert details about any other options that have been tried to stop the immediate risk of harm.

Explain why those options or strategies did not work.

### **PART F PARTIES WHO HAVE BEEN CONSULTED**

Insert details about any other parties who have a sufficient interest in the adult and who have been consulted about the proposed interim order.

Include details about whether those parties agree or disagree with the proposed interim order.

## **Instructions for completing** *(continued)*

### **PART G PARTIES WHO HAVE NOT BEEN CONSULTED**

Insert details about any other parties who have a sufficient interest in the adult and who have not been consulted about the proposed interim order.

Include details about why those parties have not been consulted.

If the reason they have not been consulted is because they cannot be contacted or located, include details about attempts made to contact or locate them.

If the reason they have not been consulted is because they should not be consulted, include details about why they should not be consulted.

Include details about whether those parties may agree or disagree with the proposed interim order.

Include details about why those parties may agree or disagree with the proposed interim order.

Form Number 54 (version 1)  
Guardianship and Administration Act 2000 (sections 80ZR and 129)

## Application for interim order – Guardianship and Administration Act 2000

Refer to attached instructions at the front of this application prior to filling out this form.

### For office use only

Case number and type:	
Adult Number:	
Date:	
Registry:	
Sent to:	

### PART A PARTY DETAILS

Who is the application about? (the tribunal refers to this person as "the adult")

Adult's given name/s

Surname/Family name

Who is filling out this form? (the tribunal will refer to you as "the applicant")

Applicant's given name/s

Surname/Family name

Your relationship to the adult?

Does this application relate to the use of restrictive practices?

Yes  No

### PART B APPLICATION DETAILS

Case number (if known)

**PART C WHAT INTERIM ORDER DO YOU WANT?**

Explain the interim order you want.  
*(If insufficient space here, please attach additional pages.)*


**PART D WHY DO YOU WANT THE ABOVE INTERIM ORDER?**

Explain why you want the interim order. Explain how the adult's health, welfare or property is at immediate risk of harm.  
*(If insufficient space here, please attach additional pages.)*


**PART E WHAT OTHER OPTIONS HAVE BEEN TRIED?**

Explain any other options or strategies that have been tried and if relevant, why they did not work.  
*(If insufficient space here, please attach additional pages.)*


**PART F PARTIES WHO HAVE BEEN CONSULTED**

Insert details about any other parties who have been consulted and whether they agree or disagree with the proposed interim order.

*(If insufficient space here, please attach additional pages.)*


**PART G PARTIES WHO HAVE NOT BEEN CONSULTED**

Insert details about any other parties who have not been consulted, why they have not been consulted, whether they would agree or disagree with the proposed interim order, and why they would agree or disagree with the proposed interim order.

*(If insufficient space here, please attach additional pages.)*


**PART H CHECKLIST AND SIGNATURE**

- I have completed all questions on the application form according to the instructions
- I have also completed and filed a Form 10 if required by the instructions to do so
- I have attached information from a health professional about the adult's capacity
- I have attached all relevant documents that demonstrate the immediate risk of harm to the adult
- I am ready to proceed with this application

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.

Maximum penalty for such an offence – \$10,000.

## SIGN AND DATE HERE

The information in this application is true to the best of my knowledge.

*Applicant/s sign here*

*Date*

**If more than one applicant is named all must sign the application.**

## PRIVACY CONSENT AND DISCLOSURE STATEMENT

The Queensland Civil and Administrative Tribunal (QCAT) collects personal information from applicants in proceedings (You), for the purposes of compliance with the provisions of the *Queensland Civil and Administrative Tribunal Act 2009*.

### Research purposes

QCAT wishes to use your personal information for research purposes to improve its services. An example of research is an online survey or focus group. QCAT may also share information about You with research companies for the purposes of conducting research. Any research company engaged by QCAT will undertake to keep your personal information confidential subject to the *Information Privacy Act 2009*.

**By signing this Statement, you consent to communicate with QCAT by email or other suitable manner for research purposes; you consent to the sharing of your personal information with third parties as indicated and you waive your right to take further action against QCAT for any breach of your privacy.**

Your consent commences from the date that you sign this Statement and return it to QCAT and continues for research purposes after your matter with QCAT has finalised and until you withdraw your consent or upon the expiration of a period of 12 months.

### Signature of applicant

By signing below, I acknowledge that I have read this Privacy Consent and Disclosure Statement and that I consent to the use and disclosure of my personal information as described in this Statement.

*Applicants sign here*

*Date*

### Contact details

For further information call 1300 753 228 or write to the QCAT registry at GPO Box 1639, Brisbane 4001.