

ORDER

Ref no: G40703/00

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL GUARDIANSHIP LIST

Proceeding in relation to Lynette Croll under:

Guardianship and Administration Act 1986 Section 19 guardianship order; Section 43 administration order.
Instruments Act 1958 Section 118 revocation of an enduring power of attorney.

The Tribunal records that:

The Tribunal's order dated 26 March 2004 contained:

an error arising from an accidental slip or omission

In substitution for the order made and directions given on 26 March 2004 the Tribunal orders that:

1. Subject to any further order, and subject to these directions, the proceeding is adjourned to a date and time to be fixed by the principal registrar following receipt of a medical report (as provided in paragraph 2 of this order) to be heard at Melbourne by R Scott Senior Member of the Victorian Civil and Administrative Tribunal, if available.
2. The proposed represented person, agreed to undergo an assessment by a geriatrician or neuropsychologist, nominated by the applicants. The proposed represented person shall attend an appointment for examination at the earliest date available to enable the proceeding to be relisted for hearing within six weeks of today's date.
3. The practitioner nominated by the applicants shall forward a copy of the medical assessment to the Tribunal as soon as practicable after the examination and subject to the following the Tribunal shall then determine whether the report should be circulated to the parties. The Tribunal directs that the applicants are not to be provided with a copy of the report but the lawyers representing the applicants may provide their clients with a brief summary of the contents of the report and the conclusion reached by the nominated practitioner.
4. The applicant is to inform the Tribunal of the details of the medical practitioner and the date of the appointment. The Tribunal shall forward to the nominated medical practitioner copies of the following documents:-
 - (a) Neuropsychological Assessment Report prepared by Patricia Sheridan
30 December 2003-2 January 2004
 - (b) Neuropsychological Assessment Report prepared by Dr Lindsay Vowels on
19 February 2004
 - (c) Applicants' letter to Senior Registrar of VCAT dated 25 February 2004

(d) Document entitled "Recent History and Summary of Events" prepared by Lynette Croll and Trevor Croll - 2 pages.

(e) A copy of this order

5. The applicants may forward additional material to the nominated practitioner to consider when assessing the proposed represented person providing they provide copies of that material to the Tribunal and to the proposed represented person prior to the assessment.
6. The Tribunal directs the applicants' lawyers to request that the opinion expressed by the nominated practitioner comment on the proposed represented person's capacity to-

- * now to give an enduring power of attorney; and
- * make reasonable decisions in relation to her financial and legal affairs.

The Tribunal confirms that the Senior Registrar will provide Dr Lindsay Vowels with the documents lettered (a), (c), (d) and (e) referred to in paragraph 4 above and enquire as to whether:-

- (a) Dr Vowels wishes to comment on the material;
- (b) If the material in any way affects the conclusions in her report; and
- (c) Dr Vowels wishes to reassess the proposed represented person.



R Scott