

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

*Guardianship of Adults Act 2016*

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

First name/s:

Surname:

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

Gender:

Date of birth:

Under 18 years of age?

Yes

No

Identifies as (tick one):

Aboriginal but not Torres Strait Islander

Torres Strait Islander but not Aboriginal

Both Aboriginal & Torres Strait Islander

Neither Aboriginal nor Torres Strait Islander

Residential address:

Current address (if not the same as residential address):

E-mail:

Landline phone:

Mobile phone:

Hospital Registration Number - HRN (if known):

Centrelink Reference Number - CRN (if known):

Bank Account Details (if known):

BANK	BSB No.	ACCOUNT No.

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:

Landline 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 CAPACITY<sup>1</sup> OF THE ADULT

Why do you say the adult needs a guardian?

Scope of proposed guardianship orders (tick one):

personal matters<sup>2</sup> only

financial matters<sup>3</sup> only

both

<sup>1</sup> The meaning of 'impaired decision-making capacity' is set out in s 5 of the *Guardianship of Adults Act 2016*.

<sup>2</sup> s3 of the *Guardianship of Adult Act 2016* defines "personal matters" – see additional information at end of this form.

<sup>3</sup> s3 of the *Guardianship of Adults Act 2016* defines "financial matters" – see additional information at end of this form.

Does the adult know about the application?

Yes  No

If no, please explain why:

#### D - URGENT MATTERS - INTERIM GUARDIANSHIP ORDER<sup>4</sup>

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 2013* or an enduring power of attorney?<sup>5</sup>

Yes  No  Unsure

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<sup>4</sup> s20 of the *Guardianship of Adults Act 2016* 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.

<sup>5</sup> 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).

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

## 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:

Landline phone:

Mobile 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:

Landline phone:

Mobile 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:<sup>6</sup>

\_\_\_\_\_

Name of applicant or applicant's representative:

\_\_\_\_\_

Date: \_\_\_\_\_

<sup>6</sup> 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 guide to some frequently used words in this application.

### Meaning of 'decision-making capacity' and 'impaired decision-making capacity' (see section 5 of the *Guardianship of Adults Act 2016*)

- (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.

### Definitions of 'financial matter' and 'personal matter' (see section 3 of the *Guardianship of Adults Act 2016*)

**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 24(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 24(e).*