

Applications to Vary or Revoke a Guardianship or Administration Order

When can you make an application to vary or revoke an order?

In some circumstances SACAT may consider an application to vary (change) or revoke a guardianship or administration order.

The applicant must be able to demonstrate that there has been a change of circumstances of the protected person or of the guardian or administrator.

What is a change in circumstances?

A change in circumstances includes when:

- The private administrator or guardian no longer has mental capacity or is deceased. In the former case, a medical report advising of the mental incapacity of the administrator or guardian is needed and, in the latter case, a death certificate.
- The private administrator or guardian is no longer willing to continue in their role. A written statement from the administrator or guardian is required confirming they wish to relinquish their role.
- The subject person has regained mental capacity. A medical report confirming mental capacity is required. To revoke an administration order, evidence is also required of the subject person's ability to manage their finances, such as attendance at a course relating to budgeting and if the person would have any supported decision makers.
- The administrator has misappropriated funds of the subject person. Supporting evidence of the misappropriation of funds is required.
- A pre-existing enduring power of attorney or guardianship or an advanced care directive has been located which was not available at the time of the hearing. A certified copy of the document(s) is required.

What if I don't agree with the order?

If you disagree with a decision made by SACAT (eg. You consider the decision is 'unjust' or 'unfair' or 'wrong'), it is not appropriate to make an application to vary or revoke an order.

In this case, you should consider lodging an application for internal review (an appeal) of a SACAT decision. An application for internal review must be made within **1 month** of the order being made. However, SACAT may, if it is satisfied that it is just to do so, dispense with the requirement that the application must be instituted within that period.

Please note, an internal review application requires the payment of a fee, except if lodged by the person the subject of the order.

For more information regarding internal reviews, please see SACAT's website: [Applying for an internal review.](#)

Who can apply to vary or revoke an order?

The following people can apply to vary or revoke an order:

- ✓ the person who the order is about
- ✓ any person who can satisfy SACAT that they have a proper interest in the welfare of the person who the order is about
- ✓ the Public Advocate on their own initiative or at the request of the person who the order is about
- ✓ the guardian
- ✓ the administrator of the person's estate (including the Public Trustee)
- ✓ a substitute decision-maker for the person under an Advance Care Directive
- ✓ a person responsible for the person who the order is about

Applying to SACAT

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

What fees apply to an application to vary or revoke an order?

There are no fees payable for applications to vary or revoke an order.

Contact the Tribunal

For further information and assistance about applying to SACAT about varying or revoking an order, please telephone SACAT on 1800 723 767 (select option 4 and then option 2).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.