
Information applying to be joined as a party to proceedings

Who is a party to a hearing?

Section 3F of the *Guardianship Act 1987* identifies the parties to guardianship and financial management proceedings before the Tribunal. The people who are parties will vary depending on the type of matter that is being considered. The person the application is about, their spouse, their carer (excluding paid carers) and the applicant are usually parties. If the matter is a review of an enduring power of attorney then the parties are the applicant, the attorney(s) and the person who made the enduring power of attorney.

If a person is a party to an application or review, they are entitled to:

- receive a copy of the application and any other documents the Tribunal makes available to the parties
- seek leave to be represented by a lawyer or an agent
- give oral evidence as a witness to the Tribunal
- Call and cross-examine witnesses at the hearing
- appeal a decision of the Tribunal to the Supreme Court or the Administrative Decisions Tribunal.

If you want to be a party

If you do not automatically qualify as a party to a proceeding before the Tribunal and you want to become a party, you can apply to be joined as a party. You will have to satisfy the Tribunal that:

- you have a concern for the welfare of the person who is the subject of proceedings, and
- it is appropriate for you to be joined as a party

You should discuss your wish to be joined as a party to the proceedings with the officer preparing the matter for hearing. You will be provided with a *Request to be Joined as a Party form* which you must complete and submit as soon as possible.

The Tribunal may determine your request to be joined as a party at a directions hearing prior to the hearing or at the beginning of that hearing. It is preferable that applications to be joined as a party are received at least **five** working days prior to the hearing.

If your application is successful, you will be joined as a party under section 57A of the *Guardianship Act 1987* or Section 35(3) of the *Powers of Attorney Act 2003*.

If you are not a party

You do not have to be a party to the proceedings to attend and give evidence at a hearing of the Guardianship Tribunal. You do not have to be a party to the proceedings to be considered for appointment as a guardian or financial manager.

Many people who know the person the application is about, and have an interest in that person's welfare, may have relevant information or views to put to the Tribunal. In most cases people attend the hearing to give evidence as a witness before the Tribunal.

The Tribunal can require people to give evidence. You can be questioned by the parties to the proceedings and by the Tribunal at the hearing. You may hear the evidence presented to the Tribunal and may have an opportunity to suggest questions the Tribunal may ask if it considers them relevant and appropriate. As a witness, you do not have a right of appeal against the Tribunal's decision or the other rights afforded to parties (see *Who is a party to the Hearing?* above).

For more information contact

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