

Policy: Management of Estates Pursuant to Voluntary Applications

Purpose

- To provide a clear framework for hospitals, NSW Trustee & Guardian and potential applicants of the requirements for making an application for voluntary management;
- To provide clear guidelines of the circumstances in which NSW Trustee & Guardian will accept an application from a voluntary patient;
- To provide a standard procedure for an application for voluntary management or termination of that management.

Policy statement

- Voluntary Management applications will only be accepted if NSW Trustee & Guardian is satisfied no other means of managing a person's estate is feasible and appropriate.
- The NSW Trustee & Guardian must inform people seeking voluntary management of the implications of their affairs being the subject of voluntary management.
- People seeking voluntary management must be informed about the fees charged by NSW Trustee & Guardian, where their estates are subject to voluntary management by NSW Trustee & Guardian.
- People seeking voluntary management must be informed about the process for and impediments to returning financial management to them.
- Only appropriate matters will be accepted for voluntary management. NSW Trustee & Guardian must immediately comply with a request in accordance with [Section 92](#) (NSW Trustee may terminate management of patients who are not protected persons) of the [NSW Trustee and Guardian Act 2009](#), to terminate voluntary management of the person's estate unless there is reason to question the person's capacity to manage their affairs. If there is any concern, NSW Trustee & Guardian must seek advice on capacity from a health professional that knows the individual and can provide clinical evidence to inform continuation or discontinuation of the order.
- NSW Trustee & Guardian may refer the question of whether a protected person or patient is capable of managing their own affairs to the Supreme Court, the Mental Health Review Tribunal or the NSW Civil and Administrative Tribunal (Guardianship Division) (in the case of a person under Guardianship) under [Section 89 \(3\)](#) of the [NSW Trustee and Guardian Act 2009](#).

Scope

Direct managed customers

Legislative context

- [NSW Trustee and Guardian Act 2009](#)
- [Section 3 \(Definitions\) of NSW Trustee and Guardian Act 2009](#)
- [Section 52 \(Estates committed to management of the NSW Trustee\) of NSW Trustee and Guardian Act 2009](#)
- [Section 53 \(NSW Trustee may undertake management of estates of certain patients\) of NSW Trustee and Guardian Act 2009](#)
- [Section 89 \(NSW Trustee may terminate management of protected persons or patients\) of NSW Trustee and Guardian Act 2009](#)
- [Section 92 \(NSW Trustee may terminate management of patients who are not protected persons\) of NSW Trustee and Guardian Act 2009](#)

Definitions

Health Professional means a medical practitioner, clinical psychologist, social worker or case manager

Document information

Title:	Management of Estates Pursuant to Voluntary Applications Policy
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Approver:	Director, Trustee Services
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