

Policy: Private Management Directions and Authority

Purpose

This policy:

- provides information about the standards to be applied by NSW Trustee & Guardian to fulfil our obligations when issuing Directions & Authorities
- provides an overview of the purpose of the Directions & Authorities.
- ensures a standardisation of processes used by all staff and compliance with the existing regulatory framework.
- assists in managing risks to the managed persons estate by providing the standard review and assessment of work being received by NSW Trustee & Guardian and clarifying the requirements of the private manager.

1 The Directions and Authorities document sets out the functions the NSW Trustee & Guardian must:

- a) Authorise the manager to perform;
- b) Direct the manager to comply with; and
- c) Restrict the manager from performing without the prior approval of NSW Trustee & Guardian

(where there are specific clauses in the financial management order regarding specific function, they take precedence over NSW Trustee & Guardian standard Directions and Authorities.)

2 The Directions and Authorities document provides details in respect to:

- a) Communications regarding Assets and Liabilities;
- b) Taking control of documents relating to the estate of the managed person;
- c) Signing of documents;
- d) Receiving and directing payment (money and property);
- e) Operating bank accounts;
- f) Paying of reasonable expenses in relation to the managed person's estate;
- g) Arranging of various insurances for the managed person;
- h) Preparing of taxation returns;
- i) Seeking of professional advice;
- j) Purchasing and selling of major assets;
- k) Gifting and loaning;
- l) Reimbursing for past debts or past gratuitous care;
- m) Receiving remuneration;
- n) Commencing of legal proceedings;
- o) Completing the Private Manager's Plan;
- p) Providing security over the estate;
- q) Providing accounts for the estate;

- r) Informing NSW Trustee & Guardian of changes; and
 - s) Paying the fees for an Authorised Visitor.
- 3 Directions and Authorities expire if the managed person passes away or when the Financial Management Order is revoked or reviewed, and a new order is made.

The information provided in the Directions and Authorities document will be used as a tool for NSW Trustee & Guardian in their capacity to oversee the Private Manager in the management of the estate.

Policy statement

- The Directions and Authorities document provides the Private Manager with legal authority to act on behalf of the managed person that has been declared legally incapable of managing their own financial affairs.
- Directions and Authorities set out the powers of the Private Manager appointed to look after the financial affairs of a managed person and the requirements the NSW Trustee & Guardian has regarding its oversight role of the financial management of an estate.
- Directions and Authorities enable the NSW Trustee & Guardian to oversee the Private Managers performance of their obligations and duties.
- NSW Trustee & Guardian issues Directions and Authorities at the commencement of management and are ordinarily not required to be re-issued unless the Financial Management Order is reviewable, details of the Financial Management Order change (e.g. change in names) or upon a new Private Manager being appointed.
- The Senior/Client Service Officer reviews the Financial Management Order from the NSW Civil and Administrative Tribunal or the Supreme Court of NSW and issues the Directions and Authorities document.
- NSW Trustee & Guardian will step in when a Private Manager acts outside the powers outlined in the Directions and Authorities.
- The issuing of the Directions and Authorities document is a reviewable decision and the Private Manager can lodge an appeal to the NSW Civil and Administrative Tribunal.

Scope

Private Management staff

Legislative context

[NSW Trustee and Guardian Act 2009](#)

Definitions

Managed person means a client of NSW Trustee & Guardian.

Private Manager means a person appointed by NSW Civil and Administrative Tribunal or the Supreme Court to manage another person's estate.

Document information

Title:	Private Management Directions and Authority Policy
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Approver:	Director, Trustee Services
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