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Senior Registrar  
Victorian Civil and Administrative Tribunal  
Guardianship List  
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Dear Senior Registrar

RE Lynette Croll  
Your ref G40703/00

I refer to my letter addressed to Mr Robert Scott of 28 April 2004 a copy of which is attached.

The applicant seeks a direction hearing before Mr Scott, Senior Member, who made directions in the above matter on 26 March 2004.

This is an application under s 119 of the *Victorian Civil and Administrative Tribunal Act* 1998 (Vic) and rule 4.17 of the Victorian Civil Administrative Tribunal Rules 1998 for the Tribunal to exercise its discretion to correct the order made by Senior Member Scott on 26 March 2004.

The applicant submits that the orders which were received by the applicants on 13 April 2004 contain clerical mistakes and or errors arising from accidental slips or omissions. Further the orders made do not reflect the actual orders and directions made by the Senior Member at the hearing on 26 March 2004.

At the hearing on 26 March 2004 counsel for the applicants had made an application under rule 4.09 of the VCAT Rules seeking an order that the proposed represented person submit to an medical examination by an expert whom the applicants proposed to call as a witness in the hearing of the application for the revocation of a power of attorney and appointment of a guardian and administrator. The orders made were in the exercise of the discretion set out under s 4.09 of the VCAT Rules.

While the transcript will show the actual orders made by the Senior Member on 26 March 2004 the applicant submits that the orders made orally on 26 March were in words to the effect of:

1. The proposed represented person has agreed to undergo a medical assessment by a practitioner nominated by the applicants. The proposed represented person will attend a practitioner nominated by the applicants, whether geriatrician, psychogeriatrician or neuropsychologist, for the purposes of a medical assessment.
3. A report of the medical assessment is to be forwarded by the nominated practitioner to the solicitor for the applicants and that solicitor is to file the report at the Tribunal as soon as it is available.
4. The applicant is to notify the Tribunal of the details of the practitioner and the date of the appointment for the medical assessment so that the Tribunal can, prior to the assessment, forward to the nominated practitioner a selection of documents on the Tribunal file, including documents filed by Southern Health and the proposed represented person.
5. The applicants are to forward directly to the nominated practitioner any material which they wish the nominated practitioner to consider when undertaking the medical assessment.
6. That the matter be adjourned for a period of approximately six weeks and the solicitor for the applicants is to notify the Tribunal when the matter is ready to proceed.

The Tribunal noted that it would:

- write to Dr Vowellls and submit to her a selection of documents from the file that have been filed by all parties and a copy of the neuropsychologist report completed by Southern Health during December 2003;
- ask Dr Vowellls to comment if the material set out in these documents filed with the Tribunal effects the conclusion set out in her report dated 19 February 2004; and
- ask Dr Vowellls if she needs to see Mrs Croll for a further assessment.

The Tribunal also noted that the applicants were not to be given a copy of the report of the medical assessment of the nominated practitioner but that counsel for the applicants could summarize the report for the purpose of advising the applicants in respect of their applications.

We look forward to hearing from the Tribunal with a date for a directions hearing.

Yours faithfully

**JAKE KAWECKI**