

**CITATION:** YGD (No 2) [2017] QCATA 85

**PARTIES:** YGD

**APPLICATION NUMBER:** APL092-15

**MATTER TYPE:** Appeal

**HEARING DATE:** On the papers

**HEARD AT:** Brisbane

**DECISION OF:** **Justice Carmody**

**DELIVERED ON:** 20 July 2017

**DELIVERED AT:** Brisbane

**ORDERS MADE:** **IT IS THE DECISION OF THE APPEAL TRIBUNAL THAT:**

**The applications for miscellaneous matters dated 6 April 2017 and 13 May 2016 are refused.**

**CATCHWORDS:** APPEAL – LEAVE TO APPEAL – APPLICATION FOR MISCELLANEOUS MATTERS – where the applicant applies for all matters to be stayed pending a judicial review – where the applicant applies for a non-publication order – where the applicant applies to the tribunal for directions – where the applicant has named the wrong party – where there is no utility in pursuing a miscellaneous application that has been overtaken by later events

*Queensland Civil and Administrative Tribunal Act 2009 (Qld) ss 4, 32*

**APPEARANCES and REPRESENTATION (if any):**

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

## REASONS FOR DECISION

- [1] There are two applications for miscellaneous matters filed in this proceeding by the applicant wrongly naming QCAT as the respondent.
- [2] On the 6 April 2017, the applicant requested the tribunal to make directions “the Office of the Public Trustee cease, desist and refrain from charging any legal or other costs to my account” and “the tribunal acknowledge in writing that I have capacity assessment to initiate legal actions”. The applicant further requested a direction requiring the Public Trustee to produce evidence that the Public Trustee of Queensland is qualified in matters of capacity and requiring QCAT to produce a document or thing that QCAT complies with s 4 of the QCAT Act.
- [3] On the 13 May 2016, the applicant sought directions that all matters involving MBL and/or YGD to be stayed pending judicial review, no information provided to QCAT regarding the judicial review is to be disclosed to the Office of the Adult Guardian, the Office of the Public Trustee or any employee or assignee thereof, no information provided to QCAT regarding the sources of information and/or evidence relative to the appeal against and a non-publication order is granted for documents pertaining to judicial review and/or appeal.
- [4] Not only are the applications irregular for naming the wrong party but the application for appeal they relate to was dismissed because there is no utility in appealing a decision overtaken by later events.
- [5] As the substantive issue has been resolved and leave to appeal is no longer needed to achieve their intended goals these applications are redundant.
- [6] The applications for miscellaneous matters filed 6 April 2017 and 13 May 2016 are refused.