

QCAT Act Review 2026 conducted by the Hon David Thomas

Guardianship Update

30 July 2026

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Section 134 *Guardianship and Administration Act 2000* (Qld)

1. This update relates to Section 134 of *Guardianship and Administration Act 2000* (Qld) ('GAA Act'). Section 134 provides:

134 Report by tribunal staff

- (1) *The tribunal may—*
 - (a) *receive in evidence in a proceeding a written report by tribunal staff on a matter in the proceeding; and*
 - (b) *have regard to the report.*
 - (2) *Generally, if the tribunal receives the report in evidence in a proceeding, the adult concerned in the proceeding and each other active party in the proceeding must be—*
 - (a) *advised of the contents of the report; and*
 - (b) *upon request, given a copy of the report.*
 - (c) *However, the right to be given a copy may be displaced in a confidentiality order.*
2. I have settled a template for a section 134 report checklist and report.
 3. The approach is informed, in part, by the *New South Wales Civil and Administrative Tribunal* ('NCAT') model.
 4. The anticipated commencement date of use of the section 134 report is, in part, resource dependant, but hoped for by next quarter. Several steps need to be taken before commencement, including further consultation with NCAT, training, and updating of Registry manuals and processes.

Specialisation

5. It remains impractical, under current resources, for in-house members to sit solely in guardianship, with very limited exceptions. In any event, doing only guardianship work can be problematic, for reasons I discussed in previous papers, including the prospect of subject matter fatigue and constantly dealing with the type of matter which may expose the member to secondary trauma.
6. However, QCAT is beginning to explore the possibility of some in-house members doing guardianship as a greater proportion of their work. Early indications are that this will be able to be achieved to some extent, but a greater membership establishment cohort is likely necessary in order to create a sizeable group of in house members who do predominantly guardianship.

Yours faithfully

Justice Mellifont

President, Queensland Civil and Administrative Tribunal