



Request to review a guardianship order

GUARDIANSHIP DIVISION

Complete this form to request NCAT to review a guardianship order made under the *Guardianship Act 1987*.

When NCAT makes a guardianship order it specifies the length (term) of the order. Unless NCAT orders that the guardianship order will not be reviewed, NCAT will conduct a hearing review close to the end of its term.

If someone has a genuine concern for the welfare of the person and believes the order is no longer working in the best interests of the person, or is no longer necessary, they can request that NCAT review the order before the end of the order.

Read the [Review of guardianship orders](#) fact sheet for more information about requesting a review and the Tribunal process.

IMPORTANT INFORMATION:

- The NSW Public Guardian is a statutory party to all reviews of guardianship orders.
- All parties will receive a copy of this application and all documents unless the Tribunal orders otherwise.
- For more information read the fact sheets [Providing information to the Guardianship Division](#) and [Who is a party to proceedings in the Guardianship Division?](#)

Case Number
Office use only

1. PERSON THIS APPLICATION IS ABOUT

Provide details of the person who has a guardianship order.

A. PERSON'S CASE NUMBER, NAME AND ADDRESS

NCAT Case Number

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 (provide details)

Do you have any written evidence about the person's disability and their capacity for making decisions?
For example, a report from a doctor or other health care professional. Attach reports to this application.

YES NO (why not?)

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. Provide an email address that is accurate and checked regularly.

I have read the [Review of guardianship orders](#) 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. PUBLIC GUARDIAN

A. HAVE YOU SENT A COPY OF THIS APPLICATION TO THE PUBLIC GUARDIAN? NO YES

The NSW Public Guardian is a statutory party to all NCAT Reviews of guardianship orders.

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

Indicate which method you will use to send your completed application to the Public Guardian.

NSW Public Guardian

Email: PGERegistry@opg.nsw.gov.au

Post: Locked Bag 5116, Parramatta NSW 2124

4. OTHER PARTIES

A. WHO DID THE TRIBUNAL APPOINT AS GUARDIAN?

NSW Public Guardian

Private Guardian (provide details below)

Given names

Family name

Relationship to person

Postal Address

Contact details

Daytime telephone

Mobile

Email

If there is more than one guardian, attach their details to this application.

B. HAS THE PERSON MADE AN ENDURING GUARDIAN APPOINTMENT? **NO** **YES** (provide details below)

Given names

Family name

Relationship to person

Postal Address

Contact details Daytime telephone

Mobile

Email

If there is more than one enduring guardian, attach their details to this application.

C. DOES THE PERSON HAVE A SPOUSE? **NO** **YES** (provide details below)

Given names

Family name

Postal Address

Contact details Daytime telephone

Mobile

Email

D. DOES THE PERSON HAVE A CARER? **NO** **YES** (provide details below)

Given names

Family name

Postal Address

Contact details Daytime telephone

Mobile

Email

E. 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 Public Guardian**
Email: PGERegistry@opg.nsw.gov.au
Post: Locked Bag 5116, Parramatta NSW 2124
- The person the applicant is about**
- The person's guardian**
- The person appointed Enduring Guardian/s (if any)**
- The person's spouse (if any)**
- The person's carer (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.

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 to this application if they have sufficient interest.*

6. NEED FOR A REVIEW OF THE GUARDIANSHIP ORDER

Please note: A requested review is not the same as an appeal. A requested review can only be held when there is new information for NCAT to consider. NCAT may refuse a request to review a guardianship order if your request does not disclose grounds that warrant a review or if order has been previously reviewed.

A. WHAT CHANGES DO YOU WANT MADE TO THE GUARDIANSHIP ORDER?

End the current guardianship order

You think that decisions can now be made informally without an order or the person has regained capacity to make decisions. If the person has regained capacity you will need to provide a health professional report about this.

Change the decision making functions of the guardian

You think that the decision making functions of the guardian need to change. Please state below which functions should be removed or added and why.

Replace the appointed guardian

You think that the appointed guardian needs to be replaced. Please give your reason for this and state who you think the guardian should be. If it is not the Public Guardian, you should let the person know you are proposing them and give their name and address details below.

B. EXPLAIN WHY YOU THINK THE GUARDIANSHIP ORDER SHOULD BE CHANGED?

Explain why you are requesting a review of the guardianship order by providing as much information as possible. If the space below is insufficient you can attach additional information to this form.

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

- NO**
- YES** (provide details below)

7. APPLICATION CHECKLIST

- I have attached all other documents relevant to this application**
Include medical evidence or reports and written statements only if they are relevant to the issues NCAT needs to decide. Attach a copy of the Enduring Guardian Appointment if applicable.
- I have sent a copy of this application and attachments to NCAT**
To lodge your application, send your application and all supporting documents to NCAT's Guardianship Division. Check that you have completed all relevant items and signed the application form. For urgent applications, email your application form and supporting documents to gd@ncat.nsw.gov.au and call the Registry on 1300 006 228.
- NCAT Guardianship Division**
Email: gd@ncat.nsw.gov.au
Post: PO Box K1026, Haymarket NSW 1240
In person: Level 6 John Maddison Tower, 86-90 Goulburn Street, Sydney
- I have sent a copy of this application and attachments to the NSW Public Guardian**
The Public Guardian is a statutory party to all reviews of guardianship orders. You must send copies of all documents, including this application and any attachments, to the Public Guardian.
- NSW Public Guardian**
Email: PGERegistry@opg.nsw.gov.au
Post: Locked Bag 5116, Parramatta NSW 2124
- 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. For more information read the fact sheets [Providing information to the Guardianship Division](#) and [Who is a party to proceedings in the Guardianship Division?](#)
- 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

Email: gd@ncat.nsw.gov.au

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

Website: www.ncat.nsw.gov.au

GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the NCAT Guardianship Division 'Request to review a guardianship order' form. Section headings and numbers match the questions on the form.

1. PERSON THE APPLICATION IS ABOUT

A. PERSON'S CASE NUMBER, NAME AND ADDRESS

Provide the person's NCAT case number, full name and address of the person with the guardianship order.

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 make an order even when the person does not agree, but must take their views into account.

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

NCAT needs to know what disabilities or other health related factors are affecting the person's decision making capacity. Attach any evidence you have about the person's condition or their ability to make decisions.

F. ASSISTANCE AT THE HEARING

NCAT prefers the person to attend the hearing in person, if possible. The hearing will be set up as a virtual hearing for any party unable to attend in person due to ill health or travel issues. Virtual hearing details will be sent to you.

2. APPLICANT

The applicant is the person who is lodging the application. Provide your details here unless you are the person the application 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 [Review of guardianship orders 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. PUBLIC GUARDIAN

A. HAVE YOU SENT A COPY OF THIS APPLICATION TO THE PUBLIC GUARDIAN?

The Public Guardian is a statutory party to all reviews of guardianship orders. You must send a copy of your application and any attachments to the Public Guardian.

The Public Guardian is a separate organisation from NCAT.

4. OTHER PARTIES

A. WHO DID THE TRIBUNAL APPOINT AS GUARDIAN?

The guardian is a party to the application.

B. HAS THE PERSON MADE AN ENDURING GUARDIAN APPOINTMENT?

Each enduring guardian appointed is a party to the application.

C. DOES THE PERSON HAVE A SPOUSE?

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

D. DOES THE PERSON HAVE A CARER?

A **carer** is an unpaid person who regularly provides or arranges domestic support for the person, including before the person entered residential care. The carer is still considered unpaid if they receive a carer's pension.

E. ACKNOWLEDGEMENT OF PARTIES

All material sent to NCAT must also be sent to the Public Guardian and other parties, including the person that 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 to restrict disclosure.

5. OTHER PEOPLE IN THE PERSON'S LIFE

NCAT can join a person to the application if satisfied that they have a genuine concern for the welfare of the person that the application is about or a proper interest in the proceedings.

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 REVIEW OF THE GUARDIANSHIP ORDER

A. WHAT CHANGES DO YOU WANT TO THE GUARDIANSHIP ORDER?

If circumstances change and the person no longer needs a guardianship order, or if the terms of the order need to be changed, NCAT can review the guardianship order.

NCAT may refuse to review a guardianship order if it has already reviewed the order or if there has been no change in circumstances.

- If the **person has regained capacity**, provide a health professional report.

- If the **guardian’s functions need to change**, explain what you think needs to happen.
- If the **guardian needs to be replaced**, explain why and who should be the replacement guardian. Make sure the proposed person agrees to being put forward as a guardian.
- If **no suitable person is available**, you can propose the NSW Public Guardian. You do not need to contact the Public Guardian before making this proposal.

B. REASONS FOR ASKING FOR THE REVIEW?

NCAT needs to know why you think the guardianship order should be reviewed. Explain the circumstances and what attempts have been made to resolve the problems

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

You should tell NCAT about any possible risk to the person. For example, the person:

- is at risk of serious harm because of abuse, neglect, or exploitation
- is about to lose essential services or accommodation
- is refusing urgent and necessary medical care or hospital treatment
- has left or been taken from care or hospital against medical advice.

EVIDENCE AND SUPPORTING MATERIALS

At the hearing you will need to provide evidence to support the application. For a guardianship order, NCAT generally needs a professional opinion about the person’s disability and capacity to make personal and lifestyle decisions.

Your evidence may include reports from:

- 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 an Appointment of an Enduring Guardian, a copy of it should be attached to the application.

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

7. APPLICATION CHECKLIST

I have attached all other documents relevant to this application

Include all relevant information with your application. Do not include any information you do not want disclosed to other parties.

The application and supporting material must be sent to all parties unless the Tribunal orders otherwise.

For more information read the fact sheets [Providing information to the Guardianship Division](#) and [Who is a party to proceedings in the Guardianship Division?](#)

I have sent a copy of this application and attachments to the Public Guardian

The Public Guardian is a statutory party to all reviews of guardianship orders. You must send copies of all documents, including this application and any attachments, to the Public 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. Read the fact sheet [Who is a party to proceedings in the Guardianship Division?](#)

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

You must verify that all information provided to NCAT is true and correct. You must print your name, sign and date the application form. If the form is submitted without a signature, it may cause unnecessary delays.

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 form.

Give NCAT the completed form and any attachments by:

- EMAIL:** gd@ncat.nsw.gov.au
- POST:** Guardianship Division
NSW Civil and Administrative Tribunal
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)

For urgent applications, email your application and supporting documents to gd@ncat.nsw.gov.au and call the Registry on 1300 006 228.