

## Information guardianship - reviews and appeals

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There are different ways in which a guardianship order or decision made by the Guardianship Tribunal can be reviewed or appealed.

A review is different from an appeal. A review is conducted by the Guardianship Tribunal whereas an appeal is conducted by either the Supreme Court or the Administrative Decisions Tribunal of NSW. More information about the differences between appeals and reviews is set out below.

### Reviews

**The Guardianship Tribunal may review any guardianship order which it has made.**

**There are three types of review of a guardianship order:**

#### **1. Statutory reviews**

The Guardianship Tribunal will automatically review a guardianship order near the end of the period of the order.

#### **2. Requested reviews**

The Guardianship Tribunal may also review a guardianship order if it receives a request for a review. The request must be made in writing by a person who has a genuine concern for the person under guardianship. The Tribunal will only review the order in response to the request if:

- There is new relevant information which was not reasonably available at the original hearing which means that the guardianship order should be reviewed; or
- There is a need for new functions to be given to the appointed guardian; or
- The guardianship order is not working in the best interests of the person under guardianship; or
- The circumstances of the person under guardianship have substantially changed since the guardianship order was made which means a review is needed; or
- There is no further need for a guardian.

#### **3. 'Own motion' reviews**

The Guardianship Tribunal can decide at any time that a review of a guardianship order is needed if it considers that this would be in the best interests of the person under guardianship.

At a guardianship review hearing, the Tribunal will consider evidence from professionals and others involved in the life of the person under guardianship.

### Appeals

The Guardianship Tribunal recommends that any person who is considering an appeal against one of its decisions should seek independent legal advice.

#### **Appeals to the Supreme Court of New South Wales**

Any party to any proceeding before the Guardianship Tribunal may appeal against the Tribunal's decision to the Supreme Court of New South Wales.

Appeals may be made on:

- A question of law
- On any other question only if the Supreme Court grants leave for the Appeal to be made on those grounds.

Appeals must be lodged within:

- 28 days after the decision was made, if it is a decision made by fewer than three Tribunal members
- 28 days of the day that the person who is appealing received the written Reasons for Decision made by the Tribunal
- Any other time as allowed by the Supreme Court.

Information about appeals to the Supreme Court of New South Wales can be obtained from:

#### **Supreme Court of New South Wales**

Equity Division Protective

Queens Square

Sydney NSW 2000

Telephone (02) 9230 8733

Facsimile (02) 9230 8234

Website [www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc)

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## Appeals to the Administrative Decisions Tribunal

Appeals can be made to the Administrative Decisions Tribunal of NSW under s67A of the *Guardianship Act 1987* against certain decisions of the Guardianship Tribunal, including decisions to make a guardianship order or decisions made on a review.

Appeals can be made by a person who was a party to the proceedings in which the appealed decision was made.

Appeals may be made on:

- A question of law
- On any other grounds if the Administrative Decisions Tribunal grants leave.

An appeal must be lodged:

- Within 28 days after the Guardianship Tribunal provides the person who is appealing with the written Reasons for Decision made by the Tribunal; or
- Within such further time as allowed by the Appeal Panel of the Administrative Decisions Tribunal.

Information about appeals to the Administrative Decisions Tribunal can be obtained from:

### Administrative Decisions Tribunal

Level 15, 111 Elizabeth Street  
Sydney NSW 2000

Telephone (02) 9223 4677  
Facsimile (02) 9233 3283  
Telephone typewriter  
(02) 9235 2674  
Freecall 1800 060 410  
Website [www.lawlink.nsw.gov.au/adt](http://www.lawlink.nsw.gov.au/adt)

### LawAccess NSW

Telephone 1300 888 529  
Telephone typewriter  
1300 889 529  
Translating and Interpreter Service  
131 450

For people from non-English speaking backgrounds, ask the interpreter to ring LawAccess NSW on your behalf.

Facsimile (02) 8833 3101  
Website [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)  
Postal LawAccess NSW  
PO Box 620  
Parramatta NSW 2124

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## For more information contact

### *Guardianship Tribunal*

Telephone (02) 9556 7600  
Toll free 1800 463 928  
Facsimile (02) 9555 9049  
Telephone typewriter  
(02) 9556 7634  
Email [gt@gt.nsw.gov.au](mailto:gt@gt.nsw.gov.au)  
Website [www.gt.nsw.gov.au](http://www.gt.nsw.gov.au)

Level 3, 2a Rowntree Street, Balmain NSW 2041  
Postal address Locked Bag 9, Balmain NSW 2041