

Information for Applicants

Request to review a guardianship order

The following information explains how to apply to the NSW Civil and Administrative Tribunal (NCAT) Guardianship Division to request a review of a guardianship order.

What is a requested review?

The *Guardianship Act 1987* allows anyone with a genuine concern for the welfare of a person under guardianship to request a review of a guardianship order.

Guardianship orders are made for a specified period of time. The orders are usually reviewed at the end of this period.

If someone with a genuine concern for the welfare of the person under guardianship believes that the order is not working in the person's best interests, or is no longer necessary, they can request NCAT to review the order before it expires.

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.

To appeal the original decision you need to appeal to NCAT's Appeal Panel or to the Supreme Court.

Discretion to refuse a request

In some cases, NCAT may refuse a request to review a guardianship order. This may happen if the request does not disclose grounds that warrant a review or if NCAT has previously reviewed the order.

Your responsibilities as applicant

As the person requesting a review of a guardianship order you are making an application to NCAT. You have responsibilities beyond completing and lodging the application form.

As an applicant you must:

- Tell the person under guardianship that you are making an application about them.
- Provide details of all the people who have an interest in the application even if they disagree with it.

- Keep NCAT informed of any changes to the person's circumstances while your request is being considered.
- If the application proceeds to a hearing, give the person under guardianship a copy of the application and notice of hearing. NCAT will also send both documents to the other parties.
- Attend the hearing and arrange for the person to attend.

Who will receive a copy of your application?

Anyone who is a party to your application is entitled to receive a copy of your application.

The following people are parties to a review of a financial management order under the *Guardianship Act 1987*:

- You, the applicant
- The person under guardianship
- The person's appointed guardian
- The person's spouse, de facto spouse or partner, if any
- The person's unpaid carer, if any
- NSW Public Guardian
- Any person the Tribunal joins as a party.

How to lodge your application

To lodge your form and attachments:

- **Post**
NSW Civil and Administrative Tribunal
Guardianship Division
PO Box K1026, Haymarket NSW 1240
- **Deliver in person**
Level 6 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

When lodging your application, please return all pages of the form. There is no fee for lodging a Guardianship Division application.



What happens next?

NCAT will send you and other parties a notice of hearing with the date, time and place of hearing.

If you need further information about making an application, contact NCAT's Guardianship Division.

Contact NCAT

1300 006 228 | www.ncat.nsw.gov.au

Interpreter Service (TIS) 13 14 50

National Relay Service for TTY users 13 36 77

For more information and assistance visit the NCAT website or contact NCAT's Guardianship Division on (02) 9556 7600 or 1300 006 228.