

4. Data on the participation rates of the Person: a snap shot

1.43 In developing the Guidelines, AGAC analysed “current participation rates of proposed represented persons in guardianship and financial management/administration hearings in Australia’s state and territory jurisdictions”.²³

1.44 This task proved difficult as there is no readily available Australia-wide information about the participation rates of the Person in guardianship hearings. Few participating tribunals collect that information on a regular basis. Those that do use different methods to collect and collate that information.²⁴

1.45 Given the lack of available and reliable data on the participation rates of the Person, the AGAC Governance Group decided to request participating tribunals to collect data for a specific period, that is October and November 2018. The Tribunals were requested to provide information on participation rates broken down into type of hearing, application or review, and method of participation, in-person, by phone or by video-conference.

1.46 All but one participating tribunal provided the requested data.²⁵

1.47 The collected data reveals:

- a wide variation in participation rates of the Person between jurisdictions;

- a less than 50% participation rate of the Person in most jurisdictions;
- a higher participation rate of the Person in original application hearings as compared to review hearings; and
- where participants participated in the hearing, most attended in-person.

1.48 Given the length of the period surveyed, care must be taken in drawing conclusions from the collected data. A longer survey period might have produced a different result. Nonetheless, the collected data indicates that the participation rates of the Person in many jurisdictions is low and points to the desirability of Guidelines designed to facilitate the participation of the Person.

²³ See Issues Paper [1.12].

²⁴ See Guideline 9, requiring tribunals to collect data and report publicly on the participation rates of persons in hearings.

²⁵ The Queensland Civil and Administrative Tribunal was unable to provide data that distinguished between review and original hearings. The data provided by the South Australian Civil and Administrative Tribunal included reviews conducted “on the papers”, that is, without a hearing. The Victorian Civil and Administrative Tribunal collected the data but because of a systems error was unable to provide the data to AGAC.

