# Preparing for an NCAT Guardianship or Financial Management Hearing

A plain-language guide for families in NSW

This guide is for family members and carers who have applied, or are thinking of applying, to the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) about an adult who may not be able to make some decisions for themselves. It explains what the Tribunal does, what evidence it expects, where to get free help, and when paying for professional support is worth it.

**This guide is general information, not legal advice.** It was written by Create Allied Health Services. Social workers are not lawyers. If you need advice about your legal rights, contact one of the free legal services listed in section 5.

## 1. What the Guardianship Division does

The Guardianship Division of NCAT makes decisions about adults who have a disability or condition that affects their ability to make decisions, including dementia, acquired brain injury, intellectual disability and severe mental illness. It can:

- appoint a guardian to make personal, health and accommodation decisions
- appoint a financial manager to manage a person's money and property
- review an existing Enduring Guardian appointment and, if necessary, vary or revoke it
- review an existing Enduring Power of Attorney and, if necessary, vary or revoke it, appoint a substitute attorney, declare it invalid if the person lacked capacity when it was made, or direct the attorney to provide accounts and records
- provide consent to medical or dental treatment where the person cannot consent themselves.

Three things about the Division that families are often relieved to hear. There is no application fee. Each party normally pays their own costs, and the Tribunal only rarely orders one party to pay another's. And parties need the Tribunal's leave to be represented at the hearing, whether by a lawyer or anyone else, and requests must be made in writing at least five working days beforehand. Many families take part without a lawyer, supported by the evidence they have gathered and, sometimes, a support person.

The Tribunal's starting point, set out in section 4 of the Guardianship Act 1987 (NSW), is that a person's freedom of decision and action should be restricted as little as possible. It will not appoint a guardian or financial manager if the person's needs can be met another way, for example through informal family support, supported decision-making, or an existing Enduring Guardian or Power of Attorney that is working well.

## 2. Which application is right for you

| If you are worried that... | The usual application is... | The Tribunal will focus on... |
|---|---|---|
| No one has legal authority to make personal or health decisions and the person cannot make them | Guardianship application | Whether the person has a decision-making disability, whether a decision needs to be made, and whether a guardian is really needed |
| The person's money or property is at risk and no one has authority to manage it | Financial management application | Whether the person can manage their own affairs and whether a manager is in their best interests |
| The appointed Enduring Guardian is not acting properly, or the appointment was made when the person lacked capacity | Review of an Enduring Guardian appointment | The person's capacity when the document was signed, and whether the guardian is acting in their best interests |
| The attorney is misusing the person's money, or the Power of Attorney was made when the person lacked capacity | Review of an Enduring Power of Attorney | The person's capacity when the document was signed, how the attorney has managed the money, and whether accounts should be produced |

You can lodge more than one application at the same time. If financial abuse is a concern, a review of the Power of Attorney and a financial management application are often lodged together.

## 3. How the process works

**Application.** You lodge the relevant form (available on the NCAT website) with as much supporting evidence as you have. You do not need everything at this stage, but the more you can provide, the faster the matter moves.

**Notification and directions.** NCAT notifies the person concerned and other family members or interested parties. It may hold a directions hearing or issue written directions requiring documents to be produced by a set date.

**Investigation.** Tribunal staff may contact the person, their doctors, the current guardian or attorney, and others to gather information.

**Hearing.** Most matters are listed around eight weeks after application; urgent matters, such as hospital discharge, can be listed within about three weeks. Hearings are usually before a three-member panel (a legal member, a professional member and a community member) and are conducted with as little formality as possible. The panel asks questions of everyone present. Hearings can be held by video conference where NCAT approves it, and the Tribunal may phone doctors or other witnesses who cannot attend.

**Decision.** Usually announced at the end of the hearing, with written orders and reasons sent to the parties afterwards.

## If your hearing was adjourned

An adjournment is common and is not a failure. The most frequent reason is that the Tribunal does not yet have the medical evidence it needs about capacity, or the financial records it needs from the attorney. When the Tribunal adjourns it usually directs who must provide what, and by when. Read the directions carefully, diarise the dates, and if the other party does not comply, write to the Tribunal before the next hearing to say so. The Tribunal can draw its own conclusions from a failure to produce documents it has directed.

## 4. The evidence the Tribunal expects

## Medical evidence of decision-making capacity

This is the evidence the Tribunal cannot proceed without. Ideally it comes from the person's GP and, where possible, a geriatrician, psychiatrist or neuropsychologist. It should address the diagnosis, when the impairment was first identified, its likely course, and, critically, whether the person can understand, retain and weigh information and communicate a decision about their personal and lifestyle matters and, separately, their financial matters. Capacity is decision-specific: a person may be able to decide where to live but not manage an investment portfolio.

NCAT publishes a health professional report form on its website. Ask the treating clinician to complete it, or to write a letter covering the same ground. If you are alleging that an Enduring Guardian or Power of Attorney was signed when the person already lacked capacity, evidence of their capacity at the date of signing is essential, so ask for clinical records from that period.

## Financial evidence

For a Power of Attorney review or a financial management application, the Tribunal wants to understand what the person owns and how it has been managed. Useful documents include bank and credit card statements, Centrelink and superannuation records, property titles and rates notices, aged care fee agreements, records of gifts, transfers or loans to family members, and any invoices or receipts the attorney holds. If the attorney holds these records and you cannot obtain them, ask the Tribunal in your application to direct the attorney to produce them.

## Your written statement

A clear, chronological account of your concerns is the single most useful document you can prepare yourself. Set out, with dates, what you observed, what was said, what documents you hold and how you obtained them. Keep opinion separate from fact. Attach copies of anything you refer to. Avoid repeating

allegations you cannot support; the Tribunal is experienced at distinguishing evidence from family conflict, and an over-stated statement undermines the parts that are solid.

## Statements from others

Short written statements from other family members, friends, neighbours, care workers or service providers who have direct knowledge of the person's circumstances carry weight, particularly where they corroborate specific events.

## A social work report

A psychosocial report from a social worker can help the Tribunal understand the person's living situation, relationships, supports and vulnerabilities, and what arrangement would be least restrictive while still protecting them. It does not replace medical evidence of capacity, but it fills the gap between the clinical picture and the practical question of what should happen next. Families can commission and lodge this report themselves without a lawyer.

## 5. Free help

| Service | What they do | Contact |
|---|---|---|
| Seniors Rights Service | Specialist community legal centre providing free, confidential legal advice to older people in NSW, including on planning-ahead documents and elder abuse | 1800 424 079 seniorsrightsservice.org.au |
| LawAccess NSW (Legal Aid NSW) | Free legal information and referral | 1300 888 529 legalaid.nsw.gov.au |
| NSW Ageing and Disability Abuse Helpline | Takes reports and enquiries about abuse, neglect or exploitation of older people and adults with disability, and decides how to respond, including referral to other agencies. Callers can remain anonymous. Weekdays 9am to 4pm | 1800 628 221 ageingdisabilitycommission.nsw.gov.au |
| National Dementia Helpline (Dementia Australia) | Free, confidential information, advice and support for people living with dementia and their families, 24 hours a day | 1800 100 500 dementia.org.au |

| Service | What they do | Contact |
|---|---|---|
| NSW Trustee and Guardian | Information on enduring documents, and the body appointed when no suitable private guardian or manager is available | 1300 109 290 tag.nsw.gov.au |
| NCAT Guardianship Division | Forms, fact sheets and hearing information. Press 2 for the Guardianship Division | 1300 006 228 ncat.nsw.gov.au |

## 6. When paid professional support is worth it

Most families can lodge an application and attend a hearing on their own with the help of the services above. Paid support becomes worthwhile when the matter is contested, when there are allegations of abuse, when you are struggling to organise the evidence or write your statement, or when you want a professional to attend the hearing with you.

A solicitor can provide legal advice and, with the Tribunal's leave, represent you. Solicitor fees for a contested matter of this kind in Sydney can run to several thousand dollars. Leave to be represented is not automatic and is often refused for parties other than the person the application is about.

Create Allied Health Services offers a lower-cost alternative for families who do not need legal argument but do need help preparing. Our team does not provide legal advice or representation. We help you organise the evidence, write your statement, understand what the Tribunal is asking for, and attend the hearing with a support person beside you. Where the Tribunal would benefit from an independent picture of the person's circumstances, we can prepare a social work report.

## Fees and packages

| Package | What it includes | Fee (inc GST) |
|---|---|---|
| Clarity Call | 45-minute consultation, a map of the evidence you have and need, and a written next-steps summary. Credited against any package taken within 14 days. | $180 |
| Submission Package | Initial consultation, review of your documents and the Tribunal's directions, drafting your statement and chronology with you, and guidance on filing. Approximately five hours. | $1,150 |

| Package | What it includes | Fee (inc GST) |
|---|---|---|
| Hearing Ready Package | Everything in the Submission Package, plus a hearing preparation session and attendance with you at one hearing as a support person, up to three hours. Hearings are attended by video link as standard; in-person attendance is available on request. | $2,200 |
| Social Work Report to the Tribunal | Interviews with you and, where appropriate, the person concerned, contact with other relevant people, and a written psychosocial report addressing their circumstances and the least restrictive options. | $1,400 |

Hourly rates outside the packages are $240 per hour for preparation and report writing and $300 per hour for hearing attendance. Consultations and hearings are attended by video link as standard, so families anywhere in NSW can use the service without travel costs; in-person attendance is available on request. Scope and a written quote are confirmed before any work begins, and anything outside the agreed scope is discussed with you first. Fees may be payable from the person's own funds where a financial manager or attorney agrees, or from NDIS, iCare or other funding where the person has it.

## 7. Checklist

| Item | Done |
|---|---|
| Identified which application (or applications) I need to make | |
| Downloaded the correct NCAT form(s) and read the Tribunal's fact sheet | |
| Asked the GP or specialist to complete the NCAT health professional report or write a capacity letter | |
| Requested clinical records from the period when any Enduring Guardian or Power of Attorney was signed | |
| Gathered financial records I hold, and listed those I need the Tribunal to direct the attorney to produce | |
| Written a dated, chronological statement and attached copies of documents referred to | |
| Asked others with direct knowledge to write short statements | |
| Diarised every date in the Tribunal's directions | |
| Contacted a free legal service for advice on my rights | |

| Item | Done |
|---|---|
| Decided whether I need paid support, and for what | |

## Sources

NSW Civil and Administrative Tribunal. Fees at NCAT; Guardianship Division; Guardianship Division forms; Review of an enduring power of attorney; Video conference hearings; Contact us. ncat.nsw.gov.au (accessed 21 September 2026).

NSW Civil and Administrative Tribunal. Guardianship Division Guideline - Representation; Guardianship Division Guideline - Costs; Fact sheet - Guardianship hearings. ncat.nsw.gov.au

Civil and Administrative Tribunal Act 2013 (NSW) s 45; Guardianship Act 1987 (NSW) s 4; Powers of Attorney Act 2003 (NSW) s 36.

Legal Aid NSW. A Practitioner's Guide to the Guardianship Division of NCAT (Linda Rogers). legalaid.nsw.gov.au

Service contact details verified against seniorsrightsservice.org.au, legalaid.nsw.gov.au, ageingdisabilitycommission.nsw.gov.au, dementia.org.au and nsw.gov.au/departments-and-agencies/trustee-guardian on 21 September 2026.

**Contact.** Create Allied Health Services Pty Ltd, Cronulla NSW. 1800 930 350 | admin@createalliedhealth.com.au | www.createalliedhealth.com.au/guardianship-ncat

Version 1.0, September 2026. Information about NCAT processes is current at the date of publication and should be checked against ncat.nsw.gov.au. This guide is general information only and does not constitute legal advice.