

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *SVEG* [2019] QCAT 91

PARTIES: **In an application about a matter concerning SVEG**

APPLICATION NO/S: GAA2235-19

MATTER TYPE: Guardianship and administration matters for adults

DELIVERED ON: 2 April 2019

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Allen

ORDERS: **The application for an interim order by SVKD is dismissed.**

CATCHWORDS: HEALTH LAW – GUARDIANSHIP, MANAGEMENT AND ADMINISTRATION OF PROPERTY OF PERSONS WITH IMPAIRED CAPACITY – OTHER MATTERS – where application for guardianship and administration – where application for interim order – whether adult at immediate risk of harm

Guardianship and Administration Act 2000 (Qld), s 129

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009 (Qld)*.

REASONS FOR DECISION

- [1] SVKD made an application to the Tribunal to be appointed as guardian and administrator for his mother, SVEG and also for an interim order. SVEG is 91 years old and has a diagnosis of dementia. SVKD and his sister SVGJ are attorneys for SVEG. SVEG loaned SVGJ and SVDJ a substantial sum of money in 2016, which was to be repaid at instalments of \$3,000 per month. SVKD alleges that SVGJ and SVDJ are in default under the loan and attempts have been made to call it in without success. I note that the attorneys are required to make their decisions jointly where the amount involved is in excess of \$500. SVKD filed a copy of SVEG's will which has the effect of forgiving any loans made to SVEG's children as at the date of her death. SVKD wishes to have the enduring power of attorney overtaken due to the conflict of interest inherent in SVGJ being an attorney for and also a debtor of SVEG.

- [2] The Tribunal may make an interim order in accordance with s 129 of the *Guardianship and Administration Act 2009* (Qld) where an adult is at immediate risk of harm in regard to their health, welfare or property.
- [3] While it is readily apparent that there is a conflict of interest and that at the appropriate time action should be taken to enforce the mortgage against SVGJ and SVDJ if they are in default, which may require the appointment of an administrator, there is no material before me to show that SVEG is in immediate risk of harm.
- [4] The application for an interim order by DMV is dismissed.