
Information financial management orders - what happens after the hearing?

This information sheet is about financial management orders made by the Tribunal under the *Guardianship Act* 1987. An information sheet about guardianship orders is available from the Tribunal.

At the end of the hearing, the Tribunal will usually tell you what decision it has made. The Tribunal can make:

- a guardianship order only, or
- a guardianship and financial management order, or
- a financial management order only.

Sometimes the Tribunal will not make any order. This may be because the problems that led to the application have been resolved, or the Tribunal decides that the person does not need a guardian or financial manager.

Decisions made by the Tribunal are legally binding.

Copies of the Tribunal's financial management order and reasons for decision will be sent soon after the hearing. These will be sent to:

- the person who the order is about
- the private financial manager, if one is appointed
- the NSW Trustee
- the applicant
- any other parties
- any other people or organisations the Tribunal considers appropriate.

What will the financial management order tell you?

It will state the name of the financial manager.

This will either be:

- a friend or relative whose actions will be authorised and, sometimes, directed by the NSW Trustee, or
- the NSW Trustee.

NSW Trustee

The NSW Trustee is a NSW Government officer who:

- manages the financial affairs of people who cannot manage on their own, or
- supervises a private financial manager.

When appointed financial manager, the NSW Trustee ensures that the person's financial affairs are managed to best meet their needs. The person's financial resources and current and long term needs are taken into account.

Whenever possible, the views of the person and close family members are sought before major decisions are made. In some circumstances, the NSW Trustee can spend the person's money on the needs of their dependents.

A representative from the NSW Trustee will contact the person the order is about – the 'protected person' – and/or family members, friends or service providers. The NSW Trustee will set up suitable arrangements to manage the person's affairs. After the order is made, anyone involved with the person's affairs, including friends, family and service providers, can make direct contact with the NSW Trustee, by phoning (02) 8688 2600 or 1300 360 466.

Private financial managers

The Tribunal may appoint a private person to manage the financial affairs of the person the order is about. The NSW Trustee interacts with private financial managers in four main ways.

1. The NSW Trustee decides what powers the manager has. These are set out in an estate management plan called the 'Directions and Authority' document. If the manager wants to deal with the person's finances in ways not authorised or directed, they must get the NSW Trustee's approval.
2. The manager must usually lodge security with the NSW Trustee, for example the title deed of the protected person's house.
3. The manager must usually lodge accounts each year with the NSW Trustee to show that the person's finances are being properly managed.
4. The NSW Trustee may arrange for an authorised visitor to visit the protected person. The authorised visitor can make suggestions about spending money to benefit the person.

The NSW Trustee encourages financial managers to think about what will benefit the person. Sometimes people with disabilities have often lived very basic lifestyles while large amounts of money sat idle.

The person with a disability is the main focus of expenditure but the NSW Trustee can authorise expenses to meet the needs of dependents.

If the Tribunal makes an order appointing you as financial manager, you will receive a copy of the order. You will then need to contact the NSW Trustee to obtain your *Directions and Authority Document*.

Interim management orders

In emergencies and other special circumstances the Tribunal may make an interim financial management order for up to six months while more information is collected and relevant people contacted. Another hearing will be held before the interim order expires. At this hearing, the Tribunal will decide if another order is necessary.

Fees

There are charges for the NSW Trustee services. Contact the Office of the NSW Trustee for details about these costs. An application can be made to reduce or waive fees for people experiencing financial hardship.

The role of the protected person

If the protected person can express views, they should be consulted by the manager and have some say in the management of their finances after a management order is made.

Sometimes the Tribunal excludes part of the person's estate from the order. If this is the case, the person the order is about remains responsible for that part of the estate.

The NSW Trustee can also authorise the person to have direct access to some money, for example a bank account into which their pension is paid. The NSW Trustee's policy gives the person as much control as possible over their finances.

Can the Tribunal review a financial management order?

Most management orders will operate indefinitely but the Tribunal has the power to review orders in the following circumstances:

- if it is asked to revoke the order because there is evidence that the protected person has regained capacity to manage their affairs;
- if it has been asked to revoke the order because it is in the best interests of the protected person to do so;
- if it says the financial management order must be reviewed.

The Tribunal may also review the appointment of the manager and replace the manager if it is satisfied that it is in the best interests of the protected person to

do so. Application forms to request a review or revocation of a financial management order are available from the Tribunal.

Appeals

Anyone who has been a party to a financial management application before the Guardianship Tribunal can appeal to the Supreme Court or the Administrative Decisions Tribunal if they disagree with the decision made by the Guardianship Tribunal.

A party is:

- the applicant
- the person the application is about
- the spouse, if any, of the person the application is about
- the carer, if any, of the person the application is about (excluding paid carers)
- the appointed attorney under a Power of Attorney
- the NSW Trustee
- any person the Tribunal has joined as a party.

An appeal can be made about a question of law or, with the permission of the Court/Tribunal, on any other question. A solicitor should be consulted before an appeal is lodged.

Appeals must be lodged with the Supreme Court or the Administrative Decisions Tribunal within 28 days of receiving the Guardianship Tribunal's written reasons for decision.

For more information contact

Guardianship Tribunal

Telephone (02) 9556 7600

Toll free 1800 463 928

Facsimile (02) 9555 9049

Telephone typewriter
(02) 9556 7634

Email gt@gt.nsw.gov.au

Website www.gt.nsw.gov.au

Level 3, 2a Rowntree Street, Balmain NSW 2041

Postal address Locked Bag 9, Balmain NSW 2041

NSW Trustee

Telephone (02) 8688 2600

Toll free 1300 360 466

Telephone typewriter
1800 882 889

Email opcmail@opc.nsw.gov.au

Website www.lawlink.nsw.gov.au/opc