

What is the NSW Civil and Administrative Tribunal (NCAT)?

From 1 January 2014 the NSW Guardianship Tribunal, along with more than 20 other existing State Tribunals, were integrated into one single gateway for Tribunal Services in NSW, known as the NSW Civil and Administrative Tribunal (NCAT).

NCAT conducts hearings throughout New South Wales. Its purpose is to keep paramount the interests and welfare of people with disabilities through facilitating decision making on their behalf.

NCAT makes decisions in relation to the appointment of guardians and financial managers, or in relation to medical and dental consent, for people with disabilities who do not have the capacity to make their own decisions.

NCAT may make a range of other orders as well.

NCAT's host department is the NSW Department of Human Services - Ageing, Disability and Home Care. However, it is an independent body and operates under the *Guardianship Act 1987* which sets out most of the orders it can make, the principles to be applied when NCAT is making decisions, as well as the limits of its responsibilities and functions.

NCAT has specific and limited powers, including:

- make guardianship orders to appoint a private guardian (family member or friend) and/or the Public Guardian;
- make financial management orders to appoint a private financial manager and/or the Protective Commissioner;
- provide consent for treatment by a doctor or dentist;
- review enduring powers of attorney;
- review an enduring guardianship appointment; and/or
- approve a clinical trial so that people with decision-making disabilities can take part.

NCAT considers applications about people who normally reside in NSW or who have property or other financial assets in NSW.

Can NCAT review the appointment of an Enduring Guardian?

Yes. NCAT can review the appointment of an enduring guardian on its own motion or at the request of anyone whom the Tribunal considers has a genuine concern for the welfare of the person.

NCAT can suspend, revoke, confirm or vary the appointment of an enduring guardian.

It can also declare the appointment has effect.

The appointment of an enduring guardian can only be revoked at the request of the appointed enduring guardian or if NCAT is satisfied that revocation is in the best interests of the person.

NCAT can appoint a substitute enduring guardian if the original enduring guardian has died, resigned or become incapacitated.

Please contact us should you require any further information about NCAT.

For further information, contact:

Christine Page

Phone 9212 1099

Email cpage@dls-lawyers.com

Simon Singer

Phone 9212 1099

Email ssinger@dls-lawyers.com

David Penkin

Phone 9212 1099

Email dpenkin@dls-lawyers.com

Tony Lee

Phone 9212 1099

Email tlee@dls-lawyers.com

Jeannie McEwan

Phone 9212 1099

Email jmcewan@dls-lawyers.com