



FORM AG2 (February 2020 revision)

## PROPOSED GUARDIAN DECLARATION

*TO BE COMPLETED BY EACH PROPOSED GUARDIAN  
(APART FROM PUBLIC GUARDIAN OR PUBLIC TRUSTEE)*

### PERSON THE SUBJECT OF GUARDIANSHIP APPLICATION

File Number:

First Name/s:

Surname:

Date of Birth:

### PROPOSED GUARDIAN

Title and name:

Organisation (if any):

Date of birth:

Address:

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

E-mail:

Landline phone:

Mobile phone:

### DECLARATION

I [full name]

of [home or work address]

solemnly and sincerely declare as follows:

1. I consent to appointment as a guardian for [adult's name] ('the adult').
2. I have read, and understand, the information set out at the end of this document under the heading "Eligibility for appointment as a guardian".

3. I  have /  do not have a criminal history that may affect my eligibility for appointment as guardian. [Attach details if applicable.]
4. I  have /  do not have personal interests that may conflict with the interests of the adult. [Attach details if applicable.]
5. I  have /  have not at any time been declared a bankrupt. [Attach details if applicable.]
6. I  have /  have not been in a professional relationship with the adult. [Attach details if applicable.]
7. I  have /  do not have previous experience as a guardian. [Attach details if applicable.]
8. I wish to draw NTCAT's attention to the following matters that may affect my suitability for appointment as guardian for the adult: [Write the matters below or on an attached sheet.]

**I declare that the statements contained in this declaration and in any attachments are true and that I know that it is an offence<sup>1</sup> to make a declaration that is false in any material particular:**

**SIGNATURE:**<sup>2</sup> \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PLACE WHERE DECLARATION MADE:** \_\_\_\_\_

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<sup>1</sup> Section 119 of the *Criminal Code Act 1983* (NT) provides that a person making an unattested declaration that, in any material particular, is to his or her knowledge false, is guilty of a crime and is liable to imprisonment for 3 years.

<sup>2</sup> This unattested declaration does not need to be witnessed.

## Eligibility for appointment as a guardian

1. Before appointing a person as guardian for an adult NTCAT must be satisfied that the person is *eligible* for appointment.
2. A person is *eligible* if:
  - they are at least 18 years old;
  - they consent to the appointment; and
  - NTCAT is satisfied they are *suitable* for appointment as guardian for the adult.
3. In deciding whether you are suitable for appointment, NTCAT must take into account the following matters (which are listed in section 15(2) of the *Guardianship of Adults Act 2016*):
  - (a) whether you are likely to comply with the *Guardianship of Adults Act 2016*;
  - (b) your ability to properly exercise the authority of a guardian;
  - (c) the views and wishes of the adult;
  - (d) the desirability of preserving any existing support network for the adult;
  - (e) your compatibility with:
    - (i) the adult; and
    - (ii) any other person also proposed to be appointed as a guardian for the adult; and
    - (iii) any other agent for the adult;
  - (f) your availability and accessibility to the adult and to other interested persons for the adult;
  - (g) whether you have, or have had, a professional relationship with the adult, the nature of that relationship and whether it is appropriate for an individual with that relationship to be the adult's guardian;
  - (h) the extent to which your interests are likely to conflict with the adult's interests;
  - (i) your history and experience as a guardian or in a similar role in the Territory or elsewhere;
  - (j) if it is proposed that you will have authority for financial matters – your bankruptcy history (if any);
  - (k) your criminal history (if any) in the Territory or elsewhere;

(l) any other matter the Tribunal considers relevant.

4. The purpose of the *Proposed Guardian Eligibility Declaration* is to allow you to disclose to NTCAT matters that might be relevant to its assessment whether you are suitable for appointment as guardian. If there are matters listed above that may affect your suitability for appointment as guardian (positively or negatively) they should be disclosed in the declaration. It is very important that you complete the declaration truthfully.