



Financial management application

GUARDIANSHIP DIVISION

Complete this form to apply to NCAT to have a financial manager appointed to make decisions about a person's financial affairs under the *Guardianship Act 1987*. An order can only be made if the person does not have the capability to manage their own finances and informal arrangements are not working.

If decisions need to be made about the person's health, accommodation or services, consider applying to NCAT for a guardianship order. Refer to the 'Guardianship application' form for further details.

IMPORTANT INFORMATION:

When lodging a financial management application with NCAT you must also send a copy of the application and any attachments to all parties including the NSW Trustee and Guardian.

File Number

Office use only

1. PERSON THIS APPLICATION IS ABOUT

A. PERSON'S NAME AND ADDRESS

Given names

Family name

Date of birth

Gender

Address

Contact details Daytime telephone

Mobile

Email

B. IS THIS THE PERSON'S CURRENT LOCATION?

☐ YES

☐ NO (provide current location below)

Address

Contact details Daytime telephone

Mobile

Email

C. WHAT TYPE OF ACCOMMODATION ARE THEY CURRENTLY IN?

☐ Own home

☐ Hospital

☐ Care facility or supported accommodation

☐ Home of friend or family member

☐ No fixed place of address

☐ Other

D. WHAT IS THE PERSON'S VIEW ABOUT THIS APPLICATION?

Have you told the person you are making this application? You should tell the person that you are making an application about them. Have you done this?

☐ YES

☐ NO (why not?)

Do they agree with the application being made?

☐ YES

☐ NO

☐ DON'T KNOW

E. WHY DO YOU THINK THE PERSON HAS A DECISION MAKING DISABILITY?

- ☐ Dementia ☐ Advanced Age ☐ Intellectual Disability ☐ Neurological ☐ Brain Injury
☐ Other (please specify)

Do you have any written evidence about the person's disability and their capacity to manage their financial affairs?

For example, a report from a doctor or other health care professional. If yes, please attach.

- ☐ YES ☐ NO (why not?)

Is the person the subject of a corresponding order made in another Australian state, territory or New Zealand?

- ☐ NO ☐ YES (provide details)

Has the person been the subject of a previous application or order at NCAT (or former NSW Guardianship Tribunal)?

If yes, please provide the case number

- ☐ NO ☐ YES (provide details)

Are you making this application because of the National Disability Insurance Scheme (NDIS)?

- ☐ YES ☐ NO

F. ASSISTANCE AT THE HEARING

Can the person attend the hearing in person?

- ☐ YES ☐ NO (why not?)

If the person cannot attend the hearing in person, can they participate by telephone or videoconference?

- ☐ YES ☐ NO (why not?)

Does the person need special assistance to participate in the hearing? For example, hearing loop or wheelchair access.

- ☐ NO ☐ YES (provide details)

Does the person use any form of Alternative and Augmentative Communication? (AAC) For example communication device, communication board or book, Key Word Sign

- ☐ NO ☐ YES (please specify)

Does the person identify as belonging to a specific ethnic, cultural or religious group?

- ☐ NO ☐ YES (please specify)

Does the person need an interpreter?

- ☐ NO ☐ YES (which language)

2. APPLICANT

Are you making this application about yourself? ☐ YES ☐ NO (provide your details below)

Given names

Family name

Relationship to person

Postal address

Contact details

Daytime telephone

Mobile

Email

☐ I agree to have NCAT notices and correspondence sent to my email address

By ticking this box you agree to receive the notice of hearing and other correspondence by email. Please provide an email address that is accurate and checked regularly.

☐ I have read the [Information for Applicants](#) fact sheet

By ticking this box you agree that you understand your responsibilities as an applicant and are willing to continue in that role.

3. NSW TRUSTEE AND GUARDIAN

A. HAVE YOU SENT A COPY OF THIS APPLICATION TO THE NSW TRUSTEE AND GUARDIAN? ☐ NO ☐ YES

NSW Trustee and Guardian is a statutory party to all NCAT Financial Management Applications.

You must send a copy of your completed application and any attachments to the NSW Trustee and Guardian at one of the following addresses.

Please indicate which method you will use to send your completed application to the NSW Trustee and Guardian.

☐ **Post:** Locked Bag 5115, Parramatta NSW 2124

☐ **Fax:** 02 8688 9793

☐ **Email:** taggd@tag.nsw.gov.au

4. OTHER PARTIES

A. DOES THE PERSON HAVE A SPOUSE? ☐ NO ☐ YES (provide details)

Given names

Family name

Postal Address

Contact details Daytime telephone

Mobile

Email

B. DOES THE PERSON HAVE A CARER? ☐ NO ☐ YES (provide details)

Given names

Family name

Postal Address

Contact details Daytime telephone

Mobile

Email

C. HAS THE PERSON APPOINTED AN ATTORNEY UNDER A POWER OF ATTORNEY? ☐ NO ☐ YES

If there is a power of attorney, please attach a copy (or copies if more than one exists). At question 6, please also explain why you are applying for financial management orders despite the power of attorney.

Given names

Family name

Postal Address

Contact details Daytime telephone

Mobile

Email

D. ACKNOWLEDGEMENT OF PARTIES

A 'party' is someone who has certain rights in the Tribunal proceedings, such as the right to receive a copy of the application and notice of hearing. All of the above people (including the person the application is about) are parties to the proceedings.

I understand and acknowledge that I will provide a copy of my completed application and any attachments to:

☐ **NSW Trustee and Guardian**

Post: Locked Bag 5115, Parramatta NSW 2124

Fax: 02 8688 9793

Email: taggd@tag.nsw.gov.au

☐ **The person**

☐ **Their spouse** (if any)

☐ **Their carer** (if any)

☐ **Their attorney appointed under a Power of Attorney** (if any)

5. OTHER PEOPLE IN THE PERSON'S LIFE

Are there any other people in the person's life (social workers, doctors, family or friends) that could help NCAT make its decision? If yes, provide their full name, contact details (including phone number, address and/or email) and their relationship to the person this application is about.

You must include anyone who may disagree with the application. *Other people may not be parties but may apply to the Tribunal to be joined if they have sufficient interest.*

6. NEED FOR A FINANCIAL MANAGER

NCAT can only appoint a financial manager for a person who has a disability that affects their decision making if:

- The person is in NSW or has assets/income in NSW
- They are not capable of managing their own financial affairs
- There is a current need for someone to manage their financial affairs, and
- It is in their best interests for an order to be made.

A. WHY ARE YOU ASKING FOR A FINANCIAL MANAGER TO BE APPOINTED?

Explain why you think a financial manager should be appointed, including any risks to the person. For example, is the person's money about to be spent or assets sold in a way that is not in their best interest? Have services (home care or support, gas, power, phone) have been or about to be discontinued? Has the person lost or about to lose their accommodation?

B. DO YOU BELIEVE THIS MATTER IS URGENT BECAUSE THE PERSON IS AT RISK?

☐ NO

☐ YES Provide details.

C. WHAT IS THE PERSON'S FINANCIAL SITUATION?

List the details of the person's income, expenses, assets and debts in as much detail as possible.

D. WHO DO YOU SUGGEST FOR THE ROLE OF FINANCIAL MANAGER?

The proposed financial manager must be aware of this application unless you are proposing the NSW Trustee and Guardian.

- ☐ Yourself ☐ NSW Trustee and Guardian ☐ Don't know
☐ Someone else (provide details below)

Given names

Family name

Relationship to person

Postal address

Contact details

Daytime telephone

Mobile

Email

7. APPLICATION CHECKLIST

- ☐ **I have attached all other documents relevant to this application**
Include professional evidence or reports and written statements only if they are relevant to the issues NCAT needs to decide. Attach a copy of the Power of Attorney/s if applicable.
- ☐ **I have sent a copy of this application and attachments to NCAT**
To lodge your application, return all pages of the form to NCAT's Guardianship Division. Check that you have completed all relevant items and signed the application form.
- NCAT Guardianship Division**
Post: PO Box K1026, Haymarket NSW 1240
In person: Level 6 John Maddison Tower, 86-90 Goulburn Street, Sydney
Email: gd@ncat.nsw.gov.au
- ☐ **I have sent a copy of this application and attachments to NSW Trustee and Guardian**
NSW Trustee and Guardian is a statutory party to all NCAT Financial Management Applications. You must send copies of all documents, including this application and any attachments, to the NSW Trustee and Guardian at one of the following addresses.
- NSW Trustee and Guardian**
Post: Locked Bag 5115, Parramatta NSW 2124
Fax: 02 8688 9793
Email: taggd@tag.nsw.gov.au
- ☐ **I have sent a copy of this application and attachments to all other parties**
You must send copies of all documents, including this application and any attachments, to all other parties to the application including the person who the application is about.
- ☐ **I have made a copy of this application for my own records**
Before lodging your application with NCAT you must make a copy of your application for your own records.

8. DECLARATION AND SIGNATURE

- Declaration** Having read through this completed application:
- ☐ I consider that, to the best of my knowledge, all of the information is true and accurate.
- ☐ I have not intentionally left out important information or the names of people who are likely to have a legitimate interest in the application.
- ☐ I understand that it is an offence to make a false or misleading statement in an application.

Name

Signature

Date

NCAT GUARDIANSHIP DIVISION

Postal address: PO Box K1026, Haymarket NSW 1240

Street address: Level 6 John Maddison Tower, 86-90 Goulburn Street, Sydney

Telephone: (02) 9556 7600 or 1300 006 228
Interpreter Service (TIS) 13 14 50
National Relay Service 1300 555 727

Email: gd@ncat.nsw.gov.au

Website: www.ncat.nsw.gov.au

GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the NCAT Guardianship Division Financial Management Application Form. Section headings and numbers match the questions on the form.

1. PERSON THE APPLICATION IS ABOUT

A. PERSON'S NAME AND ADDRESS

Provide the person's full name and usual address.

B. PERSON'S CURRENT LOCATION

This is the address of the place where the person is staying if they are not at their usual address.

C. WHAT TYPE OF ACCOMMODATION ARE THEY CURRENTLY IN?

Tick the box that best describes where the person is currently living.

D. WHAT IS THE PERSON'S VIEW ABOUT THIS APPLICATION?

You must tell the person you are making an application about them and ask whether they agree to it. NCAT may still make an order if they don't agree, but must take their views into account.

E. WHY DO YOU THINK THE PERSON HAS A DECISION MAKING DISABILITY?

For NCAT to make a financial management order, the person must be incapable of managing their own finances.

Attach any evidence you have about the person's condition or their ability to manage their financial affairs.

F. ASSISTANCE AT THE HEARING

NCAT prefers that the person attends the hearing in person. If they are not able to attend in person, a video or teleconference can be arranged. If other assistance is required, or the person cannot take part in the hearing, you should contact NCAT.

2. APPLICANT

The applicant is the person who is lodging the application. Provide your details here unless you are the person the applicant is about.

I agree to have NCAT notices and correspondence sent to my email address

By ticking this box you agree to receive all correspondence by email.

I have read the 'Information for Applicants' fact sheet

You must have read and understood the responsibilities of an applicant before you continue. If at any stage you are unwilling or unable to continue in the role you should find someone else to take over and inform NCAT.

3. NSW TRUSTEE AND GUARDIAN

A. HAVE YOU SENT A COPY OF THIS APPLICATION TO NSW TRUSTEE AND GUARDIAN?

NSW Trustee and Guardian is a statutory party to all NCAT Financial Management Applications. You must send a copy of your application and any attachments to the NSW Trustee and Guardian.

NSW Trustee and Guardian is a separate organisation from NCAT.

4. OTHER PARTIES

A. DOES THE PERSON HAVE A SPOUSE?

A **spouse** is the husband, wife or de facto partner (including same sex partner) of the person the application is about. The spouse must have a close and continuing relationship with the person.

B. DOES THE PERSON HAVE A CARER?

A **carer** is an unpaid person who provides or arranges for domestic services and support for the person on a regular basis, or before the person lived in a residential care facility. The carer is still considered unpaid if they receive a carer's pension.

C. HAS THE PERSON APPOINTED AN ATTORNEY UNDER A POWER OF ATTORNEY?

A **power of attorney or enduring power of attorney** is a legal document signed by the person appointing another person or persons (the attorney or attorneys) to act on their behalf in financial matters. If applicable, please attach a copy of the person's signed power of attorney or enduring power of attorney.

Note: A general power of attorney ceases to have effect if the person loses capacity. An enduring power of attorney does not.

D. ACKNOWLEDGEMENT OF PARTIES

All material sent to NCAT must also be sent to NSW Trustee and Guardian and all other parties, including the person the application is about, unless NCAT makes an order to restrict disclosure about the proceedings (section 64 *Civil and Administrative Tribunal Act 2013*). You must provide good reasons if you want orders made to restrict disclosure.

5. OTHER PEOPLE IN THE PERSON'S LIFE

If the person has close friends or relatives that have frequent contact with the person, and an interest in their welfare, they should be listed. Professionals such as social workers or doctors should also be listed.

6. NEED FOR A FINANCIAL MANAGER

A. WHY ARE YOU ASKING FOR A FINANCIAL MANAGER TO BE APPOINTED?

Most adults with disabilities are assisted with decision making by family members, friends or service providers. These informal decision making arrangements often meets the person's needs.

NCAT must be satisfied by the evidence before it that:

- the person the application is incapable of managing their finances
- there is a current need for someone else to manage the person's finances, and
- it is in the person's best interests for an order to be made.

Explain why you think a financial manager should be appointed in this person's circumstances.

A financial manager is not authorised to make decisions about the person's health, accommodation or services. If you think these types of decisions need to be authorised you should apply for a guardianship order.

B. IS THERE A RISK TO THE PERSON?

You should tell the Tribunal about any possible risk to the person's money, property and/or assets.

C. WHAT IS THE PERSON'S FINANCIAL SITUATION?

Provide details of the person's financial circumstances. For example, whether they are on a pension or own their own home.

D. WHO DO YOU SUGGEST FOR THE ROLE OF FINANCIAL MANAGER?

You can suggest a financial manager, however NCAT is not bound to appoint that person. You should talk to the person before nominating them. The person must be over 18 years and suitable for the role because of their own experience managing money, financial history and lack of conflict between them and the person.

If there is no one suitable or willing to take on the role of financial manager, NCAT will appoint the **NSW Trustee and Guardian**. The NSW Trustee and Guardian charges fees to act as a financial manager and supervise private financial managers. For more information visit the [NSW Trustee and Guardian website](#).

7. APPLICATION CHECKLIST

I have attached all other documents relevant to this application

Include all relevant information with your application. Refer to the information on evidence and supporting materials. Do not include any confidential information with your application as copies of your attachments will be provided to the other parties.

I have sent a copy of this application and attachments to NSW Trustee and Guardian

NSW Trustee and Guardian is a statutory party to all NCAT Financial Management Applications. You must send copies of all documents, including this application and any attachments, to the NSW Trustee and Guardian.

I have sent a copy of this application and attachments to all other parties

You must send copies of all documents, including this application and any attachments, to all other parties to the application including the person the application is about.

I have made a copy of this application for my own records

Before lodging your application with NCAT you must make a copy of your application for your own records.

I say that the information I have given in this application is true

You must verify that all the information you have provided to NCAT is true and correct.

8. DECLARATION AND SIGNATURE

You must verify that all the information you have provided to NCAT is true and correct.

You must print your name and sign and date the application form. If the application form is submitted without being signed it may cause unnecessary delays.

EVIDENCE AND SUPPORTING MATERIALS

At the hearing you will need to provide evidence to support the decision. For a financial management order, NCAT will generally need a professional opinion about the person's capability to manage their financial affairs.

Your evidence may include reports prepared by:

- A doctor or other health or disability professional
- A lawyer or accountant involved in the person's financial affairs
- The provider of accommodation or services
- A counsellor or financial counsellor
- A social worker.

The evidence can be in the form of a report, statement, statutory declaration or affidavit. At the hearing NCAT can consider evidence that is in writing or given orally.

If the person has signed a power of attorney, a copy of it should be attached to the application.

All documents sent to NCAT must also be sent to the other parties. You should not provide information that you do not want disclosed to the other parties.

HOW CAN NCAT HELP ME?

If you have any questions about completing this form please contact NCAT's Guardianship Division on:

Telephone: (02) 9556 7600 or 1300 006 228

Email: gd@ncat.nsw.gov.au

Website: www.ncat.nsw.gov.au

WHERE CAN I LODGE MY APPLICATION FORM?

To lodge your application, return all pages of the form to NCAT's Guardianship Division. Check that you have completed all relevant items and signed the application form. You can lodge the completed form and any attachments by:

POST:

NCAT Guardianship Division
PO Box K1026
Haymarket NSW 1240

IN PERSON:

NCAT Guardianship Division
Level 6 John Maddison Tower
86-90 Goulburn Street, Sydney

Office hours: 9am-5pm Monday to Friday (closed public holidays)