

Changing Private Managers

Resigning as private manager

If the private manager wants to resign, they need to apply to either the Supreme Court or the Guardianship Division, NCAT – where ever the financial management order was made. If a Supreme Court of NSW made the order, it is recommended that a private manager seeks legal advice. A private manager's application to resign must be accepted by the court or tribunal before they can be released from their role.

A private manager should apply to resign if there is a conflict of interest and it is in the best interests of the managed person that another financial manager be appointed.

Death of a private manager

If a private manager dies, a replacement financial manager will need to be appointed.

Removing a private manager

NSW Trustee & Guardian may make an application to have the private manager's appointment reviewed with a view to someone else being appointed in their place if a private manager fails to act in the managed person's best interests. An application for review will also be made if the private manager has neglected to undertake their role according to the Directions and Authorities. For example, if the private manager does not lodge the Private Manager's Plan or accounts for review, does not pay the required fees, or does not meet security requirements.

Revocation of a financial management order

The Supreme Court of NSW or the Guardianship Division, NCAT may revoke the order if, according to a doctor, clinical psychologist, rehabilitation specialist or other appropriate professional, the managed person has regained the capacity to manage their own financial affairs. An application will need to be made to the court or tribunal which initially made the order.

The Guardianship Division, NCAT may also revoke an order if it considers that the order is no longer required and it should be revoked in the best interests of the managed person.