



SOUTHWEST ADVOCACY ASSOCIATION

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SWAA Fact Sheet

Getting VCAT Administration Orders Reviewed

The Victorian Civil and Administrative Tribunal (“VCAT”) is a type of Court. VCAT has the power to appoint an “Administrator” to make legal and financial decisions for a person with a disability, if it believes that, because of their disability, the person cannot manage their own money and/or legal affairs.

An Administrator can be an individual such as a relative, a friend, a lawyer or an accountant, or an organisation like the State Trustees. An Administrator must make decisions that they consider to be in the best interests of the “represented person” and must consider the represented person’s wishes.

VCAT automatically reviews Administration Orders at least once every three years to decide if the Order needs to continue. If you or someone you know has an Administrator appointed by VCAT, you should be aware that the represented person can also ask VCAT to review the Administration Order before the automatic review date if the represented person’s circumstances change.

A Review Hearing simply means that VCAT will make a time to meet with you and anyone else involved to look at your case again.

To get a Review Hearing you have to write to VCAT and ask for one, giving the reasons why you think the Administration Order should be ended. You will also need to provide VCAT with a copy of any letters, reports or other documents that support your case. VCAT usually insists that you provide a supporting letter or report from your doctor or another medical practitioner that talks about how things might have changed since the Administration Order was first made or last reviewed.

The address for VCAT is: **Guardianship List
VCAT
G.P.O. Box 5408cc
Melbourne, 3001**

Before writing to VCAT and asking for a Review Hearing, it is a good idea to talk it over with and get some help from a relative or friend, or an advocate or a lawyer.

You should also understand that getting a Review Hearing is one thing, but getting the Administration Order revoked (stopped) is another. VCAT will only end the Administration Order if you can prove to VCAT that you are able to look after your money and legal affairs yourself.

How Do You Prove To VCAT That You Can Manage Your Own Money?

It is a good idea to try to gather some evidence before writing to VCAT to ask for a Review of your Administration Order. Some of the types of things that that you could do over a 3 - 6 month period before asking for a Review are listed below.

1. Before you do anything else, it is a good idea to make an appointment to see a financial counsellor to get advice and help with budgeting skills. It might help to ask a friend, family member, case manager or an advocate to go along to see the financial counsellor with you. You can telephone Southwest Advocacy Association on **55 614 584** or the Financial and Consumer Rights Council on **1800 134 139** or **9 614 54 33** to find out where you're nearest financial counsellor is.
2. Open a savings account at a bank and try to put a small amount, like \$5 or \$10, from your allowance into the account when you can. Don't try to save too much money at once and make sure that you have enough to live on. Don't worry if you can't put money into the savings account every week. Just put a little bit in the account when you can afford it to show VCAT that you can save some money.
3. Get a diary with one day to every page and write down what you spend your money on, what bills you get, and when you pay them.
4. Keep supermarket dockets from your weekly shopping and staple or stick them into your diary so that you can prove that you are spending enough money on food each week. This will help show VCAT that you are looking after yourself and not wasting your living allowance money.
5. Keep receipts for any major things that you buy out of your living allowance money and staple or stick them into your diary so that you can show that you don't waste your money.
6. If you feel that you can do it, ask your Administrator if they will let you pay some of your own bills, like the electricity or telephone bill. This could help show VCAT that you can be trusted to pay your own accounts. State Trustees have a system called the Financial Independence Program that enables some of their clients to pay some of their own bills.
7. Make sure that you keep up to date with any bills that you do have to pay out of your allowance.
8. Try not to buy things that you don't really need or to borrow money from anyone and try not to get too many new bills.
9. In the lead up to a VCAT Review try to get letters of support from people who regularly help you. Supportive letters from people like case managers, social

workers, carers and financial counsellors will help show VCAT that you have people around you who believe in you and will help you when you need help.

10. If you feel up to it, you might want to put your name down with a disability employment agency in your area. The agency might be able to help you get a job.

If you can do things like this, after about 3 - 6 months you should have some evidence to help show VCAT that you don't need an Administrator to help you with your money. But, remember, nothing is guaranteed. It will be still be up to VCAT to decide whether you should have an Administrator or not.

For further information you can contact any of the following organisations:

Southwest Advocacy	Ph. 55 614 584
Villamanta Legal Service	Ph. 1800 014 111
Office of the Public Advocate	Ph. 1800 136 829
Victorian Civil and Administrative Tribunal	Ph. 1800 133 055

Southwest Advocacy is a community based, not-for-profit organisation that has been funded by Government to provide information and advocacy for people with disabilities throughout south west Victoria since 1993. Please feel free to contact us if you would like further information or assistance.

The information provided in these sheets is intended as a general guide only and does not take the place of specific, professional legal and financial advice. Rather than rely solely on the information provided in these sheets, people should seek advice in regard to their particular circumstances.

Southwest Advocacy gratefully acknowledges that this information sheet was originally developed with the assistance of Villamanta Legal Service and the Financial and Consumer Rights Council of Victoria.

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