

Appeal Provisions of Tasmanian Civil and Administrative Tribunal – Guardianship Stream

If you are unhappy with a decision or an order made by the Tasmanian Civil and Administrative Tribunal, Guardianship Stream (the Tribunal), you may wish to consider the following options:

Request a statement of reasons

The *Tasmanian Civil and Administrative Tribunal Act 2020* enables any person who is aggrieved by a decision of the Tribunal to request a statement of reasons. This request must be in writing.

The statement will contain:

- a list of the evidence and information that the Tribunal used to make its decision;
- discussion about what occurred at the hearing;
- interpretation of how the legislation relates to the facts and the evidence of the case;
- explanations about why orders were made or not made.

You need to make your request for a statement of reasons within 21 days of the date of the Tribunal's order. The statement will then be provided to you within 21 days, unless the decision has been reserved.

If you would like a statement of reasons please contact the Deputy Registrar, Guardianship Stream of the Tribunal.

Make an application to review the order

The Tribunal may review a guardianship or administration order. At any time during the order any person, including the person who is the subject of the order, may apply to the Tribunal for a review. The Tribunal can also initiate a review of any order at any time if it is in the best interests of the represented person.

The Tribunal may reject an application to review if it is vexatious, trivial or lacking in substance or deals with matters that the Tribunal has already dealt with.

After conducting a hearing the Tribunal may continue the order, vary the order or revoke the order.

For further information please contact the Deputy Registrar, Guardianship Stream, of the Tribunal, contact details below.

Make a complaint to the Deputy Registrar, Guardianship stream

If you have specific issues, concerns or complaints you can contact the Deputy Registrar, Guardianship Stream of the Tribunal. The Deputy Registrar has no authority to change or interfere with a decision of the Tribunal. However, if your complaint raises an issue about the procedures of the Tribunal the Deputy Registrar can investigate those complaints.

If you would like to make a complaint please contact the Deputy Registrar, Guardianship Stream of the Tribunal, contact details below.

Appeal to the Supreme Court

An appeal is a legal proceeding where the Supreme Court reviews the decision of the Tribunal. The Supreme Court is entirely independent and separate from the Tribunal.

You may appeal to the Supreme Court so long as you commence the appeal either: within 30 days from the date of the order or within 30 days from receiving the statement of reasons, whichever is the latter.

An appeal must show an error of law, or you must have permission from the Supreme Court to appeal a factual error by the Tribunal. For this reason it is recommended that you seek legal advice before proceeding to an appeal. If you are successful on appeal, the Supreme Court may refer the application back to the Tribunal for a fresh hearing or it may make its own decision.

For further information please contact the Registrar of the Supreme Court of Tasmania.

Salamanca Place, Hobart 7000