



FORM AG11 (18 November 2020)

APPLICATION FOR A SPECIFIED MEASURES ORDER UNDER SECTION 35 OF THE GUARDIANSHIP OF ADULTS ACT 2016

Guardianship of Adults Act 2016

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

File Number:

First Name/s:

Surname:

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

Current Address:

Gender:

E-mail:

Landline Phone:

Mobile Phone:

B - APPLICANT/S INFORMATION

First Name/s:

Surname:

Postal Address:

E-mail:

Landline Phone:

Mobile Phone:

Your relationship to the adult:

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 CURRENT GUARDIANSHIP ORDER (if known)

Date of order:

NTCAT (or Local Court) proceeding number:

D – DETAILS OF ORDER BEING SOUGHT:

(Note: An order under section 35 of the Guardianship of Adults Act 2016 will often involve significant interference with the rights of the adult. It is therefore critical that any order under section 35 makes clear: what specified measures may be used; in what circumstances; and by whom. NTCAT may refuse to accept this form if Part D is not adequately completed.)

D.1 Identify the **decision** (or decisions) of the guardian/s with which the adult is not complying, or with which the adult may not comply:

D.2 Specify¹ each of the **measures** for which authority is sought in order to ensure that the adult complies with the decision/s and for, each measure, the **actions, conduct or behaviour** of the adult to which the measure would be addressed:

D.3 Identify² the **person** or persons for whom authority to take the measure is being sought:

¹ It is **insufficient** here to only use generic expressions such as ‘physical restraint’, ‘chemical restraint’ or ‘environmental restraint’

² It is permissible, in appropriate cases, for a person to be identified by reference to a professional or institutional position they occupy, rather than by their name - for example: ‘the Consultant in charge, X Ward, Y Hospital’.

E - REASONS FOR THE APPLICATION

*(Note: NTCAT may only make an order under section 35 of the Guardianship of Adults Act 2016 if satisfied that, having regard to the represented adult's best interests, authorising the specified measures to be taken under the order is the only appropriate way to protect the adult from **harm, neglect, abuse or exploitation** (see section 35(4)). In completing Part E, an applicant should clearly address the **risk** to the adult if authority for the measures in Part D is not granted.)*

Please set out below³ the reasons NTCAT should make a specified measures order:

³ The reasons could instead be set out in a report filed at the same time as the application.

F – VIEW OF GUARDIAN/S

Does the guardian (or guardians) for the represented adult support the making of a specified measures order?

Yes No

If 'no', please set out the reasons (if known):

G - URGENT MATTERS

Is there an urgent need for the order? (Please only answer 'yes' in **genuine** circumstances of urgency.)

Yes No

If 'yes', please set out the circumstances of urgency:

SIGNATURE (not required if optional declaration below is completed)

Signature of applicant or applicant's representative:⁴ _____

Name of applicant or applicant's representative: _____

Date: _____

OPTIONAL DECLARATION (if applicant is a medical practitioner)⁵

I _____^[name] declare:

1. that (except where otherwise expressly noted) any opinions expressed in this application:
 - are my opinions;
 - are opinions I am professionally qualified to express; and
 - are based upon my own dealings with the adult.
2. that there are no matters known to me that might affect the reliability of my opinions.

Signature: _____

Date: _____

⁴ A person signing as representative of a party warrants to NTCAT that he/she has the lawful authority to do so.

⁵ NTCAT will usually require that an application for a specified measures order is supported by expert evidence. If the applicant is a treating doctor for the represented adult and makes this declaration, the tribunal may not require additional supporting evidence (and may, in clear cases, make a specified measures order without the requirement for a hearing).