



APPLICATION FOR A GUARDIANSHIP ORDER (INCLUDING AN INTERIM GUARDIANSHIP ORDER)

Guardianship of Adults Act

A - PERSON YOU ARE APPLYING ABOUT ('THE ADULT')

First Name/s:

Surname:

Is the adult known by any other names? If so please specify:

Residential address:

Current address if not the same as residential address:

Gender:

Identifies as Aboriginal or Torres Strait Islander

Yes

No

Is the adult under 18 years of age?

Yes

No

Date of birth:

E-mail:

Phone:

Mobile phone:

Hospital Registration (HRN) No. (if known):

Does the adult require an interpreter?

Yes, Language:

No

Please specify if the adult has any other needs or requirements which NTCAT may need to know about for the purposes of arranging a hearing.

B - APPLICANT'S INFORMATION

First name/s:

Surname:

Your relationship to the adult:

Postal Address:

E-mail:

Phone:

Mobile phone:

Important: The use of electronic media for the exchange of documents and other important information in NTCAT proceedings is strongly encouraged. If you are able to provide an email address it will be used for the service of documents and notices. If you have provided a mobile phone number NTCAT may send you SMS text messages with notifications about your matter.

C - DETAILS OF IMPAIRED DECISION MAKING CAPACITY¹ OF THE ADULT

Why do you say the adult needs a guardian?

Is a guardian needed for all or specific matters (eg. personal matters² or financial matters³)?

Does the adult know about the application?

Yes

No

If no, please explain why:

¹ The meaning of 'Impaired Decision Making Capacity' is set out in s 5 of the *Guardianship of Adults Act*.

² S3 of the *Guardianship of Adults Act* defines "personal matters."

³ S3 of the *Guardianship of Adults Act* defines "financial matters."

D - URGENT MATTERS - INTERIM GUARDIANSHIP ORDER⁴

Interim guardianship orders may be made if the adult is in urgent need of a guardianship order. An interim guardianship order will not be made unless there is genuine urgency.

Is an interim guardianship order required?

Yes No

Please set out the circumstances of urgency:

E - ADVANCE PERSONAL PLAN OR ENDURING POWER OF ATTORNEY

Does the adult have an advance personal plan within the meaning of the *Advance Personal Planning Act* or an enduring power of attorney?⁵

Yes No Unsure

If yes, please provide details of the advance personal plan or enduring power of attorney or copies if you have them.

⁴ S 20 of the *Guardianship of Adults Act* sets out when NTCAT can make an interim guardianship order. NTCAT must reasonably believe the person has impaired decision making capacity and is in urgent need of a guardian.

⁵ You can search for an advance personal plan at the Office of the Public Trustee (NT) and for a registered enduring power of attorney at the Office of the Registrar-General (NT).

F - DETAILS OF PROPOSED GUARDIAN

Who do you say should be guardian (may be more than one)?

- you
- another person
- the Public Guardian
- the Public Trustee (only for financial matters)

Please provide the following details for each proposed guardian (not required for Public Guardian or Public Trustee):

Guardian 1

Title and name:

Organisation (if any):

Address:

Relationship or interest with respect to the adult (if any):

E-mail:

Phone:

Is this person aware of this application?

Yes No

Do they consent to act as guardian?

Yes No

Guardian 2

Title and name:

Organisation (if any):

Address:

Relationship or interest with respect to the adult (if any):

E-mail:

Phone:

Is this person aware of this application?

Yes

No

Do they consent to act as guardian?

Yes

No

SIGNATURE

Signature of applicant or applicant's representative:⁶

Name:

Date:

⁶ A person signing as representative of a party warrants to NTCAT that he/she has the lawful authority to do so.

ADDITIONAL INFORMATION

Below is a list of some frequently used words in this application.

Meaning of 'decision-making capacity' and 'impaired decision-making capacity' (see section 5)

- (1) An adult has **decision-making capacity** if the adult has the capacity to:
 - (a) understand and retain information about the adult's personal matters and financial matters; and
 - (b) weigh the information in order to make reasoned and informed decisions about those matters; and
 - (c) communicate those decisions in some way.
- (2) An adult is presumed to have decision-making capacity until the contrary is shown.
- (3) An adult has **impaired decision-making capacity** if the adult's decision-making capacity is impaired.

Definition of 'financial matter' and 'personal matter' (see section 3)

financial matter, for an adult, means a matter relating to the adult's property or financial affairs.

Examples for definition financial matter

- 1 *Receipt and payment of money.*
- 2 *Banking.*
- 3 *Property (including real estate) ownership.*
- 4 *Investment and management of assets.*
- 5 *Carrying on a trade or business.*
- 6 *Insurance for an adult or the adult's property.*
- 7 *Legal matters relating to a financial matter, other than as mentioned in section **Error!***
Reference source not found.(e).

personal matter, for an adult, means a matter relating to the adult's personal affairs (including health care) or lifestyle.

Examples for definition personal matter

- 1 *Accommodation.*
- 2 *Health care.*
- 3 *The provision of care services to the adult.*
- 4 *Employment.*
- 5 *Education and training.*
- 6 *Day-to-day living matters, such as diet and daily activities.*
- 7 *Relationships with other people, including decisions about who may or may not visit the adult.*
- 8 *Legal matters relating to a personal matter, other than as mentioned in section **Error!***

Reference source not found.(e).